

Part 3: The policy framework

Chapter 6:

A policy framework for a system to protect vulnerable children and young people

Chapter 6: A policy framework for a system to protect vulnerable children and young people

Key points

- Victoria's system for protecting vulnerable children operates in a complex policy and service delivery environment. In order to address this complexity in a coherent manner the Inquiry has adopted an overarching approach for structuring analysis and recommendations.
- The Inquiry's approach articulates and develops recommendations around a system for protecting vulnerable children that is focused on a child's needs.
- A systems approach examines all the factors that impact on the incidence of child abuse and neglect and issues arising from these. It then considers the context of how the service response of Victoria's policies and programs come together, interact with one another and function as a whole to protect vulnerable children and young people. Other approaches have also informed the Inquiry's analysis, including child rights and public health perspectives.
- A focus on a child's needs includes the broad range of support, care and guidance that all children must have in order to develop and thrive. The Inquiry considers that a child's needs go further than ensuring a child's safety from harm. Overall health, physical and emotional development and life skills are also important, so that a child can ultimately function as an independent adult.
- A child's immediate and long-term needs cover safety, health, development, education and the need to be heard. Many of the rights of a child can be seen in the Inquiry's definition of a child's needs, including protection from abuse and harm, provision of care and support, and, depending on the level of a child's maturity, participation in discussions that affect them.
- The Inquiry's eight policy principles provide a contemporary re-statement of the roles and responsibilities of children, families, government and the community. These principles have informed the Inquiry's recommendations for building a more effective system for protecting children.
- Three recommendations are made: introduction of a Vulnerable Children and Families Strategy; an accompanying performance indicator framework, reported on regularly to the public; and the use of area-based policy and program design and delivery for addressing vulnerability and protecting children and young people.

6.1 Introduction

One of the major problems in Victoria is our continuously ‘siloes service systems’ which fail to address the complex needs of vulnerable children and families (Take Two Partnership submission, p. 1).

Inquiry definition of the system for protecting vulnerable children and young people

Victoria’s system for protecting children and young people consists of all the functions, organisations and interrelationships that together act to prevent and respond to child abuse and neglect.

An overarching policy and service delivery framework is needed for protecting vulnerable children. Around the world, children are generally granted a special status in recognition of their vulnerability and need for protection. In scanning international practice, however, the United Nations Children’s Fund (UNICEF) observed that nations differ in the structures and policies through which protecting children is implemented in practice. Divergences in child protection frameworks are a result of differences in geography, politics, social history, religion, wealth and social structures (Wulczyn et al. 2010, p. 5).

Victoria’s system for protecting vulnerable children operates in a complex policy and service delivery environment. Three levels of Australian government: Commonwealth, state and local government, carry out activities relevant to protecting children. The Commonwealth Government plays a key role for example, in providing income security and family law services. Local government’s role includes providing and co-funding maternal and child health services and some kindergarten services on a local or area basis. However, it is the state government that delivers the majority of programs and services responsible for protecting vulnerable children in Victoria. Child and family services cut across several Victorian Government portfolios including health, education, justice, human services, planning, community development and local government. There is significant community sector participation in the system, delivering services supporting vulnerable families and children. Reflecting this complexity, the Inquiry’s Terms of Reference are expansive and include a broad range of issues relating to the protection of vulnerable children.

In order to address this complexity in a coherent manner, the Inquiry has adopted an overarching approach to guide analysis and recommendations. The Inquiry’s approach is to articulate and develop recommendations centred around a system for protecting vulnerable children that is focused on a child’s needs.

The first aspect of the Inquiry’s approach conceptualises the policy and service delivery environment for protecting vulnerable children as a holistic system. The second aspect of the Inquiry’s approach is to focus the system goal to meet the needs of vulnerable children and young people.

6.1.1 A systems approach to protecting vulnerable children and young people

A systems approach aligns with the Inquiry’s Terms of Reference, which requires a ‘focus on policy and the service system that supports government policy’. The Inquiry has examined how all the components of Victoria’s policies and programs come together, interact with one another and function as a whole, and has framed recommendations accordingly. The holistic impact of the Inquiry’s recommendations is considered in the Inquiry’s concluding remarks.

The Inquiry has defined the system goal of focusing on a child’s needs as a basis for evaluating the effectiveness of current and future arrangements. Ultimately, this goal should guide the efficient and effective allocation of government resources, implementation of policies, service delivery and ultimately clinical practice. Further detail of the Inquiry’s systems approach is discussed in section 6.4.

In adopting this approach, the Inquiry has considered several perspectives and analytical approaches that contribute to the current body of knowledge about protecting vulnerable children. These approaches examine different aspects of child and family public policy and service delivery, providing a foundation for analysis. The Inquiry has also been informed by current Australian national and state policy settings relating to children and families, as well as the Inquiry’s submissions, consultations and Public Sittings.

Some approaches draw on academic or scientific disciplines including psychology and population health. These examine specific dimensions of child abuse or neglect, such as parent-child attachment, family violence, victims theory and the role of therapy.

Public policy addresses children and families through a number of means including through programs and policies, for example, family violence laws or through funding family and maternal and child health services. Public policy can also be reactive, examining child protection issues through independent reviews triggered by high-profile one-off incidents of neglect and abuse.

UNICEF argues that single-issue approaches are likely to result in a fragmented child protection response with serious limitations. UNICEF contends, and the Inquiry agrees, that ad hoc, issues-based approaches result in ineffective and unsustainable programming that does not necessarily capture all children in need of protection or the full range of actors involved in protecting children's rights (Wulczyn et al. 2010, pp. preface, 1, 6).

The Inquiry's adoption of an overarching systems approach has not meant that one theory or perspective has been chosen to the exclusion of all others. Theories and analytical tools can be used together, provided they are not fundamentally inconsistent. The Inquiry has also drawn on child rights and public health perspectives to inform its analysis and recommendations (refer to sections 6.2.1 and 6.5 respectively).

6.1.2 A system for protecting children that is focused on a child's needs

The second aspect of the Inquiry's approach is to analyse the system for protecting vulnerable children and young people from the perspective of a child's needs. The Inquiry has adopted the term 'a child's needs' throughout this Report to refer to the range of needs of children and young people.

Adopting a focus on a child's needs recognises that children grow and develop within the context of their family unit, surrounded by their own community and culture, and that a child's wellbeing depends on the care, protection and respect given to them by their parents or guardians and the wider community. A system focus assesses the collective impact of individual elements affecting a child's environment and examines whether the system as a whole is effective at meeting the needs of a child when their parents or caregivers are unable to.

One risk arising from complex systems is that the needs of children and young people can be lost due to the pressure to comply with rules, processes, timelines and other practice requirements. A system focused on the needs of the child will demonstrate a clear alignment between processes and rules and overarching policy objectives. Considering the needs of the child or young person concerned is a robust way of testing whether processes are achieving their policy objectives in practice.

There have also been significant advances over time in knowledge about child development and the impact of cumulative harm over time on the child, considerations that may be overlooked by a system lacking a specific focus on the child's overall interests and welfare (Winkworth 2006, p. 5).

While Victoria's system for protecting children is ostensibly focused on a child's needs, the Inquiry's analysis of the current service system indicates that this has not yet been achieved.

The following sections: provide further detail on how the Inquiry has conceptualised the needs of the child; discuss how a child's rights-based approach has informed this process; discuss the role of the family, government and the community in meeting and addressing a child's needs; describe a systems approach to the delivery of services to vulnerable children and families; and the application of a public health perspective.

6.2 Defining a child's needs

... our duty to protect the welfare of children extends well beyond their mere protection from hurt and harm (Children's Protection Society submission, p. 9).

A child's needs comprise the broad range of support, care and guidance that all children must have in order to develop and thrive. In ordinary circumstances, these opportunities are provided by a child's immediate and extended family. However, for vulnerable children this may be unreliable.

A child's needs go further than ensuring a child's safety from harm. A child's essential needs encompass overall health, physical and emotional development and life skills. In relation to a child's progression into young adulthood, a child must be supported to achieve independent living.

A child will have immediate needs, for example, nourishment, but also long-term needs that affect, for example, a child's sense of identity and belonging, or a child's ability to form relationships or to support themselves.

There are inherent tensions within different types of needs. Permanently removing a child to protect them from significant immediate harm may cause long-term, adverse effects arising from a sense of disconnection from their family and cultural background. Another source of significant harm is exposing a vulnerable child or young person to multiple care placements. Not all of the needs of a child therefore are equal at any one point in time and these tensions are unique for every vulnerable child. Social workers or case managers must frequently consider how to balance competing needs when they make decisions affecting a child.

A system focused on a child's needs will, in some circumstances, prioritise these needs over the needs or rights of other individuals, such as a child's parents.

Drawing on Victorian and Commonwealth current policy settings, as well as the *Convention on the Rights of the Child*, the Inquiry has defined a child's immediate and long-term needs through the following domains:

- **Safety needs:** a child should be safe from harm or an unacceptable risk of harm (including an understanding of the impact of cumulative patterns of harm), plus a child needs protection from harmful influences, abuse and exploitation;
- **Health needs:** meeting a child's need for adequate nutrition and access to health services;
- **Development needs:** a child's development needs encompass behavioural, social and emotional development, the formation of a cultural and spiritual identity and a child's feeling of belonging, connectedness or engagement with family, friends and the community;
- **Education needs:** a child needs to learn as they grow, including literacy and numeracy milestones and participating in education programs ranging from early childhood through to formal schooling or skills training; and
- **The need to be heard** in relation to decisions that affect them, such as their care and to participate more broadly in society, as is appropriate to a child's age and stage of development.

(Adapted from: AIHW 2009; Council of Australian Governments (COAG) 2009a; Department of Education and Early Childhood Development 2009c, 2010; *Children Youth and Families Act 2005*; *Child Wellbeing and Safety Act 2005*; United Nations General Assembly 1989).

Supporting a child's needs requires the provision of material assistance, for example safe and secure accommodation, food, clothing and learning tools. The nature of a child's needs also varies as they grow and mature, encountering transition points and milestones from early childhood to primary and secondary schooling, young adulthood and independence.

The Inquiry received a number of submissions that called for the use of a child-centred framework that places the child's needs at the core of decision making including the Child Abuse Prevention Research Australia and the Children's Protection Society submissions.

The Children's Protection Society's (CPS) submission to the Inquiry supported a broad approach to a child's needs. CPS argued that integration of all the various aspects of a child's life (health, education, safety, civic participation and economic security) must occur if Victoria is to protect children more effectively (CPS submission, p. 9).

The CPS's submission also noted that the 'conditions necessary for optimising child safety are ultimately the same conditions necessary for optimising their healthy development':

Accordingly, the safety of children is maximised when children are able to mature within an environment conducive to their achieving the exigencies of human development (viz., physical health, emotional and cognitive maturity, resilience and the realisation of their central capabilities) (CPS submission, p. 12).

6.2.1 *The rights of children inform an understanding of a child's needs*

Fundamentally, every child has a right to safety and wellbeing (DHS 2008a, p. 3).

The value held for the place of the child and the family in society has led to international recognition of the rights of children and young people. The Australian Government is a signatory to the United Nations *Convention on the Rights of the Child*, a document that addresses the role of government, families and children in society. There are a range of rights to be respected by signatories to the convention including the right to survival, to develop to the fullest, to protection from harmful influences, abuse and exploitation, and to participate fully in family, cultural and social life.

In Victoria, section 17 of the *Charter of Human Rights and Responsibilities Act 2006* (the Charter Act) acknowledges the importance of the family as the fundamental group unit of society, entitled to protection by society and the State.

Reflecting the *Convention on the Rights of the Child*, section 17 of the Charter Act enshrines the family as the fundamental 'group unit' of society, entitled to protection by society and the state. This section also specifies that every child has the right to protection in their best interests (without discrimination).

Protecting a child's rights is one of three paramount considerations specified in the *Children Youth and Families Act 2005* (CYF Act) which need to be considered when a person is determining whether a decision or action is in the best interests of a child. The other two considerations are: the need to protect the child from harm and to promote a child's development (taking into account the age and stage of the child's development) (section 10(2) CYF Act)).

As noted in the Department of Human Services' (DHS) *Best interests case practice model: summary guide*, the CYF Act does not define which rights must be taken into account (DHS 2008a, p. 3). The Australian Government has not enacted specific legislation enshrining child rights into domestic law, although it has consulted on a possible national charter of human rights.

A number of submissions have argued for the adoption of an overarching rights approach, including those from the Federation of Community Legal Centres, the Victorian Equal Opportunity and Human Rights Commission and the Australian Childhood Foundation.

The Inquiry has used a child rights perspective to inform an understanding of the foundation and context of Victoria's system for protecting children, that is, the social, political and cultural environment in which the system operates. Many of the rights in the *Convention on the Rights of the Child* can be seen in the Inquiry's definition of a child's needs, including a child's right to:

- Protection from abuse and harm of all kinds;
- Provision of care and support, including for physical and psychological recovery following abuse or neglect; and
- Participation in discussion of matters affecting them through expressing their views and being given the opportunity to be heard where this is possible.

A holistic conception of a child's needs has formed the basis of the Inquiry's overarching approach to conceptualising the system for protecting vulnerable children. However, meeting a child's needs is a joint responsibility shared by families, government and the community. These roles are discussed in more detail in the following section.

6.3 The role of families, government and the community in meeting a child's needs

Philosophers have long commented on the nature of the social compact struck between citizens and their governments, giving the State authority to govern. The social compact refers to the concept that citizens have struck a deal with their governments, relinquishing individual power (to an extent), in return for the State assuming the authority and responsibilities of providing the benefits of a coordinated, organised and just society, when citizens, either individually or collectively, are unable to do so.

The role of government in relation to child protection attracts particular scrutiny from the public because, for cases of significant concern and risk, protecting vulnerable children involves government asserting authority and using statutory powers to remove children from their families and place them in alternative care. To do this, government intrudes into the most intimate, private and sensitive family arrangements. Such actions rest on the underlying premise that those children's safety and wellbeing will be better if they are in the care of the State. These actions are seen as a judgment that a parent or family has harmed (or is likely to harm) the child in a significant way.

The use of government power in this way attracts debate because the Australian community places a very high value on children and young people's safety and wellbeing. The Australian community also places a high value on the role of the family where a child belongs, and where it is considered they will best grow and mature into adulthood (COAG 2009a).

The Victorian Government has emphasised the importance of children and families most recently through its *Families Statement* stating that families are the cornerstone of our communities (Victorian Government 2011a, p. 3). Legislative decision-making principles applying to government departments providing services to children and families, stipulate that parents are the primary nurturers of a child and that the parent and child is the fundamental 'group unit' of society in Victoria (sections 5(1)(d) *Child Wellbeing and Safety Act 2005* (CWS Act) and 10(3) (a) CYF Act). These principles also state that society as a whole shares responsibility for promoting the wellbeing and safety of children (section 5(1)(a) CWS Act).

The Inquiry's principles for roles and responsibilities

In considering the Terms of Reference and all of the components of Victoria's system for protecting children, the Inquiry examined the roles and responsibilities of families, government and the community and this has resulted in a set of foundation principles upon which the Inquiry has made its recommendations for building a more effective system for protecting children.

The eight principles outlined in the following sections are drawn from a wide range of sources including Victorian and Commonwealth policy settings, the *Convention on the Rights of the Child*, submissions, consultations and Public Sitings and other material sourced throughout this Report. They cover the roles and responsibilities of government and non-government organisations, as well as addressing the role of children and young people in providing input about their care and the communities in which they are raised.

6.3.1 The views and perspective of children

We should have input about what we want to happen (young person in out-of-home care, CREATE Foundation 2011, p. 11).

Inquiry principle 1

Children are valued, individual members of society, with rights and responsibilities relative to their age and stage of development. Children's views and perspectives must play a meaningful role in guiding and informing policies and decisions about their care.

Properly valuing and supporting vulnerable children means that government, the community and community service organisations (CSOs) have a responsibility to seek their views and use such feedback to inform policy and operational decision-making, particularly in relation to care arrangements.

As a child grows, their capacity for forming views and being able to express those views evolves. A child must be given an opportunity to express their views freely, in a way that is appropriate to their age and stage of development.

Principles in section 5(3) of the CWS Act attempt to incorporate the voice of the child into the service delivery framework by stipulating that service providers should:

- Protect the rights of children and families and, to the greatest extent possible, encourage their participation in any decision-making that affects their lives; and
- Acknowledge and be respectful of a child's identity (including cultural) and be responsive to the particular needs of the child.

The views of a child are particularly relevant to statutory child protection care arrangements and related court proceedings. A variety of mechanisms are used across Australian jurisdictions to determine whether a child is capable of being directly represented in court.

Adopting a child-focused approach has meant that the Inquiry has taken particular steps to seek the views of children through consultation. The Inquiry heard directly from around 70 children and young people as outlined in Chapter 1. Their views and experiences have helped inform in particular the Inquiry's consideration of issues associated with out-of-home care and leaving care.

6.3.2 The role of parents and families in the system for protecting children

... the family, as the fundamental group of society and the natural environment for the growth and wellbeing of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community (United Nations General Assembly 1989, preamble).

Inquiry principle 2

Well-functioning families provide the best environment for a child's safety, wellbeing and development. Government has a role to support Victorian families as the core unit of society.

As recognised generally throughout society and in specific legislation, parents and families hold the primary role in the care and nurture of their children. Chapters 2, 7 and 8 on vulnerability, prevention and early intervention discuss the significant impact that the immediate family setting has on a child's wellbeing.

Acknowledging that the family has the most influence on a child's wellbeing directly informs the scope of government's role in responding to a child's needs. Placing a high priority on a child remaining with their family has implications for the design and objectives of protective policies and services.

The importance of the family is recognised through the best interests principles detailed in section 10 of the CYF Act which requires people making decisions about children to seek to ensure interventions into the parent-child relationship are limited to those necessary to secure the safety and wellbeing of the child (section 10(3)(a)).

The best interests principles note that a child is only to be removed from the care of his or her parent if there is an unacceptable risk of harm to the child (section 10(3)(g)). Government has therefore stipulated, through the CYF Act decision-making principles, that a certain threshold of risk must be present before government intervention is permitted. The CWS Act also provides that government intervention into family life should be limited to that necessary to secure the child's safety and wellbeing.

The best interests principles and the operational policies applied by government and CSO workers place importance on the desirability of a child remaining with their immediate or extended family. Valuing the family setting in this way also means that the system for protecting children is geared towards planning family reunification wherever possible. It has particular importance for maintaining cultural or religious ties to a child's family background and identity.

Placing a priority on a child remaining within their family environment means that support services designed to enable vulnerable families to care and support their children as far as possible assume a heightened significance. The provision of universal and targeted family services and their role in preventing and addressing the signs of child abuse and neglect are examined further in Chapters 7 and 8.

6.3.3 *The role of government in the system for protecting children*

... it is the responsibility of Government to meet the needs of the child when the child's family is unable to provide adequate care and protection (section 5(1)(d) CWS Act).

Inquiry principle 3

When a family is unable to provide adequate care and protection, government has a role to assist vulnerable children and their families and safeguard children's wellbeing and development by meeting and addressing the needs of the child.

As Victorian society has changed over time, placing greater importance on children's wellbeing and the need to support vulnerable families, the role of the Victorian Government in relation to child protection has grown accordingly. The Victorian *Families Statement* notes that government has a role to help people achieve their aspirations.

... family life is central to many of the most important things we have in common. It is about the necessities of a roof over our heads and food on the table, but it is also about working in a secure job that uses our skills, educating our children, feeling safe on our streets, knowing our neighbours and having a quality of life that allows us to spend time with our loved ones (Victorian Government 2011a, p. 3).

As with many areas of social policy and human services, government is responsible for providing the legislative and policy framework, the institutional and organisational structures, fiscal and other supports and services to enable families and society (Government of Canada 2004, p. 16).

These frameworks reflect the values and philosophical outlook about the ways in which governments can or should intervene in the lives of individuals.

An effective policy and service delivery framework is evidence-based and informed by experience. A sustainable framework is one that allows government policies and programs to evolve or adapt over time, in response to emerging challenges.

Social regulation

The current framework for government intervention into a family's life has seen an increasing range of social regulation activities. While family support services are provided on a voluntary basis and delivered in local community areas, statutory child protection services have been referred to as protective or social regulation (Department of Treasury and Finance 2011, pp. 2-3; The Allen Consulting Group 2003, pp. vii, 25). These government services may seek to use explicit incentives or 'soft' sanctions before statutory powers are deployed using court processes to attempt to change behaviour. This has been described as responsive regulation.

Government has increasingly taken on a role of asserting social or normative expectations of individual and family behaviours. This can be seen through policy frameworks that rely on principles such as 'mutual obligation' in income support, or through public campaigns to encourage better parenting or other desirable behaviours, such as not smoking during pregnancy or in a vehicle in the presence of a child.

The question of how government can best instigate and achieve desired behavioural or cultural change to support vulnerable children using specific social policies and programs is further considered in Chapter 7, which examines preventative strategies addressing child abuse and neglect.

Addressing vulnerability

Chapter 2 has established that a child's vulnerability is caused by multiple factors relating to health, development and wellbeing. To be effective, government's policy and service delivery framework must reflect these multiple causes.

Chapter 20 shows that responsibility for addressing different aspects of a child's vulnerability and a child's needs belongs to several Victorian Government departments and agencies that provide services to children and young people, including the departments of Health, Education and Early Childhood Development, and Justice, as well as Human Services, Planning and Community Development and services delivered through local government.

The Inquiry considers that Victoria's system for protecting vulnerable children requires a unified policy and service delivery framework that sets out defined policy objectives and indicators for evaluating progress. A unified framework can better manage the heavy interdependencies between the health, social and economic drivers of vulnerability and ultimately of child abuse and neglect. It will also link the myriad plans, programs and services identified throughout this Report into a cohesive approach aimed at protecting vulnerable children.

The Child Safety Commissioner's submission argues another benefit of an overarching framework is to assist professionals and service systems to work collaboratively and strategically together to support vulnerable children and families (Office of the Child Safety Commissioner submission, pp. 2-3).

Recommendation 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.

Subsequent recommendations in this Report will provide further guidance on the objectives to be contained in a Vulnerable Children and Families Strategy. For example, Chapter 7 provides that one priority will be encouraging greater participation by families with vulnerable children in universal services. Chapter 8 recommends that relevant services should prioritise service delivery to vulnerable children and families. Chapters 20 and 21 discuss the role of government agencies and oversight structures in more detail.

The Inquiry expects that the performance measures contained in the Strategy would be refined and improved over time as data availability improves. A number of recommendations aimed at improving data collection are contained in this Report and these can be found in Chapters 4, 12 and 13.

Inquiry principle 4

When a child has been taken into the care of the State, the role of government extends beyond supporting a family to care for its children. By taking a child into the care of the State, government has stepped into the place of the parent and must address all of a child's needs.

The role of government takes on a different character in circumstances where families are unable to care for their children and it is apparent that harm, abuse or neglect is occurring. In these circumstances, society expects government to intervene, to protect the child and possibly remove them from harm.

Society expects that a child removed from their family is not further harmed or placed at increased risk by being placed in alternative care that does not meet their needs.

The Inquiry has drawn a distinction in its analysis between the way a family environment is able to provide care and support to meet all of a child's needs, as opposed to the State's ability to meet a child's needs. As is discussed below in relation to Inquiry principle 5, the Inquiry has noted that there are degrees to which government can adopt the role of parent or guardian of a child. Government is unable to meet a child's needs that directly arise from the intimate attachment formed between a child and their parent or caregiver.

The Inquiry considers that, in relation to children taken into State care, and drawing on the Inquiry's principles, government has a responsibility to meet the following immediate and long-term needs of a child.

Safety needs

- Protect the child from physical and psychological harm; and
- Provide safe and secure accommodation through a supportive and stable placement in alternative care where a child cannot return home.

Health needs

- Meet the child's physical health needs;
- Address the child's psychological health and wellbeing (noting that for some children this will require addressing a child's long-term needs through therapeutic care or counselling); and
- Provide food, clothing and other material support.

Development needs

- Design and fund policies or programs that cater for the ongoing development and growth needs of the child in transitioning through childhood, adolescent and early adulthood milestones; and
- Design and fund policies or programs that assist the child or young adult with the often difficult transition from care.

Education needs

- Seek to ensure the provision of appropriate, quality education and engaging the child in learning; and
- Design and fund policies or programs that help the child transition from school to tertiary education, training or work.

The need to be heard

- Design and implement mechanisms to incorporate the child's views into decisions, particularly about their care, so that their voice is heard by service providers, administrators and policy makers.

Inquiry principle 5

In relation to a child's needs that cannot be directly met by the State, the role of government is to provide the structures and processes for enabling those needs to be met by others in stable alternative care arrangements, preferably in a child's extended family or through a foster care family.

When government stands in the place of the parent, by removing a child from their family and placing them in alternative care arrangements, it cannot directly meet all of a child's needs such as the need for meaningful attachment and to be loved. Government, as a guardian, can meet many immediate and long-term needs of a child, but it cannot directly nurture a child or provide the sense of identity, belonging and emotional support that comes from living in a supportive family environment.

In relation to a child's needs that cannot be directly met by the State, the role of government is to provide the structures and processes for enabling those needs, such as cultural or spiritual needs, to be met by others. These structures rely on engaging the broader community to build links and connections with the child. For example, when determining alternative care options for a vulnerable child removed from their family, government can prioritise placing a child with extended family members or other kinship carers through voluntary arrangements.

If an appropriate kinship placement is unavailable, children can be placed with foster carers. Although there is some remuneration of costs, relatives and foster carers can be described as critically important volunteers who work to provide alternative caring environments for vulnerable children as a contribution to their families and communities. Part of government's role is to assess whether they are appropriate alternative carers for vulnerable children. In some circumstances, government's role may be to take legal action enabling a child in care to be placed in a permanent alternative care environment to prevent multiple placements and for a child to develop a sense of identity and belonging in a family setting.

The Inquiry's recommendations on how to improve the structures and processes for enabling a child's needs to be met where government has arranged for these services to be provided by CSOs is discussed in Chapters 9 and 10 of this Report. These chapters cover the performance of external CSO agencies in addressing the needs of a child.

Inquiry principle 6

Government has a responsibility to report to the public on how it is performing in relation to its role to protect and address the needs of vulnerable children. In particular, government must report on how it is performing with regard to the outcomes of children taken into State care.

Properly addressing a child's needs requires government to collect and monitor information that reports on how a system is faring in achieving these objectives.

Data derived from monitoring system performance should inform changes and improvements made to the policy and service framework for protecting vulnerable children. Monitoring and data collection can also function as an open and transparent oversight mechanism that holds the State to account, particularly in relation to vulnerable children and young people in its care.

A range of different performance indicators are currently used by the Victorian Government to collect information on the various domains of a child's needs listed above.

Several chapters discuss the need to improve the collection and monitoring of performance indicator information. These include Chapter 9 for statutory child protection services, Chapters 10 and 11 on out-of-home care and leaving care and Chapter 13 which discusses issues particular to protecting vulnerable children in culturally and linguistically diverse communities.

Chapters 20 and 21 address the role of government agencies and system governance and regulation, and details recommendations for improving the accountability and transparency of the system for protecting children.

Recommendation 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.

6.3.4 The role of the community

Inquiry principle 7

Victoria's system for protecting children relies on an effective and collaborative partnership between the community and government. Community-led, locally-specific service solutions play an important role linking vulnerable children and families to their communities and support change in families to reduce the risk of child abuse or neglect.

The inability of the State to meet all of a child's development needs has meant that the role and contribution of the community is critical for supporting a system focused on a child's needs. The role of the community also reflects the fact that children reside in communities, and as stated in the CWS Act, 'society as a whole shares responsibility for promoting the wellbeing and safety of children' (section 5(1)).

Families exist within networks of neighbourhoods, schools, workplaces, sporting institutions and other associations. Social 'infrastructure' exists right across the Victorian community including clubs, religious organisations, voluntary organisations and associations that promote citizen engagement and participation. Civic participation is intrinsically valuable because it provides an environment for individuals to connect with each other, acquire life skills and it encourages participation in government and democratic processes. For children and young people, these may include sporting clubs and other pursuits.

The role of the community has become increasingly important as the scale of society's most entrenched problems has become apparent. The inability of governments to address widespread problems such as homelessness, poverty and other types of entrenched disadvantage have led to '...a growing sense that the most intractable problems in society cannot be solved by either individuals or governments acting alone' (O'Leary 2008, p. 9).

Each community is different

Chapter 2 has established how child abuse and neglect is linked to risk factors that reflect a child's, parent, family or caregiver's circumstances and also a range of environmental or community factors.

Some risk factors arise from locational aspects of vulnerability. Chapter 2 notes the research by Professor Tony Vinson arguing that it is the most deprived localities where rates of child maltreatment were elevated (Jesuit Social Services submission, p. 4). Chapter 2 also considers other evidence demonstrating the differential aspects of vulnerability factors including socioeconomic circumstances and the area-based nature of vulnerability indicators.

The Centre for Excellence in Child and Family Welfare submission argued for an area focus to government's response to vulnerability:

Transparency and debate about how regional and local priorities are set and which of the available indicators, including aggregate information from databases about service usage, is critical if lasting whole of population impacts are to be achieved (Centre for Excellence in Child and Family Welfare submission, p. 15).

The feedback noted in Chapter 5 (at section 5.4.16) on submissions discussed the experiences of vulnerable children and young people in rural and regional communities as against those raised in urban and metropolitan communities. For a child living in a rural or regional community, the impact of separation from their family is magnified when the only available alternative care arrangements are located a long distance from their original family and friendship networks and school connections.

There is also a range of workforce challenges posed by geographically remote and dispersed client groups. An area-based approach should be used for developing and designing strategies and approaches for future improvements and changes to the system for protecting vulnerable children.

Recommendation 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.

Community groups and social movements are also crucial for linking community support to vulnerable families and instigating or supporting cultural and behavioural change. O'Callaghan argues that CSOs such as the Wesley Mission or St Vincent De Paul Society provide civic leadership in showing that 'we can only have a good society if our most vulnerable and marginalised citizens are part of it with us' (O'Callaghan 2007, p. 3).

An important outcome to an active community sector working in collaboration with government, however, is the assignment of accountability across the system for protecting children. The growth in the role of the community sector has meant that private-sector and community institutions now deliver services to and on behalf of the government outside the traditional structures of governance (Shergold, in O'Flynn & Wanna 2008, p. 15).

Government's growing reliance on community sector services occurs at a time of increasing funding and fiscal challenges, for example, the growth in the costs of social services caused by an ageing population and the increasing complexity of health care. These challenges place government under pressure to demonstrate value for money and efficiency from public spending.

Throughout the report the Inquiry has examined the extensive role of CSOs in the system for protecting children. Recommendations seeking to support and improve the ongoing capacity of the community sector are contained in Chapter 17.

Recommendations concerning the interface between government and CSOs are also discussed in Chapter 21 on governance and regulation.

Inquiry principle 8

When civil society is funded to carry out services on behalf of government, these services must be provided within an appropriate accountability, regulatory and transparency framework.

CSOs carry out a significant proportion of services for supporting vulnerable families and protecting children through family services and, most significantly, with all out-of-home care services. Regardless of the extent of community sector involvement however, it can always be expected that the community will ultimately hold government to account for the outcomes of vulnerable and disadvantaged children, particularly those who have been removed from their families and where there have been serious failures in care. In addition, the public service funder, or 'purchaser', continues to remain accountable to Parliament and the community as manager for the ethical and effective conduct of the CSO providing the services.

Accountability, regulatory and transparency structures must therefore take account of the CSO service system that has developed outside traditional governance structures and public sector settings.

The Inquiry has made a number of recommendations to improve the overall governance, regulation and transparency of the system for protecting children. Chapter 17 discusses the capacity of the community sector and Chapter 21 discusses governance and regulation in more detail.

6.4 Using systems analysis in the context of child protection

A system goal

Identifying the common purpose or goal of a system is critical because a system's purpose will determine the structures, functions and capacities required to meet that purpose. A system's purpose also drives the outcomes used to assess how well a system is performing (Wulczyn et al. 2010, p. 10).

The Inquiry's definition of the system goal as a focus on a child's needs has informed its recommendations on the way policy and service systems should be designed to protect vulnerable children and their families.

The elements of the system

As they grow and mature, a child is surrounded by a number of people and different settings, as was illustrated earlier through the ecological model of child development (see Figure 2.1, Chapter 2). Together, these people and settings influence a child's wellbeing through their involvement in a child's development and how they interact with one another.

People interacting with vulnerable children and families belong to related systems that direct and influence the way they behave towards a child and the support or services they provide. Some individuals provide counselling or family services, others may exercise statutory powers to investigate allegations, or determine where a child will reside; others still are responsible for a child's health or learning. These individuals may work for CSOs, DHS, the justice, health or education systems.

Figure 6.1 provides a simplified overview of the components and related systems that work together to form the overall system for protecting children. The dotted lines indicate the permeable nature of the boundaries between the sub-systems – individual children and young people or their families access a variety of services and may interact with different parts of the system simultaneously. Similarly, CSOs provide a range of child, adult and family support services based in the community and some of these organisations also deliver out-of-home care services.

While CSOs are part of a discrete system, people working for a CSO sometimes operate both within the bounds of the CSO environment and also interact with DHS to deliver out-of-home services or family support services as part of a Child FIRST alliance. This is because out-of-home care services are only provided once government has intervened and sought orders through the Children's Court to remove a child from their home.

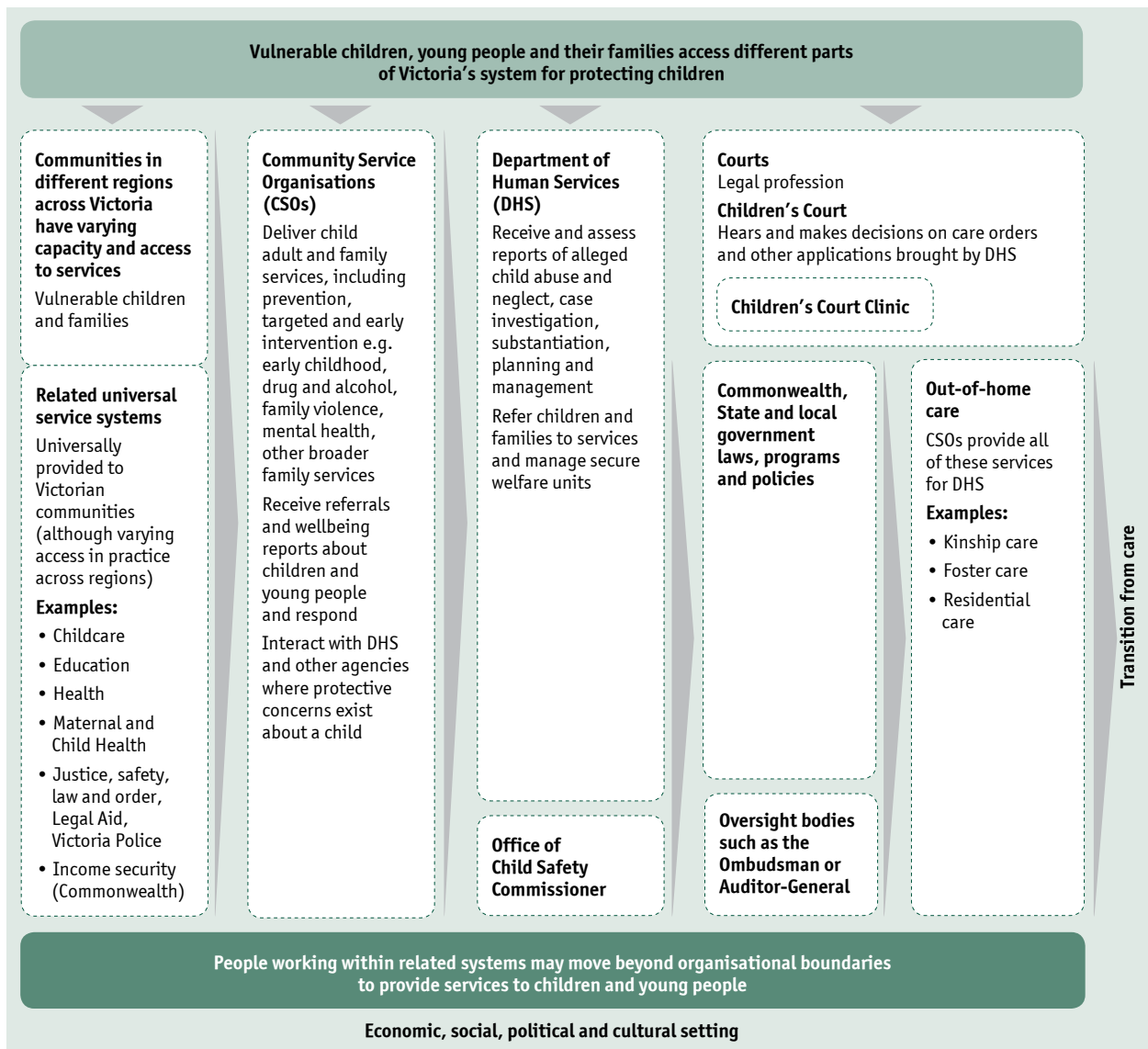
Workers from related child and family welfare systems will move beyond their own boundaries to come together to form a care team in relation to individual children where people have reported that they hold concerns about that child's wellbeing or safety. These concerns are notified to CSOs or DHS and are termed wellbeing concerns or protective concerns.

As a result, there is no single 'system' at present whereby the range of relevant service providers are united under a coherent policy framework with a clear common goal.

The Inquiry's Terms of Reference and its overarching systems approach place emphasis on considering the ways in which different people and related systems interact with one another and how they affect the protection of vulnerable children and support a child's needs. It also requires an understanding of the surrounding context and environment, which may directly influence the system's performance, including: The economic, social, political and cultural context including what might be described as society's normative framework or values;

- The functions and capacities of people and sub-systems; and
- Governance and accountability.

Figure 6.1 An overview of the functions, organisations and interrelationships that constitute Victoria's system for protecting children



Source: Inquiry analysis

6.4.1 Reactions, interactions and feedback loops in the system

A systems approach necessitates consideration of the anticipated reactions and interactions that may occur as a consequence of changes throughout the system for protecting children.

Reactions, characterised by Munro as ripple effects, may unintentionally reinforce each other throughout the system (Munro 2010, p. 49). For example, if out-of-home care placements are over capacity, this will change the context for a child protection worker's decision-making about whether to take a child into care.

If only a contingency or emergency placement is available (for example, temporary accommodation in a motel with an attendant carer), this influences the decision-maker. With the unavailability of regular funded placements in mind, the child protection practitioner may apply a higher threshold than is appropriate to the assessment of the harm or abuse before a child will be taken into care. This decision attempts to accommodate both the risks to the child and the practical realities of placement availability and the quality of those placements. It will also have an impact on reporting the number of children or young people requiring alternative care.

'Feedback loops' in a system are an important mechanism for providing information and oversight over whether the system is behaving as it should be and whether reactions are having a negative or positive effect on outcomes. To work effectively, feedback loops should report on whether a system is performing against the overarching system goal, that is, whether the system is focused on a child's needs.

An example of a feedback loop is monitoring CSO compliance with registration conditions and performance standards set by DHS. Chapter 21 on governance and regulation examines whether these feedback loops are operating effectively.

Another example of a feedback loop includes the Victorian Children and Adolescent Monitoring System (VICAMS), a cross-government initiative that aims to monitor wellbeing outcomes of 0-18 year olds in Victoria. The Children's Services Coordination Board (CSCB) publicly reports on VICAMS data through the periodical, *The state of Victoria's children report*. This process reflects the legislative functions of the CSCB, which include reviewing annually and reporting to the Ministers for Community Services and Children and Early Childhood Development on the outcomes of government actions in relation to children, particularly the most vulnerable children in the community (section 15(a) of the CWS Act).

The aim of these reports, four of which have been published to date, is to describe the current status of Victoria's children and identify any patterns of improvement or deterioration in their wellbeing. The report is intended to be used by government to shape policy and programs about children.

A systems perspective seeks to understand the amount of 'double loop learning' that can occur across the system for protecting children. Double loop learning, a term used by Munro, 'leaves space for professional judgment and the questioning of set targets' by posing the question 'Have we specified the right thing to do?' rather than being restricted to 'Are we doing what is specified?' (Munro 2010, pp. 14, 50-51). Accordingly, a well-functioning system will be concerned with the outcomes that particular risk management procedures are achieving for vulnerable children in addition to being concerned with the appropriate accountability and internal quality mechanisms in place. Chapter 9 considers the impact of rules and procedures on practice in more detail.

The Inquiry's recommendations should enable the system for protecting children to continuously learn and improve in the future, with better monitoring of performance. A sustainable system for protecting children should be equipped to learn of emerging difficulties and be able to respond creatively and effectively to tackle them. Chapter 21 considers monitoring and oversight mechanisms in further detail.

6.4.2 The system for protecting children relies on people

Child protection work is about people working with vulnerable children, their parents and families to confront and manage difficult and private circumstances.

In the out-of-home care setting, a carer's role involves working with a child or young person to provide support and guidance with the goal of approximating a family environment. A child's distress or problematic behaviour may be a result of a complex array of factors that can only be understood and assessed with human judgment. The dynamics of understanding and dealing with the family concerned add to the complexity that service providers must manage.

The Inquiry has considered the social elements of the system as opposed to focusing on just the 'analytical problem'. Human behaviour is a necessary factor in the Inquiry's recommendations, that is, how individuals work together and form relationships with children, their family members and others working to support a vulnerable child or young person (Munro 2010, p. 16).

When assessing the likely impact of the proposed recommendations, the Inquiry has considered how any proposed changes will affect the people who work in the system and their practices on the ground. Such analysis recognises that institutions and institutional changes play a significant role in determining individual and social behaviour in practice. Chapter 9 discusses work practices and processes in the context of statutory child protection services and Chapter 16 examines workforce issues relevant to providing quality services to vulnerable children.

6.5 A public health perspective on protecting vulnerable children

A public health perspective is another approach that informs analysis of the system for protecting children. In the public health model of disease prevention, interventions are described as either universal, secondary or tertiary interventions to reflect the target population group receiving the intervention (Holzer 2007, p. 1). These different levels of intervention are illustrated in relation to protecting children in Figure 6.2.

It is argued that a 'well-balanced system has primary interventions as the largest component of the service system, with secondary and tertiary services progressively smaller components' (Holzer 2007, p. 5).

Examples of universal supports to all families include Australia's health or education services. Universal public health interventions may also include the use of campaigns to raise awareness and drive behavioural change in populations (for example, QUIT smoking or AIDS awareness).

In child protection, this might include 'don't shake the baby' campaigns or mass media strategies aimed at changing attitudes to family violence.

To identify secondary or targeted interventions, a public health perspective focuses on the factors that increase and decrease the prevalence of a condition. These are termed risk or preventative factors. In child protection, risk factors are those that increase the likelihood that child abuse or neglect will occur, for example where the child is exposed to parental substance misuse. Protective factors are those that decrease prevalence of child abuse and neglect and instead promote the resilience of a child, for example strong parent-child attachment and social support. Secondary services are focused on those families needing additional assistance.

Tertiary public health intervention focuses on reducing the impact of a condition once it is established and reducing the risk of its recurrence. Applying this to child protection requires identifying and responding to situations where a child is at risk of significant harm or has already suffered abuse or neglect. Statutory child protection services are central to this, as are psychological and support services and the intervention of the criminal justice system.

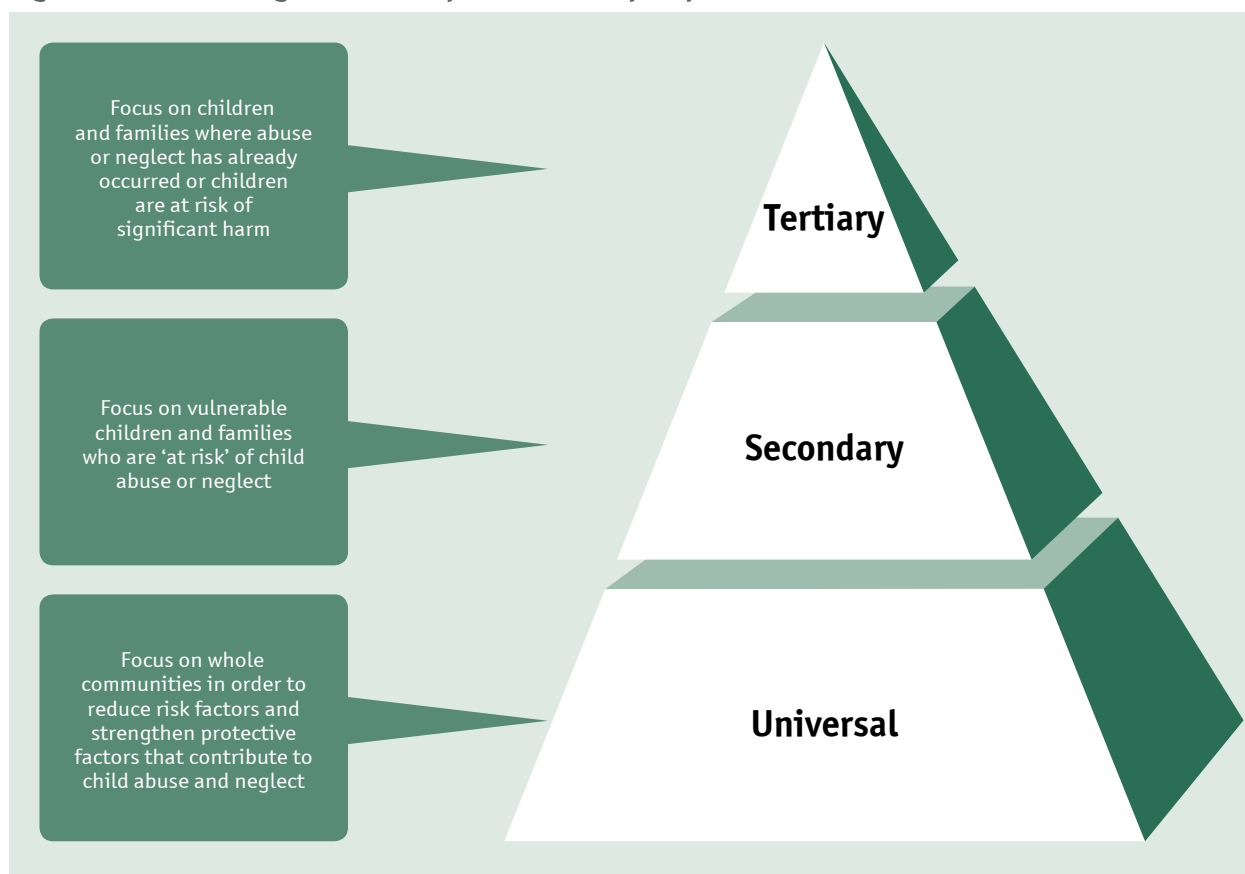
Population analysis is a common source of input for public health thinking, as this informs a view of the magnitude and causative factors of a problem. Public health approaches depend on a good understanding of causal and contributory factors, as well as evidence-based interventions to reduce risk and increase protective factors. In the field of child protection, the knowledge base is still undeveloped.

The *National Framework for Protecting Australia's Children 2009-2020* (COAG 2009e) notes that leading researchers and practitioners have suggested applying a public health perspective to child abuse and neglect will deliver better outcomes for children, young people and their families.

There may be benefit in seeking more of a whole-of-population response to child protection to avoid a sole focus on a forensic, investigative-driven child protection orientation. It is important to note however, the limitations of a public health perspective in addressing the full complexities of interdependencies, functions, people, structures, institutions and system capacities in the way that a systems approach can.

The Inquiry has used public health and systems approaches and there is more discussion of the value of a public health perspective in Chapters 7 and 8.

Figure 6.2 Protecting children: a public health perspective



Adapted from Holzer 2007, pp. 2-3.

6.6 Conclusion

Victoria's system for protecting vulnerable children and young people consists of all the functions, organisations and interrelationships that together act to prevent and respond to child abuse and neglect.

There are many areas of overlap and interdependency within Victoria's system for protecting vulnerable children and young people. A significant improvement to the current policy and service delivery framework is suggested by the Inquiry, with the recommendation to establish a whole-of-government Vulnerable Children and Families Strategy and an accompanying performance evaluation framework to be reported against publicly.

The Inquiry's recommendation that government should develop and adopt a whole-of-government approach to a Vulnerable Children and Families Strategy is a foundation for many subsequent recommendations in this Report as it unites the many discrete objectives found in the services and programs designed to support vulnerable children and families, and ultimately aims to reduce the incidence of child abuse and neglect.

The Inquiry recommended that a consistent area-based approach to policy and program design be adopted for addressing vulnerability and, consequently, reducing the incidence of child abuse and neglect.

