



ACOSS Submission | July 2008

Australian  
Council of  
**Social Service**

**Submission to the Department of  
Families, Housing, Community Services and Indigenous Affairs**

**Response to *Australia's Children: Safe and Well*,  
A national framework for protecting Australia's children**

ACOSS, July 2008

## Introduction

The Australian Council of Social Service (ACOSS) welcomes this opportunity to comment on the discussion paper, *Australia's children: safe and well – A national framework for protecting Australia's children* (the Discussion Paper). We support the development of a national framework to promote child wellbeing, meet children's needs and protect them from harm. We believe that a national framework has the potential to achieve better outcomes for children through improved service integration and coordination, increased resources, a stronger prevention focus and effective government action to address some of the structural and social factors which are associated with child abuse and neglect.

ACOSS is the peak council of the community services and welfare sector and the national voice for the needs of people affected by poverty, disadvantage and inequality. There are clear associative links between poverty and child abuse and neglect. We are committed to ensuring that child protection and welfare systems meet the needs of all children and address the social, economic, physical and mental health issues experienced by families and children which may place children at risk of abuse or neglect.

In the preparation of this submission, ACOSS has consulted with the COSS network and a number of member agencies who work closely with families and children. We have also drawn on the submissions and policy positions of Uniting Care Burnside, Families Australia, the Secretariat of National Aboriginal and Islander Child Care (SNAICC) and Solomums Australia for Family Equity (SAFE).

ACOSS welcomes the Government's commitment to drive a national response to 'stop the abuse and neglect of children and to turn around unacceptable levels of Indigenous disadvantage'.<sup>1</sup> In this submission, we outline a number of core aspects of a model National Framework for the protection of children. In doing so, we have engaged with the proposals in the Discussion Paper and suggested some additional priority areas for inclusion. The model we outline contains the following elements:

1. Clear links between the National Framework and the broader social inclusion agenda;
2. Recognition of the key role of the community and welfare sector;
3. A broad focus on child wellbeing;
4. Recognition of the human rights of the child;
5. A prevention and early intervention focus which addresses child poverty and disadvantage;
6. The promotion of national coordination across governments, agencies and the non-government sector through the National Reform Agenda;
7. Coordinating Commonwealth Government policies with the national response to child wellbeing;
8. Improving child protection systems;
9. Addressing Indigenous disadvantage and child poverty and improving service responses to Indigenous children;

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<sup>1</sup> The Hon Jenny Macklin MP, Minister for Families, Housing, Community Services and Indigenous Affairs, 'Foreword' to Department of Families, Housing, Community Services and Indigenous Affairs, *Australia's children: safe and well – A national framework for protecting Australia's children*, May 2008 at 1 (Discussion Paper).

10. Improving responses for children in care and young people leaving care;
11. Ensuring the viability of the workforce;
12. Develop appropriate oversight and evaluation mechanisms.

## The extent and nature of the problem

Child abuse and neglect is generally defined to include sexual abuse, physical abuse, emotional abuse and neglect. The witnessing of domestic violence has also come to be recognised either as a form of abuse in itself, or as a form of emotional abuse.<sup>2</sup>

The Discussion Paper notes that there has been a significant increase in reporting to statutory protection systems nationally and internationally over the past decade. It acknowledges the difficulties associated with determining the causes for this increase in light of changes to the definitions of abuse and neglect and the introduction of mandatory reporting requirements. The Australian Institute of Health and Welfare, although highlighting the need for caution in interpreting available statistical information, nonetheless concludes that:

‘on balance, the evidence is strong in this report that, nationally, substantiations, and the number and rates of children under care and protection orders or in out-of-home care are all rising. And despite data limitations, the available evidence shows very clearly that Aboriginal and Torres Strait Islander children are overrepresented in all of these areas.’<sup>3</sup>

If present trends continue, the demand for child protection services is likely to continue to increase. Significantly, the number of re-notifications and re-substantiations is also reported to be increasing, reflecting both the chronic and complex nature of the problems experienced by many families who have contact with the child protection system and the ineffectiveness of the current system in addressing these problems and achieving long term outcomes.<sup>4</sup>

It is important that information about the prevalence of different kinds of abuse informs an effective response to protect the safety and wellbeing of children. Emotional abuse and neglect are the most commonly substantiated forms of abuse. In 2005-06, emotional abuse comprised 42% of all substantiations on average across jurisdictions.<sup>5</sup> This compares with 28% on average for neglect and 20% for physical abuse.<sup>6</sup> In fact, it has been argued that neglect may be the core issue underlying all child maltreatment with most child protection cases involving an element of neglect.<sup>7</sup> Neglect is generally defined by reference to perceived failures or omissions of parents or caregivers to provide children with basic

<sup>2</sup> A.M. Tomison and L. Poole, (2000) *Preventing Child Abuse and neglect: Findings from an Australian Audit of Prevention Programs*, National Child Protection Clearinghouse, Australian Institute of Family Studies, Melbourne, cited in Stanley, Tomison and Pocock, *Child abuse and neglect in Indigenous Australian communities*, Child Abuse Prevention Issues, No 19, Spring 2003, Published by the Australian Institute of Family Studies at 2-3.

<sup>3</sup> Australian Institute of Health and Welfare, *Child Protection Australia 2006-07* at x.

<sup>4</sup> See, for example, statistics in Victoria, reported by the Victorian Department of Human Services, Community Care Division, *An Integrated Strategy for Child Protection and Placement Services*, September 2002 at 2.

<sup>5</sup> Australian Institute of Health and Welfare, *Australia's Welfare 2007* at 51.

<sup>6</sup> *Ibid* at 51.

<sup>7</sup> MG Smith and R Fong, *The Children of Neglect, When No-one Cares*, Brunner Routledge, New York 2004, cited in NSW Department of Community Services, *Policy on Child Neglect*, July 2006 at 5.

necessities.<sup>8</sup> Between 40-60% of all reports of maltreatment include neglect with about two thirds of these being for neglect only.<sup>9</sup> The NSW Department of Community Services (DoCS) reports that neglect is one of the most difficult forms of child maltreatment for child protection agencies to address, 'due in part to the complexity of assessing the impacts of harm from what is an essentially a *passive* form of maltreatment characterised by *omissions* in care on the part of parents or carers.'<sup>10</sup> These omissions will not necessarily result in noticeable incidents or impacts, which may mean the neglect goes unnoticed for considerable periods.<sup>11</sup> DoCS have also recognised that neglect is the most resistant form of child maltreatment to current prevention and treatment initiatives due to the 'chronic, cyclical nature of neglect cases and the inadequacy of short term interventions and support in producing sustained improvements for families'.<sup>12</sup>

Recent research suggests that child neglect may have a more serious impact on child mental, physical and emotional development than other forms of child abuse and maltreatment. The consequences of neglect can include impaired cognitive development, low academic achievement, delinquent behaviour, attachment problems, low self esteem and increased dependency.<sup>13</sup> Research has highlighted the fact that 'child neglect is more serious than other forms of child maltreatment both in terms of the numbers of children who are at risk/ or harmed and in terms of the severity of the harm incurred, including loss of life'.<sup>14</sup>

We can derive a number of conclusions from this research which should inform our response to child abuse and neglect:

- Neglect is one of the most common forms of child maltreatment;
- Neglect often underlies other forms of child abuse and maltreatment;
- Neglect is closely related to poverty and disadvantage (see discussion below);
- Neglect may have more serious long term effects on children than other forms of maltreatment;
- Neglect must be a core focus of the national strategy on the protection of children;
- Governments must address the social and structural risk factors associated with neglect through strategies to address child poverty and disadvantage.

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<sup>8</sup> See for example, the NSW Department of Community Services, *Policy on Child Neglect*, July 2006 at 7.

<sup>9</sup> DOCS Centre for Parenting and Research, *Neglect. A Review of the Literature*, 2005, cited in NSW Department of Community Services, *Policy on Child Neglect*, July 2006 at 6.

<sup>10</sup> NSW Department of Community Services, *Policy on Child Neglect*, July 2006 at 8.

<sup>11</sup> *Ibid* at 8.

<sup>12</sup> *Ibid* at 8.

<sup>13</sup> *Ibid* at 10.

<sup>14</sup> MG Smith and R Fong, *The Children of Neglect, When No-one Cares*, Brunner Routledge, New York 2004, cited in NSW Department of Community Services, *Policy on Child Neglect*, July 2006.

## The relationship between poverty and child abuse and neglect

National and international research identifies a number of characteristics or family stressors associated with an increased risk of child abuse and neglect. These include:

- family income and poverty<sup>15</sup>;
- family type (with children in lone parent families more at risk);
- the age of children;
- financial difficulties;
- limited social support networks;
- domestic violence;
- mental and/or physical disability;
- alcohol and substance abuse;
- health issues; and
- problems with unsafe, unsanitary or uninhabitable housing.<sup>16</sup>

Poverty is described in child protection research literature as an associative link or risk factor, rather than cause, of child maltreatment. The level of child poverty in Australia, at 14.7%, is significantly higher than the OECD average (11.2%).<sup>17</sup> However, there is little available recent national data which accurately reveals the relationship between poverty and child neglect and abuse in Australia.

Australian data on child abuse and neglect is reported by the Australian Institute of Health and Welfare (AIHW) in *Child Protection Australia*. Although this report contains information about the characteristics of children who are the subject of notifications or substantiations, it only reports against sex and age, and family type (single parent, step or blended family etc). There is no breakdown of the data by reference to the employment and income status of the family, social security status or housing situation.

Some information about the socio-economic status of families of children who are the subject of abuse or neglect substantiations can be deduced from the data on family type. A relatively high proportion of substantiations involved children living in lone mother families and in two-parent step or blended families and a relatively low proportion of substantiations involved children living in two-parent intact families.<sup>18</sup> The AIHW suggests that this is likely to be attributable to several factors including that lone parents are more likely to have low incomes, be financially stressed and suffer from social isolation – all factors that have been

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<sup>15</sup> CAFWAA (2002) *A Time to Invest in Australia's most Disadvantaged Children, Young People and their Families*. Sydney: Child and Family Welfare Association of Australia; Gelles, R.J (1992) Poverty and Violence Towards Children, *American Behavioral Scientist*, vol 35, No 3, pp 258-274; Jordan B (1996) *A Theory of Poverty and Social Exclusion*. Cambridge, Mass, US: Polity Press; Parton, N (2002) *Protecting Children: a socio-historical analysis* in Wilson, K and James, A (eds) *The Child Protection Handbook*. 2<sup>nd</sup> edn. Edinburgh, Bailliere Tindall; Pelton, L (1981) *The Social Context of Child Abuse and Neglect*. New York: Human Services Press; Pelton, L (1987) *For Reasons of Poverty: A critical analysis of the public child welfare system in the United States*. New York: Praeger.

<sup>16</sup> AIHW, *Australia's Welfare 2007* at 49.

<sup>17</sup> Organisation for Economic Development and Cooperation (OECD), *Starting Strong II: Early Childhood Education and Care*, OECD, 2006 at 265.

<sup>18</sup> AIHW, *Child Protection Australia* at 33.

associated with child abuse and neglect.<sup>19</sup> Indeed, there have been a number of Australian studies which have highlighted the fact that the sole parents are at high risk of poverty<sup>20</sup>

Some data is available at a state and territory level on the income level of families subject to a child abuse or neglect notification or substantiation but this information is not uniformly collected. For example, a Victorian Department of Human Services report from 2002 indicates a strong correlation between poverty/ disadvantage and child abuse and neglect. It found that of families investigated for suspected child abuse in 2000-01, more than 75% were on low incomes, 63% were in receipt of a pension or benefit and 45% were sole parent families.<sup>21</sup> However, we understand that this information is not available for all states and territories.<sup>22</sup> Accordingly, ACOSS recommends that the National Framework specify outcomes related to the improvement of national child protection data, including the collection and reporting of data on family income source and level.

The high rate of Indigenous over-representation in child protection notifications and substantiations also attests to the clear links between poverty and child abuse and neglect. As Thomson argues, although child abuse in Indigenous communities has recently become the subject of national attention, it must be acknowledged that these communities are 'chronically and drastically disadvantaged in contrast to the population as a whole. They are the poorest of the poor'.<sup>23</sup> SNAICC argues that 'poverty and disadvantage [are] major causes of child removal, not inappropriate parenting'.<sup>24</sup>

While Indigenous poverty and disadvantage persists, so too will the overrepresentation of Indigenous children in child abuse and neglect cases. For this reason, ACOSS welcomes the Government's focus on improving responses to Indigenous children in the Discussion Paper, but seeks to ensure that improvements to the responsiveness of child protection systems and service models are complemented by a national strategy and major funding to reduce Indigenous poverty and disadvantage. These issues are discussed further below under 'Improving responses to Indigenous children'.

Apart from poverty, child abuse and neglect are linked to a number of other family stressors. The Victorian Department of Human Services reported on the prevalence of particular characteristics among the parents of children subject to child abuse notifications or substantiations including psychiatric disability, intellectual disability, physical disability, family violence, alcohol abuse and substance abuse. It found that there was an increasing proportion of parents with one or more of these characteristics (up from 40% to 70% in a five year period) and a significant increase in the proportion of parents with two or more characteristics.<sup>25</sup> More specifically, the report found that about a third of parents have problems with alcohol abuse, a third with substance abuse, 19% have a psychiatric

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<sup>19</sup> Ibid at 33.

<sup>20</sup> ACOSS, *The Bare Necessities: Submission to the Senate Inquiry into Poverty and Financial Hardship*, June 2003, Paper 127 at 11. In this report, we noted that some 22% of sole parent families were living in income poverty. See also Ann Harding, Rachel Lloyd and Harry Greenwell, *Financial Disadvantage in Australia 1990-2000*, NATSEM and The Smith Family, 2001.

<sup>21</sup> Victorian Department of Human Services at 2 and 25.

<sup>22</sup> Thomson, J (2003) *Money Counts: Challenging poverty in families to protect children*. Paper presented at 'Protecting Children: what counts? An overview of research conference.' Mackay Centre for Research on Community and Children's Services, 7-9 August, Airlie Beach, Qld.

<sup>23</sup> Thomson.

<sup>24</sup> CAFWAA at 36.

<sup>25</sup> Ibid at 2 and 26.

disability and more than half have experienced family violence.<sup>26</sup> In cases of previous notifications, the incidence of substance abuse increases.<sup>27</sup> A detailed exploration of the nature of the links (structural or individual) between poverty and these characteristics is beyond the scope of this paper, however this data highlights the fact that families who come into contact with the child protection system have increasingly complex and chronic problems which often intersect with poverty and disadvantage.

While poverty and disadvantage are risk factors for child abuse and neglect, the reverse is also true. Children who suffer abuse and neglect are at greater risk of disadvantage in adult life due to the disruptive effect of abuse and neglect on education, development, attachments and family relationships. These risks can be compounded by negative experiences in out-of-home care.

While the relationship between poverty and child abuse and neglect is clear, current child protection systems and practices are not adapted to addressing the long term and complex socio-economic disadvantage experienced by the families they come into contact with. A national framework should seek to improve access to primary and secondary services and enhance the capacity of the tertiary service system to address the broader issues experienced by at risk families.

## **The need for a national framework as part of a social inclusion agenda**

ACOSS supports the development of a national framework for protecting Australia's children which clarifies the Australian Government's role in child protection and wellbeing and outlines concrete actions to be undertaken by governments and other players, including the community and welfare sector.<sup>28</sup>

In this section, we outline a number of core aspects of a model national framework for the protection of children. In doing so, we have engaged with the proposals in the Discussion Paper and suggested some additional priority areas for inclusion.

### **1. Clear links between the National Framework and the broader social inclusion agenda.**

We welcome the Government's recognition that 'strategies to prevent child abuse and neglect need to be part of broader strategies to tackle social disadvantage and promote social inclusion and wellbeing.'<sup>29</sup> As part of this broader agenda, specific goals and targets should be developed to measure progress in relation to child wellbeing in addition to including some specific child protection outcomes, for example:

- improved child health and wellbeing;
- a decrease in child poverty;
- an increase in the number of families at risk referred to appropriate services prior to the occurrence of a specific incident of harm;
- a decrease in the number of child protection substantiations; and

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<sup>26</sup> Ibid at 2.

<sup>27</sup> Ibid at 2.

<sup>28</sup> Discussion Paper at 3.

<sup>29</sup> Discussion Paper at 15.

- an increase in the number of families receiving long term support after a child abuse or neglect notification or substantiation.

## 2. Recognition of the key role of the community and welfare sector.

We are particularly pleased that the Discussion Paper acknowledges the key role that non-government organisations play in providing support to families and children and welcome the potential of a national framework to improve the way that Government agencies, payments and programs interact with and affect non-government and welfare organisations.<sup>30</sup> The community and welfare sector provides a range of services to communities and families across the spectrum from prevention through to targeted child protection services, including:

- community health services;
- child care services;
- youth services;
- homelessness and domestic violence services;
- alcohol and other drug services;
- mental health services;
- parenting programs;
- family and child support services;
- family counselling and dispute resolution;
- financial counselling services;
- out of home care services; and
- after-care services.

Community and welfare organisations work on the ground at the community level to build community capacity, family resilience and promote child wellbeing. They provide primary, secondary and tertiary services and are often uniquely placed to develop relationships of trust with clients.

## 3. A broad focus on child wellbeing.

We emphasise that the framework must progress a broad agenda that is focussed on needs and wellbeing. It should include child protection systems as one aspect of this response in addition to other Government policies and systems which impact on the level of child abuse and neglect including social security, affordable housing and family law. The National Framework should:

- adopt a **therapeutic** approach to child protection issues with a focus on the **needs** of families and children;
- address the **causes** of child abuse and neglect;
- invest in **prevention and early intervention**;
- facilitate the development of **long-term responses** and support;
- focus on family and community strengths;
- engage with families and communities to build capacity;
- ensure that children's perspectives inform the identification of problems and the development of solutions.

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<sup>30</sup> Discussion Paper at 13.

#### **4. Recognition of the human rights of the child.**

The National Framework should also reflect and expressly acknowledge the specific human rights of children, as contained in the *Convention on the Rights of the Child*. A number of rights are particularly relevant in the context of child abuse and neglect, including:

- the principle of non-discrimination in the protection of rights;
- the principle that the best interests of the child shall be a primary consideration;
- the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development;
- the responsibility of the State to ensure that children receive protection and care necessary for well-being;
- the responsibility of the State to ensure to the maximum extent possible the survival and development of the child;
- the principle that the views of the child should be taken into account in all judicial or administrative decisions affecting them; and
- the responsibility upon states to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

#### **5. A focus on prevention and early intervention which addresses the social and structural risk factors for child abuse and neglect.**

A national focus on issues of child protection has emerged. The seriousness of the issues and the grave risks posed to children has led some to describe the situation as a 'national crisis'. Immediate, short term action is required to protect all children at risk of immediate harm, complemented by the development of long term strategies which strengthen prevention and early intervention responses. Long term strategies should include universal and targeted interventions, adopting a population based approach which includes universal services, community level interventions and family interventions. As the Discussion Paper recognises, 'if the goal is the wellbeing of Australia's children, the focus needs to be on the full range of services and supports that assist Australian families.'

In the short term, State and Territory child protection systems must be strengthened to improve their response in cases where children are at risk of harm. In the longer term, broad strategies must be developed to address child poverty and disadvantage within a social inclusion agenda, with a particular focus on Indigenous disadvantage. In addition, access to universal services must be improved for disadvantaged families and family and children's services enhanced.

ACOSS welcomes the Government's commitment to increasing investment in early education including ensuring that every four year old has access to preschool, providing a Healthy Kids Check for all four year olds and delivering the Home Interaction Program to 50 disadvantaged communities across Australia.<sup>31</sup> As broad measures to improve child education and wellbeing, these initiatives are also important aspects of the prevention of child abuse and neglect.<sup>32</sup>

<sup>31</sup> Australian Labor Party, *Labor's Plan for Early Childhood – Election 2007*.

<sup>32</sup> Note that this link is made in Table 1 from The World Bank Conference (2000), *Investing in our Children's Future*, Washington, April 10-12, extracted in Australian Labor Party, *Labor's Plan for Early Childhood – Election 2007* at 3.

A number of existing early intervention and prevention initiatives are identified in the Discussion Paper including:

- Family support and community development programs;
- Child care, playgroups and early childhood programs;
- Initiatives like New Directions for Indigenous Children;
- Early intervention services for children with autism spectrum disorders;
- Special Child Care Benefit; and
- Support for families to protect children online.

In addition, some options for inclusion in a national framework are proposed including better use of early intervention family support services to support child protection; enhancing Centrelink's role to identify and refer vulnerable families; targeted action on parenting and alcohol misuse and the promotion of good parenting. We particularly welcome the proposal to make changes to child care assistance to provide more developmental support for children at risk and respite for parents under stress.

While these measures are generally welcome, ACOSS is concerned that they are not extensive enough in scope to broadly address the underlying issues of poverty and social disadvantage which are risk factors for child abuse and neglect. Such measures would need to go further to examine the adequacy of social security payments for families with children, expand the stock of affordable housing and improve access to universal services (particularly health and education). Some concerns have also been expressed by member organisations about a proposed expansion in the role of Centrelink in child protection issues due to concerns about issues of privacy and trust.

A national framework should have a much stronger and more comprehensive focus on prevention than is currently provided in the Discussion Paper. It should:

- adopt a continuum of care and support model;
- Increase access of at risk families to universal services;
- Promote resilience, family strengths and capacities;
- Include community capacity building approaches targeted at disadvantage communities<sup>33</sup>; and
- Have an increased focus on preventing child neglect through strategies to address poverty and disadvantage.

A national framework should have a clear focus on the prevention of neglect which recognises the links between poverty, disadvantage and neglect. This approach is supported by research which suggests that child welfare policy should include structural, preventive and remedial provision, including adequate income, universal health care and decent housing.<sup>34</sup>

However, in developing a new response based on child and family needs and increasing the focus on neglect, it is essential that child protection and welfare systems are designed and resourced to respond to *both* abuse and neglect.<sup>35</sup> An increased focus on neglect should not be at the expense of efforts to prevent and respond quickly to cases of abuse.

<sup>33</sup> NSW Department of Community Services, *Policy on Child Neglect*, July 2006 at 13.

<sup>34</sup> *Ibid* at 13.

<sup>35</sup> *Ibid* at 11.

Rather, there is a need to shift thinking beyond a focus exclusively on 'risk' to embrace both risk and need.<sup>36</sup> In many cases, children will be both 'in need' at 'at risk' and the systems and services must be designed to respond effectively to all short and long term threats to child wellbeing.

## **6. The promotion of national coordination and collaboration between governments, agencies and the non-government sector through the National Reform Agenda.**

### *State and Territory coordination and cooperation*

Service coordination should seek to ensure that vulnerable families and children access universal services and that cross-jurisdictional issues which have a negative effect on children are addressed (for example, conflicts arising between state child protection laws and Commonwealth family law). An effective national framework must drive coordination between governments and across universal, secondary and tertiary services and improve collaboration with the community and welfare sector. The role of the Compact with the community sector and its relationship to the National Framework should also be clarified.

The commonalities between State and Territory child protection responses are significant and suggest that federal coordination is achievable. Some common policy and service model trends can be identified across jurisdictions, including:

- collaborating with and helping parents;
- more resources to family support services and provision of family support services rather than investigation;
- cross-departmental strategies developed in a number of jurisdictions;
- shift towards more holistic, coordinated service delivery;
- broader definition of child abuse and neglect – towards test of whether child has suffered harm, seeking to assess the child's protective needs;
- rising rates of re-notifications and re-substantiations; and
- some effective prevention and early intervention programs have also been developed, eg DoCS Brighter Futures.<sup>37</sup>

However, although State and Territory child protection services are currently providing very similar models of intervention, different definitions of abuse and neglect remain in legislative frameworks and this undermines the collection and analysis of national data as well as having some inequitable consequences for families and children.<sup>38</sup> A national comparison of child protection systems highlighted the differences that exist between the states and territories in the types of reports accepted and the service response received. This means that families and children may be receiving different levels of care and protection dependant upon where in the country they live. Further, there is great variability between State and Territory responses to cases which *do not* meet the threshold for statutory child protection intervention, but where concerns have been raised about the welfare of children – in some states and territories, these cases would result in referrals to voluntary services, in others cases were closed (with or without a referrals) but without ensuring that the family had engaged with any support service.<sup>39</sup>

<sup>36</sup> Ibid at 12.

<sup>37</sup> AIHW, *Child protection Australia* at 4-6.

<sup>38</sup> Leah Bromfield and Daryl Higgins, 'National comparison of child protection systems', *Child Abuse Prevention Issues*, Australian Institute of Family Studies, No. 22, Autumn 2005 at 28.

<sup>39</sup> Ibid at 23.

In light of these issues, the National Framework should provide a mechanism for national coordination and collaboration to achieve:

- the development of nationally agreed core principles relating to child wellbeing;
- the development of nationally consistent child protection legislation and policy;
- an improvement in national data collection on child protection, to include socio-demographic information about families; and
- the allocation of significant additional funding to primary, secondary and tertiary services.

ACOSS welcomes the Council of Australian Government's (COAG) commitment to improving the national response to child protection through the development of a national framework and note that COAG recently agreed to establish a working party to explore the development of an information system on children at risk to improve the sharing of information between governments.

#### *National Reform Agenda*

The proposed National Framework on child protection will be developed within the context of a broader National Reform Agenda. This agenda seeks a reduction in the number of Specific Purpose Payments (SPPs) from 88 down to five broad-banded SPPs. Given that any effective response to child abuse and neglect must involve a number of government agencies and sectors, the National Reform Agenda provides a valuable mechanism to achieve improvements across a number of policy and service delivery areas. To achieve this integration, a number of different SPPs should contain child wellbeing and safety-related outcomes including health and ageing, infrastructure, housing, Indigenous reform and the productivity agenda.

Under such a model, all relevant government departments at the Federal, State and Territory levels would have clear responsibilities and targets related to child wellbeing and safety, providing a framework to significantly improve the mainstream service system response to the protection of children. In this way, the reform agenda can facilitate the provision of flexible and tailored service delivery to children at risk of child abuse and neglect and their families. It should ensure that 'program funding and program boundaries must allow governments and funded organisations to take a multi-disciplinary approach to addressing people's needs'.<sup>40</sup>

Through the National Reform Agenda, all Governments should seek to ensure that universal services are better targeted to families who are disadvantaged and at risk. Currently this segment of the population is under-represented in universal services and strategies are needed to assist and encourage vulnerable families to access services. Services must also be better adapted to meeting the needs of children and families with complex and chronic problems. Some clear outcomes related to increasing access to services by vulnerable or at risk families should be included in relevant SPPs.

The National Reform Agenda has been hailed as a mechanism to end the 'blame game' or 'buck-passing' between different levels of Government. The abrogation of responsibility for

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<sup>40</sup> 'Which way home – A new approach to homelessness', Homelessness Green Paper at 58.

aspects of child and family wellbeing by different levels of Government can have disastrous outcomes in the child protection area. This is particularly the case where family and child poverty is the context for child abuse and neglect, with social security a Commonwealth responsibility and child protection a state responsibility. There is a critical need for the various levels of Government to work together to ensure that families experiencing poverty are assisted early and given long term support to prevent the need for state based tertiary interventions and better protect children from the tragic consequences of abuse and neglect.

### *Income management*

The Discussion Paper recognises the importance of collaboration between governments, agencies and non-government organisations to result in better outcomes and reduce gaps in service provision. The National Framework offers great potential to improve the wellbeing and safety of children through coordinated and integrated service delivery.

However, ACOSS sees no clear relationship between income management approaches and improved service collaboration. The Discussion Paper suggests that family payments and the income support system will be used 'to encourage and support changes to inappropriate parenting behaviours'.<sup>41</sup> Two models are presented:

1. Quarantining of government payments to be used only on essentials such as food, clothing and shelter; and
2. Quarantining of government payments in cases of neglect to potentially prevent removal of children from families.

This first model of income management is currently being implemented in the Northern Territory and the Cape York welfare reform trial. This model (in which 50% of income is quarantined and directed to the provision of essential items) is to be fully rolled out in prescribed Indigenous communities in the Northern Territory by July 2008. In the Cape York Welfare Reform Trial, which commenced on July 1, the Family Responsibilities Commission has the power to recommend income management for people who are considered to be failing to meet their parental and community responsibilities and to refer them to support services including drug and alcohol, mental health and relationship counselling, including in circumstances where:

- A child has three unexplained absences from school;
- A person is subject to a child safety notification or report; or
- Is convicted of an offence; or
- Breaches a public housing tenancy agreement.<sup>42</sup>

The second model of income management is to be implemented initially in Western Australia with staged roll out commencing in the Cannington District and selected locations in the East Kimberley from July 2008. Under this model, State and Territory child welfare authorities will have the power to advise Centrelink to manage government payments to ensure that parents with children at risk of neglect provide basic necessities such as food, clothing and shelter for their children. The Discussion Paper notes that the WA experience is to 'help inform the implementation of similar child protection measures in cooperation with other States and Territories'.

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<sup>41</sup> Discussion Paper at 18.

<sup>42</sup> Australian Government Media Release, 'Cape York Welfare Reform Trial to begin', 1/7/2008.

ACOSS has some serious concerns about income management as a response to child abuse and neglect. No clear links between income management and the prevention of child abuse and neglect have been established. Certainly, the imposition of blanket quarantining regardless of parenting practices or child wellbeing (or even whether individuals are care givers or not) is not clearly correlated with child protection objectives. Income management has been trialled in parts of the Northern Territory now for many months. With the 12 month review impending, it is timely to assess the effectiveness of these measures in producing positive outcomes for children. The expansion of income management beyond the Northern Territory prior to the completion of the review and in the absence of independent evidence that these measures is certainly premature.

In addition, there is a need for caution in defining which factors will activate an income management response. ACOSS has particular concerns about income management being activated in response to poor school attendance in light of evidence that parents may have limited capacity to change children's behaviour, particularly when children are 12 years and older. The Halls Creek *Engaging Families* trial which encouraged parents to participate in employment related activities with parents agreeing to send their children to school, did not result in any increase in school attendance rates. Although it was a voluntary model, and so differs significantly from the compulsory model being rolled out in the NT and WA, the critical findings of the trial nonetheless apply. These findings were that:

- Many parents felt quite powerless about getting their children to attend school, especially those aged 12 years and upwards suggesting the need for additional parenting services;
- Variations in the quality of teachers and schools impact negatively on attendance rates. The school must be an attractive option for children and they must want to be in the classroom with their teacher;
- There was a need to better address bullying at schools to encourage greater attendance;
- The housing situation in Halls Creek was unlikely to provide an environment in which families could be 'work and school ready'.<sup>43</sup>

ACOSS will be providing more detailed comments on income management in the Northern Territory in our submission to the Northern Territory Intervention Review. We have a number of concerns related both to the design and implementation of the scheme including the suspension of the *Racial Discrimination Act*, the blanket imposition of income management regardless of individual conduct or circumstances, the reduction in people's budgeting flexibility and some inequitable aspects of the store card and community stores schemes.

#### *Other collaboration initiatives*

ACOSS welcomes the Discussion Paper's proposal to link initiatives under the National Plan to Reduce Violence against Women and Children to the National Framework for protecting children. The proposed national mechanism to plan future work and investments and the national research program both offer useful mechanisms to ensure that effort and resources are targeted to the service areas of most need and improve national data

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<sup>43</sup> DEWR, Halls Creek *Engaging Families* Trial February – July 2006 Evaluation Report, September 2006.

collection. ACOSS reiterates the need for this data to include socio-demographic information about at risk and vulnerable families.

The Discussion Paper proposal to provide support for additional child focus in adult specialist services is very welcome. The paper indicates that such services could include drug and alcohol services, mental health services, homelessness services, some settlement services and family violence services which treat adults as the primary client but have opportunities for early identification of children's needs. In ACOSS' recent response to the Green Paper on Homelessness, we recommended that reforms to the homelessness service system ensure that funding is available to provide adequate and appropriate accommodation and support services to children accompanying adults in crisis accommodation services.<sup>44</sup>

## **7. Coordinating Commonwealth Government policies with the national response to child wellbeing.**

In addition to coordinating the various State and Territory responses to child wellbeing and protection issues, the National Framework should clarify the interaction between Commonwealth Government policies and programs where these interactions affect child wellbeing and safety. This must include the Homelessness White Paper, the development of the National Affordable Housing Agreement, reforms to employment participation and social security, measures to address Indigenous disadvantage and the future of the Northern Territory Intervention.

## **8. Improving child protection systems.**

The above discussion has highlighted the complex and chronic nature of the problems that many families involved in the child protection system experience and emphasised the links between underlying poverty and child abuse and neglect. Despite this evidence, the current child protection system is largely unable to provide the sustained support that many families require.<sup>45</sup>

The Victorian Department of Human Services report, *An Integrated Strategy for Child Protection and Placement Services* highlighted the ineffectiveness of the current child protection system in responding to the complex and chronic nature of the problems experienced by some families. It noted that too many children, young people and families had repeat involvement with the child protection system, indicating that the system was not addressing underlying issues or preventing further abuse and neglect. Many families are offered only limited interventions through the child protection system, which is crisis and incident driven, with no sustainable positive change resulting from their interaction with the system.<sup>46</sup> The report concluded that many families needed more sustained and less intrusive support than the current child protection system response was capable of providing. It highlighted the need for strengthened prevention and early intervention services as well as improved service responses for children and young people with longer term involvement in the child protection system.

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<sup>44</sup> ACOSS, Submission to 'Which way home – A new approach to homelessness', June 2008.

<sup>45</sup> Ibid at 3.

<sup>46</sup> Victorian Department of Human Services, Community Care Division, *An Integrated Strategy for Child Protection and Placement Services*, September 2002 at 1.

The Report recommended that:

*'A longer term case management approach could be more appropriate for many families as a model of assistance rather than an investigative approach aimed at brief intervention and closure.*

*A danger with [the latter] approach is that over time, these families may become higher risk due both to the chronic nature of their problems, and to the fact that opportunities are missed early on to provide positive assistance that can prevent further significant problems in the future. In addition to the question of appropriateness and effectiveness of services for these lower risk children and families, there are concerns regarding the long term outcomes for this group of children.<sup>47</sup>*

ACOSS is pleased that the Discussion Paper acknowledges the need to shift away from crisis driven responses to child protection to focus on the causes or risk factors of child abuse and neglect. It outlines a role for primary, secondary and tertiary interventions to prevent the occurrence and recurrence of abuse. The Discussion Paper recognises that:

*'In an optimally functioning system, the greatest investment would be in primary and secondary responses to help ensure that children and families are in healthy safe homes and are not exposed to the risks of abuse and neglect.'<sup>48</sup>*

It is widely acknowledged that the State and Territory child protection systems are unable to meet the need for child protection services, let alone develop the capacity to provide prevention and early intervention services. This is despite the fact that spending on child protection and out-of-home care services has been increasing. In 2006-7 recurrent expenditure on child protection and out-of-home care services was approximately \$1.7 billion across Australia – a real increase of \$199.8 million (13.7%) from 2005-6.<sup>49</sup> Significantly, of this expenditure, out-of-home care services accounted for the majority (63.7 per cent, or \$1.1 billion).<sup>50</sup>

ACOSS supports the recommendation of the report of the National Youth Commission Inquiry into Youth Homelessness which called for all jurisdictions to urgently review the level of funding provided to their care and protection programs. Funding is critically needed to enable child protection systems to respond more effectively in cases in which children are at risk and coordinate State, Territory and Commonwealth responses to child abuse and neglect.

ACOSS has welcomed the Government's increase in funding to Indigenous early childhood initiatives and its general commitment to improving services and supports in the early years. This includes funding for child and maternal health services and Indigenous early development, learning and parenting services and a number of initiatives packaged as part of the Northern Territory Intervention, including playgroups, crèches, family support packages and school nutrition programs. Other measures to reduce Indigenous

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<sup>47</sup> Ibid at 37.

<sup>48</sup> Discussion Paper at 10.

<sup>49</sup> Productivity Commission, Steering Committee for the Review of Government Service Provision, *Factsheet – Protection and support services (Child protection and out-of-home care services) (Chapter 15)*.

<sup>50</sup> Productivity Commission, *Review of Government Services 2008* at 15.11.

disadvantage ('Closing the Gap') include additional teachers for the Northern Territory, the expansion of literacy and numeracy programs, funding for Indigenous boarding schools and Indigenous drug and alcohol services. It is anticipated that, over the longer term, these investments, complemented by additional measures to address poverty and disadvantage, increase the stock of affordable housing and improve access to health and education will translate into reduced rates of child abuse and neglect. The National Framework should reflect and build on these commitments.

### **9. Addressing Indigenous disadvantage and child poverty and improving service responses to Indigenous children.**

National data reveals that Indigenous children are five times more likely than non-Indigenous children to be the subject of a child abuse or neglect substantiation, seven times as likely to be on a care and protection order, and eight times more likely to be in out-of-home care. At the same time, Indigenous children are under-represented in early childhood education and care services. In the Northern Territory, for example, while Indigenous children comprise 41.4% of the population, they represent only 9.8% of children who attend child care services.<sup>51</sup> SNAICC has highlighted that Indigenous children are in fact under-represented in all forms of early childhood services including pre-schools, kindergartens, childcare services and programs, playgroups and family support programs.<sup>52</sup> With the population of Indigenous children increasing, the enhancement of Indigenous child and family services at the primary, secondary and tertiary level is critical.

Indigenous children are more likely to be removed from their families due to child neglect than other forms of child maltreatment. The AIHW reports that the overall pattern of substantiated abuse and neglect for Indigenous children was similar to that of other children but the proportion of substantiations for Indigenous children which were recorded as neglect was generally higher than that of other children.<sup>53</sup> As discussed above, child neglect is associated with a number of structural factors including family poverty, inadequate housing, poor community infrastructure, high levels of unemployment and limited or no access to support services. Indeed, it has been argued that in Indigenous communities socio-economic disadvantage represents a form of societal child abuse and neglect with 'the boundary between the socio-economic disadvantage experienced by many Indigenous people and personal culpability for child neglect ... neither understood or defined.'<sup>54</sup> The high rates of Indigenous neglect are also associated with higher rates of substance abuse, family violence and alcohol abuse compared to non-Indigenous parents.<sup>55</sup> The HREOC *Bringing Them Home* report identified some of the underlying causes of Indigenous over-representation in the child protection system as:

- the legacy of past policies of forced removal;
- intergenerational effects of previous separations;
- poor socioeconomic outcomes; and

<sup>51</sup> OECD, *Starting Strong II* at 269.

<sup>52</sup> Secretariat of National Aboriginal and Islander Child Care (SNAICC), Briefing to State and Territory Governments on Development of a *National Action Plan* and *National Indigenous Children's Well Being and Development Taskforce* to prevent and respond to Indigenous child abuse and neglect, July 2007 at 3.

<sup>53</sup> AIHW, *Child protection Australia* at 30-31.

<sup>54</sup> J. Pocock, (2003), *State of Denial: The neglect and Abuse of Indigenous Children in the Northern Territory*, Secretariat of National Aboriginal and Islander Child Care (SNAICC), Victoria.

<sup>55</sup> At 29.

- perceptions arising from cultural differences in child-rearing practices.<sup>56</sup>

We are pleased that the Discussion Paper acknowledges the 'clear need to address serious risk factors such as poverty and unemployment, intergenerational grief, trauma and family violence, low maternal age, poor school attendance, alcohol and substance abuse and poor social, community and health support infrastructure particularly in some remote communities.'<sup>57</sup> We welcome a number of Government initiatives which have been announced to address Indigenous disadvantage including *New Directions: An equal start in life for Indigenous children*. We note that a number of the issues raised above are on the workplan of the COAG Working Group on Indigenous Reform.

Having outlined the context and risk factors for Indigenous child abuse and neglect, some core aspects of a national response can be developed:

- A clear and funded commitment to closing the gap which includes providing adequate and appropriate housing and infrastructure and access to health and education services in for all Indigenous children;
- A strengths based practice involving family centred programs and Indigenous culture as a source of resilience;
- A recognition of the specific rights of Indigenous children to maintain their cultural connection, under the Convention on the Rights of the Child;
- Adequate resourcing for Indigenous community child and family resources centres. There are currently about 30 of these services across Australia, most very small, and focussed narrowly on placing Indigenous children who have been removed from home by state welfare authorities;
- Adequate resourcing of the Multifunctional Aboriginal Children's Services (MACS); model of Indigenous Children's Services. These are Aboriginal managed services providing a range of programs to Indigenous children according to community needs including long day care, occasional care, play groups, after school care, vacation care, transport and support and information for parents. Their capacity is currently limited by restricted funding, licensing requirements and staff shortages. We support SNAICC's call for all Indigenous children to have access to a MACS or similar model of children's service, particularly during early years;
- Well-resourced and responsive child protection services and effective policing.<sup>58</sup>

## 10. Improving responses for children in care and young people leaving care

ACOSS supports the Discussion Paper's proposal for minimum national standards to ensure that children enter and leave care in appropriate circumstances, receive high quality care and have avenues for identifying concerns as well as mechanisms to enable closer monitoring of the out-of-care system.

We are pleased that close links are to be developed between the National Framework and the White Paper on Homelessness. In our recent response to the Green Paper, we raised concerns about the risk of homelessness for young people leaving care and the need to improve systems to protect this vulnerable group. A high proportion of young people

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<sup>56</sup> HREOC, *Bringing them home (National Inquiry into the Separation of Aboriginal and Torres Strait Islander children from their families)* 1997.

<sup>57</sup> Discussion Paper at 12.

<sup>58</sup> SNAICC, Ten Point Plan.

experiencing homelessness have been in care and protection, with estimates varying from 15-40% of the homeless youth population<sup>59</sup>. The recent National Youth Commission Inquiry into Youth Homelessness made a number of findings in relation to current care and protection systems. It noted that State and Territory systems are under-resourced and under-staffed, with the needs of younger children prioritised at the expense of those of older children.<sup>60</sup> With increased pressure on care and protection systems, SAAP services have become a 'stop gap' service for adolescents.<sup>61</sup>

The National Youth Commission called for universal entitlements to leaving care assistance, accommodation and support.<sup>62</sup> We support that recommendation. In our response to the Green Paper on Homelessness, ACOSS recommended that State and Territory Governments work together to ensure that young people are not discharged from care into homelessness. We noted that this approach had been applied by the Irish Government, which developed National Action Plans and a cross-agency Homeless Preventative Strategy to ensure that no one was released from state care without somewhere suitable to live and appropriate care. We are therefore pleased that the Discussion Paper proposes that improved assistance for young people leaving care be included in the National Framework, including sustained individual support to prevent homelessness. This must be complemented by a significant increase in the stock of affordable and social housing.

## **11. Ensuring the viability of the workforce.**

ACOSS welcomes the Discussion Paper's proposal to develop a National Workforce Strategy to address workforce shortages and capacity issues across each part of the system, including government and non-government sectors, with a particular focus on Indigenous-specific services. Such a Strategy is necessary to address the difficulties the whole sector faces in attracting and retaining staff, particularly in remote and rural areas, and the problems associated with inexperienced staff undertaking challenging frontline work.

The 2008 Australian Community Sector Survey revealed that some 64% of respondent community organisations had experienced difficulty attracting and retaining appropriately qualified staff in the past year.<sup>63</sup> It also revealed that community organisations are experiencing increasing demand for services and higher and more complex client needs. In light of these issues, it is important that the National Workforce Strategy specifically addresses the workforce challenges faced by the community and welfare sector including:

- Relatively poor pay and conditions;
- the lack of career paths and development opportunities;
- challenges in attracting and retaining staff;
- the need to invest in education and training;
- the shortage of Indigenous workers; and
- the shortage of rural, remote and regional workers.

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<sup>59</sup> For a discussion of the various estimates, see National Youth Commission, *Australia's Homeless Youth: A Report of the National Youth Commission Inquiry into Youth Homelessness*, 2008 at 127.

<sup>60</sup> At 127.

<sup>61</sup> At 133.

<sup>62</sup> At 127.

<sup>63</sup> Australian Council of Social Service, *Australian Community Sector Survey*, ACOSS Paper 154, June 2008.

A workforce strategy should provide a framework within which future funding contracts are negotiated.

ACOSS suggests that the Plan might also consider workforce issues in allied services which are critical to child wellbeing, for example, early childhood education. In its *Starting Strong II* report, the OECD highlighted some key issues related to the early childhood education and care workforce, noting that the status of ECEC staff in services was low, that they had longer contact hours than teachers in pre-schools and kindergarten classes, greater responsibility, fewer holidays, less planning time and lower wages. The report also noted that turnover rates were high and difficulties attracting staff widely reported, especially in rural and remote areas.<sup>64</sup>

## **12. Develop appropriate oversight and evaluation mechanisms.**

The National Framework should contain clear objectives and commitments. Appropriate oversight and evaluation mechanisms need to be established to monitor the effectiveness of the National Framework and the progress made towards its objectives. We welcome the appointment of a National Minister for Youth and suggest that an Office for Australian Children or National Commissioner for Children and Young People should also be established with responsibility for overseeing and monitoring the implementation of commitments under the Framework.

Consistent and comparable national data on child wellbeing, abuse and neglect is urgently needed to enable detailed analysis of the relationship between poverty, disadvantage and wellbeing and to enable monitoring of progress under the framework.

Australian Council of Social Service  
Locked Bag 4777, Strawberry Hills, NSW, 2012  
Ph (02) 9310 6200  
Fax (02) 9310 4822  
info@acoss.org.au  
www.acoss.org.au

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<sup>64</sup> OECD, *Starting Strong II* at 271.