

**2022**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**9TH ASSEMBLY STANDING COMMITTEE ON HEALTH, AGEING AND  
COMMUNITY SERVICES'**

**REPORT 9**

***INTERIM REPORT ON CHILD AND YOUTH PROTECTION SERVICES (PART 1)***

**GOVERNMENT RESPONSE TO RECOMMENDATION 10 - 4.124**

**Presented by  
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## Background

### ***Standing Committee on Health, Ageing and Community Services Report 9: Interim Report on Child and Youth Protection Services (Part 1)***

On 16 May 2019, the ACT Legislative Assembly asked the Standing Committee on Health, Ageing and Community Services (the HACS Committee) to inquire into Child and Youth Protection Services. The Assembly asked the HACS Committee to inquire into and report on two matters. As the matters have different reporting dates and coverage, the inquiry and respective reports were divided into two separate reports.

Part 1 of the HACS Committee Inquiry into Child and Youth Protection Services was to provide an analysis of the decisions of the ACT Court of Appeal in the case of CP v Director-General of Community Services Directorate [2018] ACTCA 32 and to identify potential systemic issues that may need to be addressed.

On 31 March 2020, the HACS Committee presented an [Interim Report on Child and Youth Protection Services \(Part 1\)](#). As part of its analysis in developing the Interim Report, the HACS Committee considered the Auditor-General's *Performance Audit Report into the Care and Protection System (Report No. 01/2013)* and the Standing Committee's *Review of Auditor-General's Report No.1 of 2013: Care and Protection System*. The Interim Report on Part 1 of the Inquiry included 10 recommendations.

The Government Response to the Interim Report on Part 1 of the Inquiry was tabled on 13 August 2020 and included the following:

<p><b>RECOMMENDATION 10 – 4.124</b></p> <p>The Committee recommends that the ACT Government should:</p> <p>(i) review its responses to recommendations made in Auditor-General's report No. 1 of 2013: Care and Protection System and those of the Standing Committee on Public Accounts inquiring further into the Audit Report in light of the matter subject to this inquiry; and</p> <p>(ii) inform the ACT Legislative Assembly whether it considers any further action is required in its response to recommendations made by the Auditor General and the Public Accounts Committee, respectively.</p>	<p><b>Agreed</b></p> <p>The ACT Government will proceed to review its response to the recommendations arising from the Auditor-General's report No. 1 of 2013: Care and Protection System and those of the Standing Committee on Public Accounts inquiring further into the Audit Report. The focus of this review will be on the specific issues the committee has raised under 'Other Matters' in the interim report. The Community Services Directorate will review the response to the Auditor-General's Report and advise the Minister of the recommendations that are completed, outstanding or superseded. The Minister will report back to the Legislative Assembly.</p>
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This update to the Legislative Assembly responds to Recommendation 10 – 4.124 of the HACCS Committee's *Interim Report on Child and Youth Protection Services (Part 1)* and provides an overview of work undertaken since the Government's responses to the Auditor-General's *Performance Audit Report into the Care and Protection System 2013*; and the *Standing Committee on Public Accounts' Review of the Auditor-General's Report 2015*.

***ACT Auditor-General's Performance Audit Report into the Care and Protection System (Report No. 01/2013)***

On 7 March 2013, the ACT Auditor-General's Office released the [Performance Audit Report into the Care and Protection System \(Report No. 01/2013\)](#). The audit covered the period July 2009 to June 2012 and examined two areas of Care and Protection Services:

1. Intake, response and intervention activities and decision making; and
2. Out of home care in order to answer the question about appointing a Children's Guardian, proposed by the Public Advocate.

The purpose of the audit was to assess if Care and Protection Services were providing adequate support services to children and young people deemed at high risk and who are vulnerable.

The audit report included 11 overarching recommendations, divided into 73 parts or sub-recommendations. The recommendations related to several areas of Government including Community Services Directorate (58 sub-recommendations); Chief Minister and Treasury Directorate (4 sub-recommendations); and Justice and Community Safety Directorate including the Public Advocate and Human Rights Commission (11 sub-recommendations).

**Government Response**

A Government Submission responding to the Audit Report was provided in June 2013, three months after it was tabled. Of the 73 sub-recommendations, the Government agreed to 65 sub-recommendations; agreed in principle to 3 sub-recommendations; and did not agree to 1 sub-recommendation. The Public Advocate and Human Rights Commission agreed to the remaining 4 sub-recommendations relevant to their agencies. Further [progress updates](#) were provided by the responsible Minister to the Standing Committee on Public Accounts in April 2014 and May 2015. At the time of this report only 4 of the agreed recommendations were not completed and all were in progress.

***Standing Committee on Public Accounts Report No.15 – Review of Auditor-General's Report No.1 of 2013: Care and Protection System***

The Standing Committee on Public Accounts (the Standing Committee) examines all reports of the Auditor-General which have been presented to the Legislative Assembly. In March 2015, the Standing Committee resolved to conclude its consideration of the Auditor-General's Report on the Care and Protection System with a summary report.

In September 2015, the Standing Committee released the [Review of Auditor-General's Report No.1 of 2013: Care and Protection System](#)). The review included 6 recommendations relating to areas explored in the Auditor-General's Report where the Standing Committee wanted additional information.

### Government Response

The [Government Response](#) to the Standing Committee's review was provided in February 2016. Of the 6 recommendations made by the Committee, 2 were agreed and 4 were noted. The Government's response to this report also provided the final report on the outstanding recommendations from the *ACT Auditor-General's Performance Audit Report into the Care and Protection System (Report No. 01/2013)*.

### **Issues**

The Community Service Directorate confirms the actions in response to the Auditor-General's 2013 *Performance Audit Report into the Care and Protection System* and the Standing Committee's 2015 *Review of Auditor-General's Report No.1 of 2013: Care and Protection System* are complete and no further action is required. Action aligned to the intent of recommendations is also complete for all recommendations agreed-in-principle. Recommendations noted at the time have been reviewed. The Government has reported against these actions in the reports (referenced above) published on the website of the Standing Committee on Public Accounts

Significant reform has occurred since these recommendations were made and providing detailed updates against many of them would not provide a useful picture of the progress that has been made since these reports.

### **Subsequent Reviews**

Since the Auditor-General's performance audit report in 2013 and the Standing Committee's review in 2015 of the Auditor-General's performance audit report, there have been several other reviews of the child protection system, focused in particular on how it and other service providers respond to family violence and Aboriginal and Torres Strait Islander children and families.

In February 2016, the ACT Attorney-General announced an independent external inquiry to consider how effective ACT Government directorates and service providers were at responding to family violence, including collaborating, and sharing information to keep families safe. The Board of Inquiry was chaired by Mr Laurie Glanfield AM.

In May 2016, the ACT Government released the [Review into the system level response to family violence in the ACT Report](#) (known as the Glanfield Report). The Glanfield Report identified 31 recommendations in the areas of delivering better family outcomes; mandatory reporting; decision-making, quality assurance and oversight; sharing information; and facilitating collaboration and integration.

Two additional ACT reports were released around the same time: [The Review of Domestic and Family Violence Deaths in the ACT](#) (May 2016) by the Domestic Violence Prevention Council (DVPC), and the [ACT Domestic Violence Services System Final Gap Analysis Report](#) (May 2016) by the Community Services Directorate.

The [Government Response](#) to these three reports was tabled in the Assembly in June 2016.

On 11 October 2018, a coronial inquest commenced into the circumstances of the death of Bradyn Dillon. On 29 April 2021, Coroner Hunter handed down her report which included 17 recommendations across the areas of child protection, education and information sharing. The [Government Response](#) to the Coroner's Report was tabled in the Assembly in November 2021.

In December 2019, the Our Booris, Our Way Steering Committee presented its [Final Report](#) into the over-representation of Aboriginal and Torres Strait Islander children in the care and protection system in the ACT. This was a two-year process led by a wholly Aboriginal and Torres Strait Islander Steering Committee and was a national leading example of practical self-determination.

The Final Report contains 28 recommendations and 8 sub-recommendations (totalling 36 recommendations). The recommendations arising from the review constitute major systemic reform within the child protection and wider human services system. In July 2020, the Government provided a comprehensive [response](#) against each of the recommendations which was tabled in the Legislative Assembly in August 2020.

## **System Reform**

The ACT Government has undertaken substantial work to respond to the findings and recommendations of these reviews.

The Government has committed significant investment and implemented major reforms to improve policies and practices across both the ACT's child protection and domestic and family violence service systems. These have included changes to legislation, policy and practice, IT systems and information sharing. There have been regular reports to the Assembly on the progress of these reforms through the six monthly updates on implementation of the Government Response to the *Our Booris Our Way* review, the *Step Up For Our Kids Strategy* and the annual Family Safety Ministerial Statement.

The successor plan to *A Step Up for Our Kids* was tabled in the Legislative Assembly in early June 2022. *Next Steps for Our Kids 2022-2030* sets out an 8-year vision to deliver a more child and young person centric services system. It builds on previous reform effort focusing on improved outcomes for vulnerable children, young people and their families; and an integrated, sustainable and performance-based services system.

*Next Steps* has been informed by a robust evidence base. The reform intent has been crafted through the implementation knowledge built over the last 6 years, extensive stakeholder consultation including the voice of lived experience, as well as independent evaluation and research projects.

An evaluation framework was developed as part of *A Step Up for Our Kids*, with evaluation occurring at three intervals: baseline commencement, mid-point, and post-strategy. The Stage One Post Strategy Evaluation was released earlier this year and provides a comprehensive assessment of how the Strategy performed against the evaluation framework and the outcomes delivered by services under *A Step Up for Our Kids*. The Report has been externally validated by the University of Technology Sydney.

The most notable change from the first stage of reform (*A Step Up for Our Kids*) has been the decrease in the number of children and young people entering out of home care. However, the number of Aboriginal and Torres Strait Islander children and young people in care remains a primary concern.

Despite the reforms, the significant investment to date and more recently the stabilisation in numbers, gaps persist in educational and other life outcomes for our children and young people in and leaving care.

The next stage of reform acknowledges the need for more fundamental reform to reset how out of home care is funded and delivered. *Next Steps* recognises the need to disrupt the current trajectory of children and young people entering care as continuing to ‘tweak’ the current system by further increasing funding levels or establishing new standalone programs will not lead to sustainable, systemic improvement.

*Next Steps* envisages whole of system reform for both the government and non-government sectors and introduces a new service system, supporting structure and the establishment of an Aboriginal Community Controlled Organisation.

Extensive engagement with stakeholders underpinned the next stage of reform under *Next Steps*. In 2021 two stakeholder engagement programs were conducted over a seven-month period and involved over 700 stakeholders. Stakeholders included end users, people with lived experience, the non-government sector including community partners, the workforce, academics and researchers and government. The engagement programs incorporated early commissioning work, designed to explore community needs and aspirations.

Feedback from the Stages 1 and 2 stakeholder engagement programs has been captured in a series of publications, providing a rich foundation for future deeper engagement, co-design, and co-production:

- The *Stage One Listening Report* captures what we heard from stakeholders on their experiences of child protection and out of home care in the ACT.
- The *Stage Two Listening Report* captures what we heard from stakeholders with a focus on how diverse communities experience child protection and out of home care in the ACT.
- The *What We Know Overview* provides a summary of current shifts and challenges and outlines priorities and commitments for the next stage of reform.

These reports and further information are available on the CSD website and *YourSay* platform.

*Next Steps* comprises a comprehensive set of Priority Initiatives and reform actions under six domains which will be achieved over the course of the next eight years. Detailed action plans will be co-designed with stakeholders to ensure joint ownership, tailored responses based on need and contemporary practice, and a shared commitment to deliver.

The following six domains underpin our way forward and are based on the challenges experienced by those who come into contact with the statutory child protection system as well as the challenges faced by the system itself. These domains are:

1. ***Our Booris, Our Way*** - a systemic response to address the over-representation of Aboriginal and Torres Strait Islander children, young people, and families.
2. **Trust and transparency** - improved decision making, engagement and review processes.
3. **Strengthening families** - earlier support for families and an ongoing commitment to preservation and restoration.
4. **Trauma responsive and restorative practice** - working respectfully with children, young people, families, and carers for better outcomes.
5. **Partnering with the community** - ensuring a joined-up system of child, youth, and family services.
6. **Building a Continuum of Support** - working together to ensure children and young people get the right support at the right time for smoother life transitions.

The Government's commitment to transparency and accountability remains. This will include regular reporting to the Legislative Assembly on progress as implementation under *Next Steps* commences, and outcomes are progressively achieved.

## **Conclusion**

Regular scrutiny of child protection services is common to all jurisdictions in Australia and internationally and the ACT Government welcomes transparent, thorough and constructive review. There has been significant examination of care and protection services in the ACT over many years.

Reviews provide invaluable ways to improve service delivery for vulnerable children and young people. It is also important to strike a balance between investment in developing staff capability, capacity and confidence to deliver quality services, and the requirement to measure and account for the work that is done in a statutory human services environment.

Reviews of the ACT's child protection system have provided recommendations for systemic and practice improvements and have resulted in significant changes and improvements over time to the structure and operations of the child protection system.

The significant system reform and investments by the ACT Government since the 2013 Auditor-General's report have already ensured significant progress to improve public safety and keep children and young people safe. But the Government recognises that there is still more work to do, and *Next Steps* establishes the priorities and the collaborative mechanisms to take this reform forward.

The ACT Government remains committed to progressing ambitious and transformative reforms to improve the wellbeing of children, young people and their families and to work alongside community partners and families to achieve this.

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