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



**GOVERNMENT SUBMISSION TO THE AUDITOR GENERAL**

**AUDITOR GENERAL'S REPORT  
No 1/2013  
CARE AND PROTECTION SYSTEMS**

**Presented by  
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Minister for Disability, Children and Young People**

## **Government Submission: Auditor General's Report No 1/2013 Care and Protection Systems**

### **Background**

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 ACT Care and Protection service delivery, processes and systems over the last 18 months. Three reviews/audits of ACT Care and Protection Service have been completed in this time:

- In November 2011, the first review by the Public Advocate of the *Emergency Response Strategy for Children in Crisis in the Act*, the Community Services Directorate was released.
- The Public Advocate released a second report *Who is looking out for the Territory's Children? Review of the Emergency Response Strategy for Children in Crisis in the ACT* on 31 May with further recommendations.
- The Auditor General presented a Performance Audit Report titled '*Care and Protection System*' to the ACT Government Speaker on 7 March 2013 for tabling in the Legislative Assembly.

The two Government responses to the two Public Advocate reviews are available on the Community Services Directorate website.

This government submission provides information on the work underway to respond to these reviews and the response to the specific recommendations of the Auditor General's

### **Reform and Quality Agenda**

Over the last 15 years Care and Protection Services have experienced major and continuous change which has resulted in significant improvements in outcomes for children and young people. This has included the introduction of the *Children's Services Act 1986*, the implementation of mandatory reporting in 1996, the introduction of the *Children and Young People Act 1999* and the *Children and Young People Act 2008*.

Each new Act introduced important changes to the law which resulted in changes to practices relating to the safety and well being of children and young people and improvements to the rights of children and young people.

In 2004, another major review into ACT Child Protection, the *Territory as Parent* Review by Cheryl Vardon, also resulted in significant changes to services for vulnerable children and young people. A key theme of this review was to highlight the importance of a whole of service system response to vulnerable children and young people and their families. The safety of children and young people is a whole of ACT responsibility. To keep children

safe we need a strong, safe and connected community. To achieve this there needs to be a continued focus on early intervention and collaborative and integrated work when problems are identified so that supports can be put in place early. Government continues to work closely with an extensive range of community partners across Health, Education and Justice domains to provide appropriate supports to where possible prevent children and young people entering the Care and Protection System.

Improvements as a result of reviews and other policy and operational changes that have been achieved in Care and Protection Services and in partnership with other Government and Community agencies over the last 10 years include:

- significant work on the development, review and implementation of policies, procedures and practices,
- training of staff in government and the non-government sector to ensure adoption of these improved outcomes,
- a significant increase in Care and Protection Services staffing establishment in 2004 to respond to an increase in demand for services,
- the development of targeted and specific services for Aboriginal and Torres Strait Islander children and young people including a specific Aboriginal and Torres Strait Islander foster care service,
- the construction, establishment and development of three Child and Family Centres in Gungahlin, Tuggeranong and West Belconnen with services targeted to assist vulnerable and at risk families,
- the development and establishment of the Bimberi Youth Justice Centre in 2008,
- the establishment of a Carer Liaison and the Aboriginal Carer Liaison Officer positions,
- the development and implementation of the Charter of Rights for Children and Young People in Out of Home Care and the establishment of the Charter Contact officer to address issues raised by children and young people in care,
- the development of a new Out of Home Care Framework which was implemented and is now ready for review,
- the development of a range of joint program initiatives with ACT Health including the IMPACT program for families with mental health, drug or alcohol issues, and with the Child at Risk Assessment Unit about the development needs of children in care,
- a new kinship care team to support carers,
- the establishment of a Youth Transition Support team.

Reforms and improvements must also occur while Care and Protection Services continue to deliver services daily and in a context of increased demand for service, constant change, and varying staffing levels. During this time demand for Care and Protection Services also significantly increased with the number of child concern reports received increasing from 5,322 in 2003-4 to 13,610 in 2010-11, and the number of children in out of home care increasing from 298 children in out of home care on 30 June 2004 to 566 on 30 June 2012.

### **Current Reforms**

Over the last 18 months the Government has commenced a significant program of change and reform in Care and Protection Services and the Office for Children Youth and Family

known as “*Refreshing the Service Culture*.” This program of change is part of continuous improvement and a quality agenda designed to improve standards of service and outcomes for children and young people.

The program of work has incorporated, where possible the implementation of agreed actions to the recommendations of the first two Public Advocate reviews. A number of the recommendations are also being addressed through different mechanisms.

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.

The Munro Review of Child Protection, undertaken in the United Kingdom (2011) has suggested there is a need for reviews to focus on outcomes for children and the effectiveness of service rather than compliance, recordkeeping and prescriptive measures. The Munro report supports change from a compliance based to a learning based culture, reflecting how services, systems and interventions have helped the children concerned. The report also states there is a limited understanding of the unavoidable degree of uncertainty involved in making child protection decisions and the impossibility of eradicating that uncertainty and attributing human error too readily rather than taking the broader view when drawing conclusions; considering what professionals should do and examining the obstacles to achieve the desired outcomes.

The *Refreshing the Service Culture* initiative is a holistic approach to continuous improvement which aims to further embed a reflective, learning based and compliance aware culture in Care and Protection Services.

The activities in this program of work include:

- developing revised policies and procedures in an Integrated Management System,
- expansion of the case conferencing service model,
- development of Quality Improvement Tools including tools to ensure the voice of the child is heard,
- improved Kinship Carer Support through the Kinship Support team,
- increased Practitioner Cultural Competence, including improved Cultural Care Plans for Aboriginal and Torres Strait Islander children and young people in the care of the Director-General of CSD, and capture of the cultural identifiers in the CHYPS system,
- delivery of an Out of Home Care 5 Year Strategic Plan,
- improvement of Supported Contact and Transport services,
- scoping the requirements to move to an improved electronic record and data management system,
- embedding a Complaints Unit,
- embedding a Decision Review Panel,
- implementing a Refreshed Supervision Model for Care and Protection Caseworkers,
- developing Training on Decision Making,
- refreshing the Care and Protection Services Training Program,

- review and Improvements to legislation to decrease administrative burden.

Progress on key elements of this program of change is monitored by the Community Services Directorate Board of Management, the Community Services Directorate Project Management Office, the Audit and Review Committee and the independent Quarterly Milestone Review Panel which will conclude in 2013. Many of these mechanisms will also be utilised to monitor the actioning of recommendations made by the Auditor-General.

Positive results are being noted by the independent Quarterly Milestone Review Panel which is monitoring implementation of the recommendations of the Public Advocate reviews. The reforms will take time to embed given the sensitivity of the client base and the breadth and depth of the reforms. However the expected outcome is an improvement in the system that serves the ACT's most vulnerable children.

The Auditor-General's Performance Audit Report makes recommendations which will enhance the reform agenda already underway and assist in identifying the priorities and direction of this program of work. With the completion of the third review the Government welcomes the opportunity to now focus on implementation and embedding of the reform and quality agenda and delivering the agreed actions of the review.

### **The Performance Audit Report of the Care and Protection System**

The Auditor General's performance audit covers the period July 2009 to June 2012 and examines two areas of Care and Protection Services:

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

The report has addressed 11 recommendations with 73 parts, which the Government accepts with some minor qualification.

The Government has:

- Agreed to 65 of the recommendations;
- Agreed in principle to 3 of the recommendations; and
- Not agreed to 1 recommendation.

The Public Advocate and Human Rights Commission have:

- Agreed to 4 of the recommendations specifically in their remit.

Many of the issues of concern identified by the Auditor-General can be grouped into similar themes as those identified by the Public Advocate reviews. These include:

- highlighting the need for improvement in systems that support frontline workers to exercise their professional judgement in acting to safeguard children and young people,
- improving decision making and record keeping,
- supporting staff and increasing staff capability through training and supervision,
- improving knowledge management by improving business support systems, particularly the CHYPS data used by Care and Protection Services to improve access to information about children and young people,
- prioritising the updating of policies and procedures through development of the Integrated Management System and incorporating specific practice changes recommended by the Auditor-General in these policies,
- strengthening the voice of the child, clarifying visitation policies, improving the quality of information about children and simplifying caseworker access to information about children and young people,
- strengthening quality assurance activities to better answer the question of “how the children are”,
- collecting improved cultural information about children and young people.

There are a number of additional areas that also need to be addressed including:

- strengthening collaboration and information sharing across government agencies to better support children and young people,
- improved monitoring of risk,
- improved reporting between Care and Protection Services and the Public Advocate
- a recommendation about introducing an accreditation and monitoring scheme for Out of Home Care providers,
- operational change to the way child concern reports are considered,
- recommendations about the roles and functions of statutory office holders,
- increased service information accessibility for families,
- revised intake processes.

The majority of the recommendations of the Auditor General’s Report agreed to by the Community Services Directorate will be addressed through the existing program of change and, where necessary, identified as new deliverables under the *Refreshing the Service Culture* program of projects. Timing of the implementation of the recommendations will vary and priority will be given to ‘high priority’ recommendations and recommendations identified as high risk to the organisation.

Those recommendations relating to significant changes to information management systems and operational structures, for example, will require a longer lead time for scoping, planning, implementation and integration with existing priorities and activities. These will also need to be mindful of whole-of-government approaches to client management systems, information sharing and privacy considerations.

A number of the recommendations will be dependent on the availability of appropriate resources, particularly those related to replacement of or improvement of information and communication systems and changes to legislation.

The remainder of the agreed recommendations will be actioned by Justice and Community Safety Directorate, the Chief Minister and Treasury Directorate and the Public Advocate and Children's Commissioner. Specific details are provided below.

The ACT Government continually strives to obtain better outcomes for, and to ensure the safety and wellbeing of those children, young people and their families who come into contact with Government services.

### Way forward

Details of the government response for each specific recommendation follow.

Monitoring and reporting of progress against the recommendations is being established in consultation with the Board of Management of the Community Services Directorate. The Directorate will report on progress of the recommendations to the Minister for Disability on a 6 monthly basis.

Implementation of the agreed recommendations will be progressed by the Government through the Community Services Directorate, the Justice and Community Safety Directorate and the Chief Minister's and Treasury Directorate and outlined in the individual recommendations that follow.

## **Government Position on Recommendations/Findings**

### **Recommendation 1 (a): Chapter 2 – best interests of the Child and Young Person**

The Community Services Directorate should improve its ability to give paramount consideration to the best interests of the child and young person, by:

- (a) modifying CHYPS to facilitate quick access to all Concern Reports for a particular child or young person so that comprehensive information is available for a risk assessment (High Priority);

#### **Government Position**

Agreed

The Government acknowledges the Auditor-General's findings about the inadequacy of the current data management system, Children and Young People System (CHYPS). This system was implemented in the ACT in 1999. The potential for activating further functionality within CHYPS is being explored through the Care and Protection Services and Bimberi Integrated Management Systems. Improvements will be made to facilitate quick access to Concern Reports so that comprehensive information can be used for assessment.

### **Recommendation 1 (b)**

The Community Services Directorate should improve its ability to give paramount consideration to the best interests of the child and young person, by:

- (b) monitoring children and young people who are the subject of multiple Concern Reports and/or Child Protection Reports for further consideration, when warranted (High Priority);

#### **Government Position**

Agreed

A monitoring process for children and young people subject to multiple Child Concern Reports has been enhanced and incorporated into a new module for the Integrated Management System.

### **Recommendation 1 (c)**

The Community Services Directorate should improve its ability to give paramount consideration to the best interests of the child and young person, by:

- (c) a Team Leader's approval being required for not completing Appraisal Outcome Reports within the 28 day target;

#### **Government Position**

Agreed in principle

Consideration will be given to the most suitable method to approve/monitor the extension of time to complete Appraisal Outcome Reports. It should be noted that the Report on Government Services 2013 indicated that the ACT when compared to other jurisdictions continues to have the highest proportion of investigations which have commenced within 7 days (91.9%) and completed within 28 days (58.1%) (Tables 15A.14 and 15A.15).

#### **Recommendation 1 (d)**

The Community Services Directorate should improve its ability to give paramount consideration to the best interests of the child and young person, by:

- (d) including sections for recording the views and wishes of a child or young person in templates for Child Protection Reports and Appraisal Outcome Reports (High Priority);

#### **Government Position**

Agreed

The recording of the views and wishes of a children or young person in templates for Children Protection Reports and Appraisal Outcome Reports has been incorporated into the new Intake and Appraisal module for the Integrated Management System.

#### **Recommendation 1 (e)**

The Community Services Directorate should improve its ability to give paramount consideration to the best interests of the child and young person, by:

- (e) providing detailed information in statements for removal, in addition to using wording from the Children and Young People Act 2008, when parental responsibility is transferred from a parent or carer to the Director General, under emergency action (High Priority);

#### **Government Position**

Agreed

#### **Recommendation 1 (f)**

The Community Services Directorate should improve its ability to give paramount consideration to the best interests of the child and young person, by:

- (f) requiring caseworkers to succinctly document on the 'consultation with operations manager' form alternatives they considered before recommending emergency action;

### Government Position

Agreed

Recording consultations between operations managers and caseworkers where significant decisions about children and young people are made including Emergency Action processes will be clearly recorded.

### **Recommendation 1 (g)**

The Community Services Directorate should improve its ability to give paramount consideration to the best interests of the child and young person, by:

- (g) placing all 'consultation with operations manager' documents in CHYPS;

### Government Position

Agreed

### **Recommendation 1 (h)**

The Community Services Directorate should improve its ability to give paramount consideration to the best interests of the child and young person, by:

- (h) making information about the care and protection processes available online/electronically for children and young people, parents and carers;

### Government Position

Agreed

### **Recommendation 1 (i)**

The Community Services Directorate should improve its ability to give paramount consideration to the best interests of the child and young person, by:

- (i) advising parents and carers that they can make a complaint to the Human Rights Commission (Children and Young People Commissioner) regarding the activities of Care and Protection Services Branch;

### Government Position

Agreed

This will be implemented in consultation with the Children and Young People Commissioner

### **Recommendation 1 (j)**

The Community Services Directorate should improve its ability to give paramount consideration to the best interests of the child and young person, by:

- (j) monitoring the stability of placements for each child and young person including the number of placements and the length of time at each placement;

Government Position

Agreed

**Recommendation 1 (k)**

The Community Services Directorate should improve its ability to give paramount consideration to the best interests of the child and young person, by:

- (k) reducing the level of placement instability for children and young people in the care of the Director General in out-of-home care;

Government Position

Agreed

Care and Protection Services is always focused on reducing the level of placement instability for children in Out of Home Care, however decisions about stability do not override decisions about a child or young persons' safety and well being.

**Recommendation 1 (l)**

The Community Services Directorate should improve its ability to give paramount consideration to the best interests of the child and young person, by:

- (l) the Director General and delegates, at all times, having ready access to accurate information on each child or young people in out of home care, that answers the questions of:
- How many children and young people are in care?
  - Who are they?
  - Where are they (during non-school and school hours)?
  - How are they?

Government Position

Agreed

The Community Services Directorate is already able to identify the number of children and young people in the care of the Director-General on any given day.

The Community Services Directorate is already able to give the names and dates of birth for every child or young person in the care of the Director-General.

The Government acknowledges that it is important that it has accurate, up to date information on the location of children, their carers' details and the school which they are

attending. It should be noted that in most of the ten instances where information was not accurate, it was phone numbers of carers that were incorrect. The Government notes that where contact details for a carer were out of date the child was in the care of a community agency that was able to provide accurate information about the child or young person's whereabouts. The Directorate is able to contact an agency to obtain up to date information on a 24/7 basis.

The Government outsources out of home care to non-government agencies in the belief that community organisations are better equipped to recruit and support foster carers in the community. However, these partnering arrangements add complexity to the administration of out of home care and create opportunities for data problems, of the kind identified, to arise. This is especially the case where some form of manual transfer of information is required.

In relation to schooling, discussions are underway between the Education and Training and Community Services Directorates to ensure that information is exchanged appropriately between the school system and Care and Protection Services to maximise educational and wellbeing outcomes for children and young people in out of home care and other vulnerable children and young people.

Care and Protection Services undertake a number of review mechanisms including Annual Reviews and Review of Arrangements to consider the individual circumstances of every child and young person in the care of the Director-General who are in out of home care. Consideration of how best to strengthen the current system is underway.

#### **Recommendation 1 (m)**

The Community Services Directorate should improve its ability to give paramount consideration to the best interests of the child and young person, by:

- (m) developing a quality control process to check that qualitative information for each child and young person is available and annually considered so that the question in recommendation 1 (l) can be readily answered. (High Priority);

#### **Government Position**

Agreed

The Community Services Directorate is developing a substantial quality assurance process to ensure that the case management of each child and young person in care is subject to scrutiny on an annual basis independent of the caseworker, team leader and operations manager. This will complement the preparation of Annual Review reports and monitoring of Annual Reviews by the Public Advocate.

#### **Recommendation 1 (n)**

The Community Services Directorate should improve its ability to give paramount consideration to the best interests of the child and young person, by:

- (n) developing and implementing a policy for visitations for monitoring the welfare of children and young people in out-of-home care (High Priority);

**Government Position**

Agreed

A policy for visitations for monitoring the wellbeing of children and young people in out of home care at least once every twelve months will be incorporated into the Placement module of the Integrated Management System. This will include those children in long term placements case managed by our contracted non government service providers.

**Recommendation 1 (o)**

The Community Services Directorate should improve its ability to give paramount consideration to the best interests of the child and young person, by:

- (o) monitoring the implementation of its 'single caseworker' model;

**Government Position**

Agreed

**Recommendation 1 (p)**

The Community Services Directorate should improve its ability to give paramount consideration to the best interests of the child and young person, by:

- (p) modifying CHYPS to allow the number of caseworkers working with a child or young person to be extracted;

**Government Position**

Agreed

Improvements will be made to allow the extraction of the number of caseworkers working with a child or young person.

**Recommendation 1 (q)**

The Community Services Directorate should improve its ability to give paramount consideration to the best interests of the child and young person, by:

- (q) developing guidelines on what decisions should be recorded, and where decisions these should be recorded in CHYPS (High Priority);

**Government Position**

Agreed

Enhancing quality decision making is a project under the *Refreshing the Service Culture* program of change projects. Rollout of decision making training for 400 staff of Office for Children, Youth and Family Support and out of home care agencies has commenced and will be completed by the end of June 2013. A Decision Review Panel was established in 2012 to provide a decision review mechanism to advise the Executive Director, Office for Children, Youth and Family Support in relation to contentious decisions.

#### **Recommendation 1 (r)**

The Community Services Directorate should improve its ability to give paramount consideration to the best interests of the child and young person, by:

- (r) securing the support of the Strengthening Families Committee for it to identify ACT specific strategies for reducing the over representation of Aboriginal and Torres Strait Islander children and young people, particularly males, in the care of the Director General, and advise the Minister for Community Services on how best to progress actions to implement strategies;

#### **Government Position**

Agreed

The ACT Government is deeply concerned about the over-representation of Aboriginal and Torres Strait Islander children and young people in the child protection system. It is acknowledged this is a national problem and cannot be solved in the absence of significant progress on "Closing the Gap" for Aboriginal and Torres Strait Islander people. The Government is aware that improving opportunities and outcomes for Indigenous Australians requires intensive and sustained effort from all levels of government, as well as the private and not-for-profit sectors, communities and individuals.

The Government agrees it will continue to identify ACT specific strategies for reducing the over representation of Aboriginal and Torres Strait Islander children and will refer any specific strategies to the Cabinet Aboriginal and Torres Strait Islander subcommittee.

The Community Services Directorate has had a project in place for over 12 months exploring how best to strengthen our engagement with Aboriginal and Torres Strait Islander clients and community stakeholders in order to deliver improved outcomes for vulnerable Aboriginal and Torres Strait Islander children, young people and families. A new whole of Community Services Directorate Aboriginal and Torres Strait Islander office will be created over the coming months to focus on strategic direction, relationship management and building capability.

#### **Recommendation 1 (s)**

The Community Services Directorate should improve its ability to give paramount consideration to the best interests of the child and young person, by:

- (s) securing the support of the Strengthening Families Committee, to develop and foster the implementation of strategies to increase access to information for people from non-English speaking and culturally diverse backgrounds (High Priority).

#### Government Position

Agreed

The Community Services Directorate agrees it will continue to develop and foster the implementation of strategies to increase access to information for people from non-English speaking and culturally diverse backgrounds and will refer any specific strategies to the ACT Government Policy Council for review.

#### **Recommendation 2 (a): Chapter 3 – Knowledge Management and Governance**

The Community Services Directorate should improve its knowledge management and decision making, by:

- (a) the CHYPS 'client information sheet' template being modified to facilitate the collection of comprehensive information;

#### Government Position

Agreed

#### **Recommendation 2 (b)**

The Community Services Directorate should improve its knowledge management and decision making, by:

- (b) defining terms used in CHYPS;

#### Government Position

Agreed

#### **Recommendation 2 (c)**

The Community Services Directorate should improve its knowledge management and decision making, by:

- (c) optimising the use of CHYPS functions so that its use extends beyond being a document storage system;

#### Government Response

Agreed

The Community Services Directorate has a project underway to maximise the full functionality of CHYPS and scope further enhancements. Any identified additional improvements to CHYPS will be subject to budget funding.

**Recommendation 2 (d)**

The Community Services Directorate should improve its knowledge management and decision making, by:

- (d) monitoring attendance of Care and Protection Services Branch staff at mandatory training to optimise their use of CHYPS and taking action to enforce attendance when necessary;

Government Position

Agreed

**Recommendation 2 (e)**

The Community Services Directorate should improve its knowledge management and decision making, by:

- (e) evaluating if CHYPS can be modified to better support the Care and Protection Services Branch or whether it should be replaced (High Priority); and

Government Position

Agreed

The Community Services Directorate has a project underway to maximise the full functionality of CHYPS and scope further enhancements. Two projects will be commenced in 2013-14 to support this recommendation. In the first instance all technically feasible fixes to CHYPS will be outlined, and based on prioritisation, will be implemented. Concurrently a scoping for whole system replacement will be undertaken. The latter scoping project will not be done in isolation drawing on ACT Government expertise, such as the Government Information Office and Shared Services ICT. It will also look to system level questions such as interoperability with other systems and scalability.

**Recommendation 2 (f)**

The Community Services Directorate should improve its knowledge management and decision making, by:

- (f) CHYPS, or its replacement, being compliant with record keeping standards so that it is the main file record system thereby significantly reducing the use of paper files.

### Government Position

Agreed

This will form part of ongoing review of the CHYPS system, noting that the current paper based system is a failsafe tool during any change process.

### **Recommendation 3 (a): chapter 3 – Knowledge Management and Governance**

The Community Services Directorate should improve its governance, by:

- (a) continuing to update care and protection policies and procedures by December 2013;

### Government Position

Agreed

Care and Protection Services are in the process of updating policies and procedures through a rigorous, sequenced, comprehensive and standardised approach through the development of the Integrated Management System. Policies and procedures will be progressively implemented as they are developed.

The Integrated Management System aims to support Care and Protection Service staff in best practice service delivery for their clients and to ensure compliance with legislative and policy requirements. The Integrated Management System project schedule provides for all policies and procedures to have been reviewed and refreshed and incorporated into IMS formats by December 2013, with the electronic version of the system implemented during 2014.

The program and schedule of policy and procedure development is monitored by the Community Services Directorate Project Management Office.

### **Recommendation 3 (b)**

The Community Services Directorate should improve its governance, by:

- (b) having all electronic links to key reference materials functioning;

### Government Position

Agreed

The Integrated Management System will include electronic linking facilities. Practical questions about the maintenance of links and functioning of this system will form part of the business rules development and embedding of the procedures for the IMS.

### **Recommendation 3 (c)**

The Community Services Directorate should improve its governance, by:

- (c) continuing to develop supporting tools for implementing policies and procedures;

Government Position

Agreed

The Integrated Management System is developing support tools to assist with implementing policies and procedures.

**Recommendation 3 (d)**

The Community Services Directorate should improve its governance, by:

- (d) the Quality Practice and Compliance Unit developing a forward review program and commence reviews, including on Care and Protection Services Branch practice management;

Government Position

Agreed

The Community Services Directorate has sought to strengthen quality assurance activities over the course of 2012 onwards including establishing a Quality Practice and Compliance team in Care and Protection Services.

One of the projects under the *Refreshing the Service Culture* program is focused on case audit. The project commenced in mid 2012 and has delivered a tool for Care and Protection Services operations managers to conduct audits of cases to assess compliance with policy, legislation and practice.

**Recommendation 3 (e)**

The Community Services Directorate should improve its governance, by:

- (e) the Project Management Office closely monitoring the delivery of the Integrated Management System to assist achieving the identified milestones within specified target dates and routinely advising the Community Services Directorate's Audit and Review Committee on progress (High Priority);

Government Position

Agreed

The report from the Project Management Office will also become a standing item on the Audit and Review Committee agenda

### **Recommendation 3 (f)**

The Community Services Directorate should improve its governance, by:

- (f) routinely monitoring the Care and Protection Services Branch Risk Register and Treatment Plan and updating these documents accordingly, with a review occurring annually;

#### Government Position

Agreed

### **Recommendation 3 (g)**

The Community Services Directorate should improve its governance, by:

- (g) the Directorate's Audit and Review Committee independently and routinely monitoring Care and Protection Services Branch's implementation of controls and additional treatments for its high and very high risks;

#### Government Position

Agreed

While the Audit and Review Committee already monitors risk, in future it will standardise this process by routinely monitoring the two highest risks in each unit of the Community Services Directorate.

### **Recommendation 3 (h)**

The Community Services Directorate should improve its governance, by:

- (h) formally reviewing the Demand Management Report on a regular basis;

#### Government Position

Agreed

An internal review of the Demand Management Report has commenced for 2013. The review of Demand Management will be governed through the OCYFS Executive team.

### **Recommendation 3 (i)**

The Community Services Directorate should improve its governance, by:

- (i) major Care and Protection Services Branch programs being included in its forward Internal Audit Programs; and

#### Government Response

Agreed

The audit priorities will be determined by the Director-General, Community Services Directorate on advice from the Audit and Review Committee.

### **Recommendation 3 (j)**

The Community Services Directorate should improve its governance, by:

- (j) the Project Management Office continuing to monitor the implementation of recommendations from internal and external reviews on care and protection services and internal continuous improvement initiatives, and routinely advising the Community Service Directorates' Audit and Review Committee on progress.

### **Government Position**

Agreed in principle

The Project Management Office will monitor in-scope strategic project based responses, reporting to a Strategic Projects meeting of the CSD Board of Management.

The Audit and Review Committee will continue to monitor implementation of internal and external reviews, from a risk and audit perspective, as per its Charter.

However, there is also a critical role for the CSD Board of Management to provide ongoing monitoring for any other project or management based actions that go to the overall operation of the Care and Protection System.

### **Recommendation 4 (a): Chapter 4 – The Working Environment**

The Community Services Directorate should improve its workforce planning, capacity, capability and support, by:

- (a) developing a system to report its staff numbers accurately and in a consistent manner by its various Branches;

### **Government Position**

Agreed

The Community Services Directorate has developed a comprehensive Workforce Development Strategy. There have been a range of specific responses identified to meet recruitment and retention needs of Care and Protection Services. These include initiatives such as Care and Protection staff modelling, international recruitment, local recruitment, university linkages, induction training and a retention allowance for frontline caseworkers.

### **Recommendation 4 (b)**

The Community Services Directorate should improve its workforce planning, capacity, capability and support, by:

- (b) developing and implementing a process whereby when Duty Statements are updated internally and are provided to the Directorate's Organisational Services Branch;

#### Government Position

Agreed

#### **Recommendation 4 (c)**

The Community Services Directorate should improve its workforce planning, capacity, capability and support, by:

- (c) fully implementing its learning management software, centrally recording learning and development plans of all staff and requiring all staff to have a learning and development plan to comply with the Community Services Directorate's Enterprise Agreement 2011-13 (High Priority)

#### Government Position

Agreed

#### **Recommendation 4 (d)**

The Community Services Directorate should improve its workforce planning, capacity, capability and support, by:

- (d) assessing whether specific care and protection training courses are needed for new team leaders and managers;

#### Government Position

Agreed

A project under the Refreshing the Service Culture program is already underway to identify any gaps in training and new training required to deliver new policy and procedures. This project will address whether there needs to be any further training courses for team leaders and managers.

#### **Recommendation 4 (e)**

The Community Services Directorate should improve its workforce planning, capacity, capability and support, by:

- (e) maximising participation in training through providing flexible learning options, such as on line courses;

Government Position

Agreed

**Recommendation 4 (f)**

The Community Services Directorate should improve its workforce planning, capacity, capability and support, by:

- (f) encouraging the reporting of incidents so that it becomes part of the culture in the Care and Protection Services Branch;

Government Position

Agreed

**Recommendation 4 (g)**

The Community Services Directorate should improve its workforce planning, capacity, capability and support, by:

- (g) assessing the reasons why the Employee Assistance Program is not widely used by Care and Protection Service's staff and to provide staff with an opportunity to gain targeted support;

Government Position

Agreed

**Recommendation 4 (h)**

The Community Services Directorate should improve its workforce planning, capacity, capability and support, by:

- (h) integrating staff supervision agreements with professional learning and development plans;

Government Position

Agreed

**Recommendation 4 (i)**

The Community Services Directorate should improve its workforce planning, capacity, capability and support, by:

- (i) undertaking regular quality assurance reviews on supervision requirements and related documents;

Government Position

Agreed

**Recommendation 4 (j)**

The Community Services Directorate should improve its workforce planning, capacity, capability and support, by:

- (j) continuing to implement the supervision project and providing staff in the Care and Protection Services Branch with external supervision and/or mentoring opportunities (High Priority); and

Government Position

Agreed

A Strengthening Supervision Project was conducted from February 2012-February 2013 and lifted the quality of supervision given to staff. The project has involved clinical and live supervision, supervision training, online surveys (to identify strengths and deficits of supervision) -The project officer has conducted 80 clinical and live supervision sessions over the course of the project. The project is now embedded in caseworker and supervisors practice and supported by ongoing Practice Groups.

**Recommendation 4 (k)**

The Community Services Directorate should improve its workforce planning, capacity, capability and support, by:

- (k) filling permanently both the Practice Leaders positions and ensure that the roles and responsibilities of the duty statements are fulfilled (High Priority).

Government Position

Agreed

Recruitment to the Practice Leader position is underway.

**Recommendation 5 (a): Chapter 5 – Working Together**

The Community Services Directorate should lead the improvement of cross Government collaboration for children, young people and their families, by:

- (a) analysing concern reports to identify which reports are care and protection matters and which could have been referred to other government agencies or the community sector and presenting these results to the Director General's Strengthening Vulnerable Families Committee (High Priority);

Government Position

Agreed

However, the results of the analysis of Child Concern Reports will be presented to the executive bilateral forums with the Health Directorate, the Education and Training Directorate, the Australian Federal Police and the community sector.

#### **Recommendation 5 (b)**

The Community Services Directorate should lead the improvement of cross Government collaboration for children, young people and their families, by:

- (b) continuing to support the Directors-General Strengthening Families Committee in implementing its Improving Services with Families Project (by the end of 2013);

#### **Government Position**

Agreed

The purpose of the Committee is to develop and authorise a 'one service' culture of service delivery which focuses on a person centred approach to the needs of families with multiple needs, and to develop a performance framework for reporting publicly on family outcomes in the ACT. The approach will involve working with families to co-design their individually tailored service offer, to ensure the coordination of the right services, and to create sustainable changes that will allow families to move on with their lives.

#### **Recommendation 5 (c)**

The Community Services Directorate should lead the improvement of cross Government collaboration for children, young people and their families, by:

- (c) developing a protocol or some other mechanism for:
  - cooperatively continuing to work with the Health Directorate, Australian Federal Police (ACT Policing), Education and Training Directorate, Youth Supported Accommodation Assistance Program; and
  - Care and Protection Services Branch and Housing ACT; and Care and Protection Services Branch and Aboriginal and Torres Strait Islander Services Unit, to better integrate their services internally;

#### **Government Position**

Agreed

#### **Recommendation 5 (d)**

The Community Services Directorate should lead the improvement of cross Government collaboration for children, young people and their families, by:

- (d) documenting all ACT Government collaborative programs and initiatives for vulnerable children, young people and their families, and make this information

available to relevant Government agencies and their staff, the community and the community services sector (High Priority);

#### Government Position

Agreed

Consultation with other ACT Government Directorates will be required.

#### **Recommendation 5 (e)**

The Community Services Directorate should lead the improvement of cross Government collaboration for children, young people and their families, by:

- (e) developing an information system for sharing information on vulnerable children, young people and their families between ACT Government directorates and entities while taking into account privacy issues (High Priority).

#### Government Position

Agreed in principle

The Community Services Directorate agrees to the notion of improving information sharing between directorates. The Directorate will work closely with whole-of-government policy processes that are looking at information sharing and privacy issues. CSD will contribute to understanding practical issues about interoperability through its scoping a system replacement for CHYPS. However the development of an information sharing database would be subject to larger whole-of-government policy agreement, legislative change and budget funding, drawing on legislated privacy principles through, for example, the *Children and Young People Act 2008*, *Privacy Act 1988* and the *Human Rights Act 2004*.

#### **Recommendation 6 (a): Chapter 5 – Working Together**

The Community Services Directorate should improve its management and quality control over out-of-home care community service providers, by;

- (a) all future forecast numbers for out-of-home care reflecting probable numbers to facilitate the allocation of an adequate budget, as was done in 2012-13;

#### Government Position

Agreed

As the Auditor-General noted the Community Services Directorate was able to obtain adequate budget to support Out of Home Care placements in 2012-2013. The Community Services Directorate will continue to forecast the needs of children and young people in out of home care.

### **Recommendation 6 (b)**

The Community Services Directorate should improve its management and quality control over out-of-home care community service providers, by;

- (b) continuing to replace the 2009 ACT Out-of-Home-Care standards with the 2011 National Standards during 2013 and having these notified under the *Children and Young People ACT 2008*;

#### Government Position

Agreed

The pilot ACT Out of Home Care Standards are currently being reviewed against the national Out of Home Care Standards and the national Standards will be notified under the Children and Young People Act 2008 during 2013.

### **Recommendation 6 (c)**

The Community Services Directorate should improve its management and quality control over out-of-home care community service providers, by;

- (c) continuing to give priority to conducting audits of ACT out-of-home care providers against the 2009 Standards. (High Priority);

#### Government Position

Agreed

In May 2012, the Community Services Directorate commenced an independent external audit program. This initiative is well advanced and will be completed by the end of 2013.

### **Recommendation 6 (d)**

The Community Services Directorate should improve its management and quality control over out-of-home care community service providers, by;

- (d) developing an overall quality control system that includes accreditation and monitoring of community service providers providing out-of-home care services, the Public Advocate and Children and Young People Commission should be consulted in the development of the system (High Priority);

#### Government Position

Agreed

### **Recommendation 6 (e)**

The Community Services Directorate should improve its management and quality control over out-of-home care community service providers, by;

- (e) Updating the 3 year funding agreements to reflect the 2011 National Standards and the revised quality control system and assurance activities;

Government Position

Agreed

**Recommendation 6 (f)**

The Community Services Directorate should improve its management and quality control over out-of-home care community service providers, by;

- (f) Accreditation and monitoring being undertaken in the Directorate but independently of Care and Protection Services Branch and the executive head of the unit responsible for accreditation reporting directly to the Director General (High Priority).

Government Position

Agreed

**Recommendation 6 (g)**

The Community Services Directorate should improve its management and quality control over out-of-home care community service providers, by;

- (g) requesting that the Children and Young People Commissioner give consideration to the effectiveness of the overall quality control system twelve months after it has been in operation.

Government Position

Agreed

**Recommendation 7 (a): Chapter 6 – Statutory office holders**

The Community Services Directorate and the Public Advocate should:

- (a) develop a system to ensure that information they share and report on is accurate and comprehensive, particularly regarding section 507 Reports and Annual Review Reports.

Government Position

Agreed

The Community Services Directorate agrees to develop a system to ensure that information

between the Directorate and the Public Advocate is accurate and comprehensive.

**Recommendation 7 (b)**

The Community Services Directorate and the Public Advocate should:

- (b) assess whether the risks associated with the Public Advocate's reduction in percentage of Annual Review Reports being examined is adequately addressed through triaging and the implementation of a quality control process (Recommendation 1(m)), and if not, options for addressing this should be developed. Findings of the assessment and options for addressing any shortcomings, if needed, should be reported to the Minister for Community Services.

Government Position

Agreed

With the implementation of an accreditation system for out of home care providers, a strengthened internal quality assurance process and developing a policy on visitation for children and young people in out of home care any risks associated with the Public Advocate's triaging of Annual Review Reports is mitigated by the Directorate's internal processes.

**Recommendation 8 (a)**

The Justice and Community Safety Directorate should facilitate a process to assist the Public Advocate and Human Rights Commission better undertake their roles, by:

- (a) identifying any legislative amendments that may be required to define 'systemic matters' and processes for referral of these from the Public Advocate to the Human Rights Commission;

Government Position

Agreed

**Recommendation 8 (b)**

The Justice and Community Safety Directorate should facilitate a process to assist the Public Advocate and Human Rights Commission better undertake their roles, by:

- (b) clarifying whether 'consideration', as per section 11(2) of the *Public Advocate Act 2005* is to be construed as having the same meaning as the consideration provisions in the *Human Rights Act 2005*;

Government Position

Agreed

The Justice and Community Safety Directorate agrees that clarity in the roles and functions of statutory office holder under legislation is important and notes the link with recommendation 9 (a).

#### **Recommendation 8 (c)**

The Justice and Community Safety Directorate should facilitate a process to assist the Public Advocate and Human Rights Commission better undertake their roles, by:

- (c) clarifying, and if needed, identifying legislative amendments to facilitate the releasing of information by the Public Advocate to the Human Rights Commission, when 'systemic matters' are referred.

#### **Government Position**

Agreed

The Justice and Community Safety Directorate will explore whether legislative amendments should be prepared to address this issue.

#### **Recommendation 8 (d)**

The Justice and Community Safety Directorate should facilitate a process to assist the Public Advocate and Human Rights Commission better undertake their roles, by:

- (d) identifying how funding, when needed, is to be provided to the Human Rights Commission to undertake major inquiries/investigations on 'systemic matters' (High Priority).

#### **Government Position**

Not Agreed

The Justice and Community Safety Directorate advise that the *Financial Management Act 1996* provides a clear framework for the appropriation of funds through the budget process and the making of provision for unexpected events (through the Treasurer's Advance). There are clear guidelines about how funding is bid for, and there are clear guidelines and criteria in relation to Treasurer's Advances.

#### **Recommendation 9**

The Public Advocate and Human Rights Commission should enhance their ability to meet legislative requirements and improve their governance arrangements by:

- (a) developing a protocol to define the process whereby the Public Advocate refers 'systemic matters' to the Human Rights Commission for consideration, and the Commission advises the Public Advocate of any actions taken as a consequence.
- (b) keeping their strategic plans up-to-date and documenting on the plans when they are reviewed.
- (c) reviewing their performance indicators to better reflect their key activities that can be delivered within their allocated budget; and
- (d) collecting information that can be independently verified when reporting on their performance against their performance indicators.

#### Government Position

The Public Advocate and Human Rights Commission have agreed to this recommendation.

#### **Recommendation 10**

The Public Advocate and Human Rights Commission, and the Justice and Community Safety Directorate should finalise their protocols and include information in this on the process these independent statutory office holders should use to seek additional funding, both supplementary funding and 'one-off' funding.

#### Government Position

Agreed

A memorandum of understanding between the Justice and Community Safety Directorate and the Public Advocate had been settled as ready for signing. A memorandum of understanding between the Directorate and the Human Rights Commission is close to finalisation. The Directorate and office holders have been operating as if the previous MOUs are still operating.

#### **Recommendation 11 (a), (b), (c), (d)**

The Chief Minister and Treasury Directorate should provide a mechanism to:

- (a) increase the transparency of financial information on the Public Advocate and Human Rights Commission presented in budget papers;
- (b) increase the accountability of the Public Advocate and Human Rights Commission by requiring that financial information reported in their Annual Reports is audited. (The protocols between the Public Advocate and Human Rights Commission and the Justice and Community Safety Directorate (Recommendation 9(c)) could state how this is to be achieved);
- (c) increase the quality of performance indicators, used by the Public Advocate and Human Rights Commission, so that these are aligned with funded outputs; and

- (d) hold the Public Advocate and Human Rights Commission accountable for reporting on their performance indicators with these being assessed by the Audit Office before being included in their Annual Reports. (Their protocol with the Justice and Community Safety Directorate (Recommendation 10) could state how this is to be achieved).

#### Government Position

Agreed

The Chief Minister and Treasury Directorate will work with the statutory office holders and the Justice and Community Safety Directorate to increase transparency of the funded outputs.