# 15 Child protection services

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| Attachment tables are identified in references throughout this Indigenous Compendium by an ‘A’ prefix (for example, in this chapter, table 15A.1). As the data are directly sourced from the 2015 Report, the Compendium also notes where the original table, figure or text in the 2015 Report can be found. For example, where the Compendium refers to ‘2015 Report, p. 15.1’, this is page 1 of chapter 15 of the 2015 Report, and ‘2015 Report, table 15A.1’ is table 1 of attachment 15A of the 2015 Report. A list of attachment tables referred to in the Compendium is provided at the end of this chapter, and the full attachment tables are available from the Review website at www.pc.gov.au/research/recurring/report-on-government-services. |
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The Child protection services chapter (chapter 15) in the *Report on Government Services 2015* (2015 Report) reports on the performance of governments in delivering child protection services in each Australian State and Territory. Data are reported for Aboriginal and Torres Strait Islander Australians for a subset of the performance indicators reported in that chapter — those data are compiled and presented here.

This chapter reports on:

* *child protection services —* functions of government that receive and assess allegations of child abuse and neglect, and/or harm to children and young people, provide and refer clients to family support and other relevant services, and intervene to protect children
* *out-of-home care services —* care for children placed away from their primary caregivers for protective or other family welfare reasons
* *intensive family support services —* specialist services that aim to prevent the imminent separation of children from their primary caregivers as a result of child protection concerns and to reunify families where separation has already occurred. (Performance data for intensive family support services are not yet available, and reporting for intensive family support services is limited to expenditure data and information on the numbers of children commencing intensive family support services)
* *family support services —* activities associated with the provision of lower level (that is, non-intensive) services to families in need, including identification and assessment of family needs, provision of support and diversionary services, some counselling and active linking and referrals to support networks. These services are typically delivered via voluntary arrangements (as distinct from court orders) between the relevant agency and family. (Performance data for family support services are not yet available, and reporting for family support services is limited to expenditure data).

### Aboriginal and Torres Strait Islander data in the Child protection services chapter

The Child protection services chapter and attachment of the 2015 Report contains the following data on Aboriginal and Torres Strait Islander Australians:

* children who were the subject of a notification, investigation and substantiation
* children admitted to and discharged from care and protection orders
* children on care and protection orders by type of order
* children in notifications, investigations and substantiations and children on care and protection orders
* children with documented case plans
* children in out-of-home care, by placement type
* whether on a care and protection order
* length of time in continuous out-of-home care
* children who exited care during the year by length of time spent in care
* children in out-of-home care placed with relatives/kin
* children in out-of-home care by relationship of caregiver
* children aged under 12 years in out-of-home care and in a home-based placement
* children aged 0–17 years commencing intensive family support services
* target population data used for annual and end of financial year data.

Improvements to the reporting of child protection services in this edition include separating out ‘unknown’ responses from ‘non-Indigenous’ responses for reporting of Indigenous status for lengthier historical data series of notifications, investigations and substantiations and children on care and protection orders.

### Child protection services — service overview

Child protection services are provided to protect children and young people aged   
0–17 years who are at risk of harm within their families, or whose families do not have the capacity to protect them.

Research suggests that children and families who come into contact with the child protection system often share common social and demographic characteristics. Families with a history of domestic violence, alcohol and substance abuse, psychiatric disability, and families with low incomes or that are reliant on pensions and benefits are over‑represented in the families that come into contact with the child protection system (Department of Human Services 2002; The Allen Consulting Group 2008).

#### Child protection concerns and Aboriginal and Torres Strait Islander communities

Studies have highlighted the high incidence of child abuse and neglect within some Aboriginal and Torres Strait Islander communities, compared with non-Indigenous communities. Aboriginal and Torres Strait Islander families across Australia have been found to experience higher levels of violence, compared with non-Indigenous families (AIHW 2006). The final report of the NT Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse (2007) identified child sexual abuse as a significant issue for many of the remote NT Aboriginal communities consulted as part of the Inquiry. The final report of the WA Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (Gordon Report 2002) also found high levels of violence and child abuse within Aboriginal communities in WA. Aboriginal and Torres Strait Islander children have higher rates of hospitalisations due to injury, higher rates of injury mortality and more frequent contact with child protection and youth justice systems than non-Indigenous children   
(AIHW 2014a).

The Report of the Board of Inquiry into the Child Protection System in the NT (2010) *Growing them strong, together* also observed the presence of multiple risk factors in Aboriginal communities, including lack of adequate housing, financial security and education. However, Aboriginal communities also possessed protective factors that can safeguard children and families from psychological distress, such as spirituality and connection to land, family and culture (Bamblett, Bath and Roseby 2010).

#### Out-of-home care services

Out-of-home care services provide care for children and young people aged   
0–17 years who are placed away from their parents or family home for reasons of safety or family crisis. These reasons include abuse, neglect or harm, illness of a parent and/or the inability of parents to provide adequate care. Placements may be voluntary or made in conjunction with care and protection orders.

Out-of-home care services comprise home-based care (for example, foster care, care with a child’s extended family or other home-based arrangements), facility‑based care (for example, community residential care) or independent living (which is often intensively supported) as a transition to full independence or supported placements. Across jurisdictions, there has been a shift away from the use of facility-based (or residential) care towards home-based care such as foster care and relative/kinship care.

#### Intensive family support services

Intensive family support services are an alternative to the removal of a child from his or her home for child protection reasons (box 15.1).

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| Box 15.1 Intensive family support services |
| Intensive family support services are specialist services that aim to:   * prevent the imminent separation of children from their primary caregivers as a result of child protection concerns * reunify families where separation has already occurred.   Intensive family support services differ from other types of child protection and family support services referred to in this chapter, in that they:   * are funded or established explicitly to prevent the separation of, or to reunify, families * provide a range of services as part of an integrated strategy focusing on improving family functioning and skills, rather than providing a single type of service * are intensive in nature, averaging at least four hours of service provision per week for a specified short term period (usually less than six months) * generally respond to referrals from a child protection service.   Intensive family support services may use some or all of the following strategies: assessment and case planning; parent education and skill development; individual and family counselling; drug and alcohol counselling and domestic and family violence support; anger management; respite and emergency care; practical and financial support; mediation, brokerage and referral services; and training in problem solving. |
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| Box 15.1 (continued) |
| Child protection treatment and support services  A complementary suite of services, intended for future reporting, are known as child protection treatment and support services. These services target at-risk families where there are concerns about the safety and wellbeing of children. They may be less intensive in nature and focus on services that strengthen family relationships in response to concerns about the welfare of a child and may focus on either early intervention or reunification support. Child protection treatment and support services include educational services, clinical services including counselling, group work and other therapeutic interventions, and domestic violence services.  State and Territory governments, with the Australian Institute of Health and Welfare (AIHW), are considering options to implement a national data collection for child protection treatment and support services. |
| *Source*: AIHW (unpublished). |
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#### Family support services

Family support services are activities typically associated with the provision of lower level (that is, non-intensive) services to families in need, including identification and assessment of family needs, provision of support and diversionary services, some counselling, and active linking and referrals to support networks. These types of services are funded by government but can be delivered by a child protection agency or a non‑government organisation. This suite of services does not typically involve planned follow-up by the applicable child protection agency after initial service referral or delivery. These types of services are delivered via voluntary arrangements (as distinct from court orders) between the agency and family.

This Report includes expenditure information for family support services (2015 Report, table 15A.1). Corresponding family support service activity data (for example, numbers of clients or numbers of referrals) are not yet available nationally. The Steering Committee considers that it is important to develop a data collection to quantify the extent and effectiveness of family support service activity.

#### The child protection system

Child protection legislation, policies and practices vary across jurisdictions, which has some implications for the comparability of child protection data (Holzer and   
Bromfield 2008). However, the broad processes in child protection systems are similar (figure 15.1).

State and Territory government departments with responsibility for child protection are advised of concerns about the wellbeing of children through reports to these agencies. Reports may be made by people mandated to report or by other members of the community. Individuals and organisations mandated to report vary across states and territories, and may include medical practitioners, police officers, school teachers and principals. These reports are assessed and classified as child protection notifications, child concern reports, or matters requiring some other kind of response. Nationally, between 2008-09 and 2012-13, police were the most common source of notifications, although proportions varied across jurisdictions (AIHW 2014b and earlier editions).

Figure 15.1 is a simplified representation of the statutory child protection system. It depicts the common pathways through the statutory system and referrals to support services, which can take place at any point along the statutory service system. Children might or might not move sequentially along these pathways and, in some instances, children might move through these pathways quite rapidly (for example, on the same day). There are a range of other services and programs which work to meet the needs of children and families that are not depicted in this diagram, including health, education and early childhood services.

##### Notification

Notifications are reports lodged by members of the community with the appropriate statutory child protection department to signify that they have reason to believe that a child is in need of protection. Depending on the circumstances, not all reports received by child protection departments will be recorded as notifications. Most jurisdictions assess incoming reports to determine whether they meet the threshold for recording a notification. Where, for example, a determination is made that the alleged behaviour does not meet the definition of a child in need of protection, a child concern report or equivalent might be recorded instead. If the alleged behaviour does not meet the threshold for recording a notification or a child concern report, the person reporting the matter might be provided with general advice and/or a referral.

Jurisdictions count notifications at different points in the response to a report, ranging from the point of initial contact with the source of the report to the end of a screening and decision making process. This means the number of notifications is not strictly comparable across jurisdictions. Notifications are subsequently investigated based on the policies and practices in each jurisdiction (figure 15.1).

Prior to 2009-10, the rates of children subject to notifications, investigations and substantiations were calculated for children aged 0–16 years, while the rates of children on care and protection orders and in out-of-home care were calculated for children aged   
0–17 years. From 2009-10 onwards, all child protection data are reported for the age range 0–17 years.

Nationally, 198 966 children aged 0–17 years were the subject of child protection notifications in 2013-14. This was equivalent to 37.8 notifications per 1000 children in the population aged 0–17 years. Nationally, 38 597 Aboriginal and Torres Strait Islander children aged 0–17 years were the subject of child protection notifications in 2013-14, equivalent to 132.9 notifications per 1000 Aboriginal and Torres Strait Islander children in the population aged 0–17 years (table 15A.8). The total number of notifications for each jurisdiction for 2013-14 (including cases where a child was the subject of more than one child protection notification) by Indigenous status of the child is reported in table 15A.5.

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| Figure 15.1 The child protection service**a, b, c, d, e** |
| |  | | --- | | Figure 15.1 The child protection service  More details can be found within text surrounding this image. | |
| a Dashed lines indicate that clients may or may not receive these services, depending on need, service availability, and client willingness to participate in voluntary services. b Support services include family preservation and reunification services provided by government and other agencies. Children and families move in and out of these services and the child protection system, and might also be in the child protection system while receiving support services. c Shading indicates data availability. d AG = Activity Group.  e AG1 = Receipt and assessment of initial information about a potential protection and support issue; AG2 = Provision of generic family support services; AG3 = Provision of intensive family support services; AG4 = Secondary information gathering and assessment; AG5 = Provision of short term protective intervention and coordination services for children not on an order; AG6 = Seeking an order;  AG7 = Provision of protective intervention, support and coordination services for children on an order;  AG8 = Provision of out of home care services. |
| *Source*: State and Territory governments (unpublished); 2015 Report, figure 15.1, p. 15.10. |
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Notification and investigation data are collected early in the child protection process and often before an agency has full knowledge of a child’s circumstances. This lack of information and the inherent difficulties in identifying Indigenous status mean that data on the number of notifications and investigations by Indigenous status should be interpreted with care.

##### Investigation

An investigation is the process whereby the relevant department obtains more detailed information about a child who is the subject of a notification and makes an assessment about the harm or risk of harm to the child, and his or her protective needs. Not all notifications are investigated in all jurisdictions. For example, if a determination is made that a child and family are better served by family support services rather than a child protection response, children and families might be referred to diversionary and support services. Once it has been decided that an investigation is required, the investigation process is similar across jurisdictions.

The department responsible for child protection may obtain further information about the child and his or her family by checking information systems for any previous history, undertaking discussions with agencies and individuals, interviewing/sighting the child and/or interviewing the caregivers/parents. At a minimum, the child is sighted whenever practicable, and the child’s circumstances and needs are assessed. Where possible, an investigation determines whether a notification is substantiated or not substantiated.

Nationally, 92 184 children aged 0–17 years who were the subject of a notification in 2013-14 were subsequently the subject of a finalised investigation in 2013-14. This was equivalent to 17.5 finalised investigations per 1000 children in the population aged   
0–17 years (table 15A.8). Nationally, 23 210 Aboriginal and Torres Strait Islander children aged 0–17 years who were the subject of a notification in 2013-14 were subsequently the subject of an investigation in 2013‑14, equivalent to 79.9 finalised investigations per   
1000 Aboriginal and Torres Strait Islander children in the population aged 0–17 years. The total number of notifications investigated for each jurisdiction in 2013-14, by Indigenous status, is reported in table 15A.5.

##### Substantiation

The legal definition of harm or risk of harm, abuse or risk of abuse are similar across jurisdictions. Traditionally, child protection legislation and policy focused on the identification and investigation of narrowly defined incidents that were broadly grouped as types of abuse or neglect. Across all jurisdictions, the focus has now shifted away from the actions of parents and guardians, toward the desired outcomes for the child, the identification and investigation of actual and/or likely harm or risk to the child, and the child’s needs. While the legal criteria for substantiating such matters are now similar across jurisdictions, there remain some differences in practice, including different thresholds for recording a substantiation related to risk of harm.

If an investigation results in a substantiation, intervention by child protection services might be needed to protect the child. This intervention can take a number of forms, including one or more of: referral to other services; supervision and support; an application to court; and a placement in out-of-home care.

Nationally, 40 844 children aged 0–17 years were the subject of a substantiation in 2013‑14. This was equivalent to 7.8 substantiations per 1000 children in the population aged 0–17 years. The rate of children who were the subject of a substantiation increased from 6.2 per 1000 children in the population aged 0–17 years in 2009-10 (table 15A.8).

Nationally, 11 270 Aboriginal and Torres Strait Islander children, 28 149 non-Indigenous children and 1425 children of unknown Indigenous status were the subject of substantiations in 2013-14. The rate of children who were the subject of a substantiation per 1000 children in the target population aged 0–17 years was 38.8 for Aboriginal and Torres Strait Islander children and 5.7 for non‑Indigenous children (table 15A.8).

##### Care and protection orders

Although child protection substantiations are often resolved without the need for a court order (which is usually a last resort), recourse to a court may take place at any point in the child protection investigation process. The types of orders available vary across jurisdictions and may include finalised guardianship or custody orders, finalised supervisory orders, and interim and temporary orders.

Nationally, 45 746 children aged 0–17 years were on care and protection orders at   
30 June 2014. This was equivalent to 8.7 children on care and protection orders per 1000 children in the population aged 0–17 years. The number and rate of children aged   
0–17 years who were the subject of a care and protection order has increased since 2010. At 30 June 2010, 37 730 children were on care and protection orders, a rate of 7.5 per 1000 children in the population aged 0–17 years (table 15A.8).

Nationally, 15 504 Aboriginal and Torres Strait Islander, 30 034 non-Indigenous children and 208 children of unknown Indigenous status were on care and protection orders at   
30 June 2014. The rate of children on care and protection orders per 1000 children in the target population aged 0–17 years was 53.2 for Aboriginal and Torres Strait Islander children and 6.0 for non‑Indigenous children (table 15A.8).

Further information regarding children on care and protection orders is included in the attachment tables. Table 15A.6 identifies the number of children admitted to and discharged from care and protection orders by Indigenous status for a ten year time series to 2013-14. Table 15A.7 identifies the number of children on care and protection orders by type of order and Indigenous status for a ten year time series to 2013-14.

##### Out-of-home care

Out-of-home care is one of a range of services provided to children and families where there is a need to provide safe care for a child. Children are placed in out‑of‑home care as a last resort when it is not in their best interests to remain with their family (for example, because there is no one suitable to provide care). Where children are placed in out-of-home care, placement with the extended family or community is sought where possible, particularly in the case of Aboriginal and Torres Strait Islander children (AIHW 2006). Continued emphasis is placed on improving case planning and case management processes to facilitate the safe return home of children in out-of-home care and to maximise case workers’ contact time with children and families.

Nationally, 43 009 children were in out-of-home care at 30 June 2014. This was equivalent to 8.1 children in out-of-home care per 1000 children in the population aged 0–17 years (table 15A.18). The number and rate of children aged 0–17 years in out‑of‑home care has increased since 2010. At 30 June 2010, 35 895 children were in out-of-home care, a rate of 7.1 per 1000 children in the population aged 0–17 years (table 15A.18).

Nationally, 14 991 Aboriginal and Torres Strait Islander children and   
27 827 non‑Indigenous children were in out-of-home care at 30 June 2014. The rate of children in out-of-home care per 1000 children in the target population aged 0–17 years was 51.4 for Aboriginal and Torres Strait Islander children and 5.6 for non-Indigenous children (table 15A.18).

Further information on children in out-of-home care is included in the attachment tables.

* Table 15A.19 identifies the number of children in out-of-home care by Indigenous status and placement type at 30 June 2014.
* Table 15A.20 identifies the number of children in out-of-home care by Indigenous status and whether they were on a care and protection order at 30 June 2014.
* Table 15A.21 identifies the number of children in out-of-home care by Indigenous status and length of time in continuous out-of-home care at 30 June 2014.
* Table 15A.22 identifies the number of children who exited care during 2013-14, by Indigenous status and length of time spent in care.

### Framework of performance indicators for child protection services

The Child protection and out-of-home care services performance indicator framework outlined in figure 15.2 identifies the principal child protection and   
out-of-home care services activity areas considered in the 2015 Report. Data for Aboriginal and Torres Strait Islander Australians are reported for a subset of the performance indicators and are presented here. It is important to interpret these data in the context of the broader performance indicator framework. The framework shows which data are comparable. For data that are not considered directly comparable, the text includes relevant caveats and supporting commentary.

The performance indicator framework provides information on equity, efficiency and effectiveness, and distinguishes the outputs and outcomes of child protection services (figure 15.2). The performance indicator framework shows which data are comparable in the 2015 Report. For data that are not considered directly comparable, the text includes relevant caveats and supporting commentary. Chapter 1 discusses data comparability and data completeness from a Report-wide perspective (see 2015 Report, section 1.6).

The Report’s statistical context chapter contains data that may assist in interpreting the performance indicators presented in this chapter. These data cover a range of demographic and geographic characteristics, including age profile, geographic distribution of the population, income levels, education levels, tenure of dwellings and cultural heritage (including Aboriginal and Torres Strait Islander and ethnic status) (chapter 2). Chapter 2 also notes that the large populations of the eastern mainland states — NSW, Victoria and Queensland — have a significant effect on national averages, as approximately three‑quarters of Australia’s population live in these states.

Prior to the 2014 Report, child protection data were sourced from the Australian Institute of Health and Welfare’s (AIHW) national child protection aggregate data collection (with data having been supplied to the AIHW by State and Territory governments). In 2013, the AIHW began implementing a child-based unit record collection for child protection services. As a result of the ongoing implementation of this new data system, data for all jurisdictions could not be sourced from the AIHW in time for this Report. Data for NSW and Queensland were sourced directly from State governments. Data for the remaining jurisdictions were sourced from the AIHW. The move from the aggregate collection to the unit record collection has not affected the comparability of child protection data over time.

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| Figure 15.2 Child protection services performance indicator framework |
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*Source*: 2015 Report, figure 15.4, p. 15.18.

### Child protection services reporting for Aboriginal and Torres Strait Islander Australians

#### Out-of-home care — children aged under 12 years in home-based care

‘Children aged under 12 years in home-based care’ is an indicator of governments’ objective to provide services which meet the needs of recipients (box 15.2).

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| Box 15.2 Children aged under 12 years in home-based care |
| ‘Children aged under 12 years in home-based care’ is defined as the number of children aged under 12 years placed in home-based care divided by the total number of children aged under 12 years in out-of-home care.  A high or increasing rate for this indicator is desirable. This indicator should be interpreted in conjunction with other placement indicators.  Placing children in home-based care is generally considered to be in their best interests, particularly for younger children. Children will generally make better developmental progress (and have more ready access to normal childhood experiences) in family settings rather than in residential or institutional care environments.  Data reported for this indicator are:   * comparable (subject to caveats) across jurisdictions and over time * complete for the current reporting period. All required 2013-14 data are available for all jurisdictions.   Data quality information for this indicator is at www.pc.gov.au/research/recurring/report-on-government-services. |
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Nationally, the proportion of all children aged under 12 years in care who were placed in home-based care at 30 June 2014 was 97.6 per cent. In most jurisdictions, and nationally, the proportions of Aboriginal and Torres Strait Islander and non-Indigenous children aged under 12 years who were placed in home-based care were similar (figure 15.3).

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| Figure 15.3 Proportion of children aged under 12 years in out‑of‑home care who were in a home-based placement, by Indigenous status, 30 June 2014**a** |
| |  | | --- | | Figure 15.9 Proportion of children aged under 12 years in out of home care who were in a home-based placement, by Indigenous status, 30 June 2014  More details can be found within the text surrounding this image. | |
| a See source table for detailed footnotes. |
| *Source*: AIHW data collection (unpublished); table 15A.25; 2015 Report, figure 15.9, p. 15.34. |
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#### Out-of-home care — placement with extended family

‘Placement with extended family’ is an indicator of governments’ objective to provide services that meet the needs of recipients (box 15.3).

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| Box 15.3 Placement with extended family |
| ‘Placement with extended family’ is defined as the proportion of all children in out-of-home care who are placed with relatives or kin who receive government financial assistance to care for that child.  A high or increasing rate for this indicator is desirable. Placing children with their relatives or kin is generally the preferred out-of-home care placement option. This option is generally associated with better long term outcomes due to increased continuity, familiarity and stability for the child. Relatives are more likely to have or to form long term emotional bonds with the child. Placement with familiar people can help to overcome the loss of attachment and belonging that can occur when children are placed in out-of-home care.  Placement with extended family should be considered with other factors in the placement decision, as placements with extended family may not always be the best option. Long standing family dynamics can undermine the pursuit of case goals such as reunification, and the possibility of intergenerational abuse needs to be considered. In addition, depending on the individual circumstances of the child, it may be more important to have a local placement that enables continuity at school, for example, rather than a distant placement with relatives.  Data reported for this indicator are:   * comparable (subject to caveats) across jurisdictions and over time * complete for the current reporting period. All required 2013-14 data are available for all jurisdictions.   Data quality information for this indicator is at www.pc.gov.au/research/recurring/report-on-government-services. |
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Figure 15.4 shows the proportion of children placed with relatives or kin by Indigenous status. The proportion of children placed with relatives or kin at 30 June 2014 was greater for Aboriginal and Torres Strait Islander children than for non‑Indigenous children in most jurisdictions, and nationally (figure 15.4).

The Aboriginal Child Placement Principle gives considerable emphasis to the placement of Aboriginal and Torres Strait Islander children with extended family. This principle is discussed in box 15.4.

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| Figure 15.4 Proportion of children in out-of-home care placed with relatives/kin, by Indigenous status, 30 June 2014**a, b, c** |
| |  | | --- | | Figure 15.10 Proportion of children in out-of-home care placed with relatives/kin, by Indigenous status, 30 June 2014  More details can be found within the text surrounding this image. | |
| a See source table for detailed footnotes. b ACT unknown is zero. c NT non-Indigenous and unknown are zero. Due to system limitations, data reported for the NT do not provide a realistic view of children placed with relatives/kin. Refer to data in figure 15.5. |
| *Source*: AIHW data collection (unpublished); table 15A.23; 2015 Report, figure 15.10, p. 15.36. |
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#### Out-of-home care — placement in accordance with the Aboriginal Child Placement Principle

‘Placement in accordance with the Aboriginal Child Placement Principle’ is an indicator of governments’ objective to protect the safety and welfare of Aboriginal and Torres Strait Islander children while maintaining their cultural ties and identity (box 15.4).

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| Box 15.4 Placement in accordance with the Aboriginal Child Placement Principle |
| ‘Placement in accordance with the Aboriginal Child Placement Principle’ is defined as the number of Aboriginal and Torres Strait Islander children placed with the child’s extended family, Aboriginal and Torres Strait Islander community or other Aboriginal and Torres Strait Islander people, divided by the total number of Aboriginal and Torres Strait Islander children in  out-of-home care. Data are reported separately for children placed (i) with relative/kin, (ii) with a  non-relative Aboriginal and Torres Strait Islander carer or in Aboriginal and Torres Strait Islander residential care, and (iii) not placed with relative/kin, a non-relative Aboriginal and Torres Strait Islander carer or in Aboriginal and Torres Strait Islander residential care.  A high or increasing proportion of children placed in accordance with the principle is desirable. This indicator should be interpreted with care as it is a proxy for compliance with the principle. This indicator reports the placement outcomes of Aboriginal and Torres Strait Islander children rather than compliance with the principle. The indicator does not reflect whether the hierarchy was followed in the consideration of the best placement for the child, nor whether appropriate Aboriginal and Torres Strait Islander individuals or organisations were consulted.  Placing Aboriginal and Torres Strait Islander children in circumstances consistent with the Aboriginal Child Placement Principle is considered to be in their best interests. However, it is one factor among many considerations for the child’s safety and wellbeing that must be carefully considered in the placement decision. In the application of this principle, departments consult with and involve appropriate Aboriginal and Torres Strait Islander individuals and/or organisations. If the preferred options are not available, the child may be placed (after appropriate consultation) with a non-Indigenous family or in a residential setting. The principle does not preclude the possibility that in some instances, placement in a non-Indigenous setting, where arrangements are in place for the child’s cultural identity to be preserved, might be the most appropriate placement for the child.  Data reported for this indicator are:   * comparable (subject to caveats) across jurisdictions and over time * complete for the current reporting period. All required 2013-14 data are available for all jurisdictions.   Data quality information for this indicator is at www.pc.gov.au/research/recurring/report-on-government-services. |
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According to the Aboriginal Child Placement Principle (Chisholm 1998) the following hierarchy of placement options should be pursued in protecting the safety and welfare of Aboriginal and Torres Strait Islander children:

* placement with the child’s extended family (which includes Aboriginal and Torres Strait Islander and non‑Indigenous relatives/kin)
* placement within the child’s Aboriginal and Torres Strait Islander community
* placement with other Aboriginal and Torres Strait Islander people.

All jurisdictions have adopted this principle in both legislation and policy.

Nationally, at 30 June 2014, 52.9 per cent of Aboriginal and Torres Strait Islander children in out-of-home care were placed with relatives/kin (37.8 per cent with Aboriginal and Torres Strait Islander relatives/kin and 15.1 per cent with non‑Indigenous relatives/kin). A further 14.8 per cent of Aboriginal and Torres Strait Islander children in out-of-home care were placed with other Aboriginal and Torres Strait Islander carers or in Aboriginal and Torres Strait Islander residential care (figure 15.5). The proportion of Aboriginal and Torres Strait Islander children in out-of-home care at 30 June 2014 who were placed with Aboriginal and Torres Strait Islander or non-Indigenous relatives or kin or with another Aboriginal and Torres Strait Islander carer or in Aboriginal and Torres Strait Islander residential care varied across jurisdictions (figure 15.5).

As noted in box 15.15, the placement of Aboriginal and Torres Strait Islander children in out-of-home care is a proxy measure for compliance with the Aboriginal Child Placement Principle. The proxy measure reports the placement outcomes of Aboriginal and Torres Strait Islander children rather than compliance with the hierarchy of placement options to be considered when finding suitable out-of-home care environments for Aboriginal and Torres Strait Islander children. Work is underway to develop a more robust measure of compliance with the Aboriginal Child Placement Principle as part of the *National framework for protecting Australia’s children: Second three year action plan, 2012-15* (FaHCSIA 2012).

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| Figure 15.5 Placement of Aboriginal and Torres Strait Islander children in out-of-home care, 30 June 2014**a, b, c** |
| |  | | --- | | **Figure 15.11 Placement of Aboriginal and Torres Strait Islander children in out-of-home care, 30 June 2014  More details can be found within the text surrounding this image.** | |
| Relative/Kin = Placed with relative/kin. Other Aboriginal and Torres Strait Islander = Placed with other Aboriginal and Torres Strait Islander carer or Aboriginal and Torres Strait Islander residential care.  Other = Not placed with relative/kin, other Aboriginal and Torres Strait Islander carer or Aboriginal and Torres Strait Islander residential care. a See source table for detailed footnotes. b Excludes Aboriginal and Torres Strait Islander children living independently and those whose living arrangements were unknown. c Data for Tasmania and the ACT relate to a small number of Aboriginal and Torres Strait Islander children. |
| *Source*: AIHW data collection (unpublished); table 15A.24; 2015 Report, figure 15.11, p. 15.38. |
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#### Out-of-home care — children with current documented case plans

‘Children with documented case plans’ is an indicator of governments’ objective to provide services that meet the needs of the recipients (box 15.5).

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| Box 15.5 Children with current documented case plans |
| ‘Children with current documented case plans’ is defined as the number of children who have a current documented and approved case plan as a proportion of all children who are required to have a current documented and approved case plan.  A case plan is an individualised, dynamic written plan (or support agreement) that includes information on a child in need of protection, including his or her needs, risks, health, education, living and family arrangements, goals for ongoing intervention and actions required to achieve identified goals. A case plan is usually developed between a family and an agency on the basis of an assessment process. Case planning is essential to structured and purposeful work to support children’s optimal development.  A current case plan is one that has been approved and/or reviewed within the previous  12 months. Individual jurisdictions’ timeframes for ongoing review may vary and reviews may be more frequent when young children or infants are involved, the child has just entered care, and certain orders are in place (for example, assessment orders). Reviews may also be required when circumstances have changed (for example, the death of a parent or carer, or placement changes) and significant new decisions are needed.  The scope of this indicator extends to children and young people (aged 0–17 years) whose care arrangements were ordered through the Children’s Court and for whom parental responsibility has been transferred to the Minister/Chief Executive and who are required by jurisdictional policy/legislation to have a current documented and approved case plan.  A high or increasing rate of children with current documented case plans is desirable.  The quality of case plans, and the extent to which identified needs and actions are put into place, should also be taken into account when considering this indicator. The existence of a case plan does not guarantee that appropriate case work to meet a child’s needs is occurring.  Data reported for this indicator are:   * comparable (subject to caveats) within jurisdictions over time, but are not comparable across jurisdictions (see caveats in attachment tables for specific jurisdictions) * incomplete for the current reporting period. All required 2014 data were not available for SA and the NT.   Data quality information for this indicator is at www.pc.gov.au/research/recurring/report-on-government-services. |
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The proportion of children with current documented case plans at 30 June 2014 varied across jurisdictions (figure 15.6).

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| Figure 15.6 Proportion of children with current documented case plans, 30 June 2014**a, b, c, d** |
| |  | | --- | | Figure 15.12 Proportion of children with current documented case plans, 30 June 2014  More details can be found within the text surrounding this image. | |
| a See source table for detailed footnotes. b Data were not available for SA and the NT. The Australian proportions comprise data for the six reporting jurisdictions only. c ACT unknown is zero. d The large populations of the eastern mainland states have a significant effect on national averages, particularly when data are not available for all jurisdictions. |
| *Source*: AIHW data collection (unpublished); table 15A.17; 2015 Report, figure 15.12, p. 15.42. |
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### Definitions of key terms

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| **Aboriginal and Torres Strait Islander person** | Person of Aboriginal or Torres Strait Islander descent who identifies as being an Aboriginal or Torres Strait Islander and is accepted as such by the community with which he or she lives. |

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| **Care and protection orders** | Care and protection orders are legal orders or arrangements which give child protection departments some responsibility for a child’s welfare. The scope of departmental involvement mandated by a care and protection order is dependent on the type of order, and can include:   * responsibility for overseeing the actions of the person or authority caring for the child * reporting or giving consideration to the child’s welfare (for example, regarding the child’s education, health, religion, accommodation and financial matters).   Types of care and protection orders:   * Finalised guardianship or custody orders – involve the transfer of legal guardianship to the relevant state or territory department or non-government agency. These orders involve considerable intervention in a child’s life and that of his or her family, and are sought only as a last resort. Guardianship orders convey responsibility for the welfare of a child to a guardian (for example, regarding a child’s education, health, religion, accommodation and financial matters). Guardianship orders do not necessarily grant the right to the daily care and control of a child, or the right to make decisions about the daily care and control of a child, which are granted under custody orders. Custody orders generally refer to orders that place children in the custody of the state or territory, or department responsible for child protection or non-government agency. These orders usually involve the child protection department being responsible for the daily care and requirements of a child, while his or her parent retains legal guardianship. Custody alone does not bestow any responsibility regarding the long-term welfare of the child. * Finalised third party parental responsibility orders – transfer all duties, powers, responsibilities and authority parents are entitled to by law, to a nominated person(s) considered appropriate by the court. The nominated person may be an individual such as a relative or an officer of a state or territory department. Third party parental responsibility may be ordered when a parent is unable to care for a child, and as such parental responsibility is transferred to a relative. ‘Permanent care orders’ are an example of a third party parental responsibility order and involve the transfer of guardianship to a third party carer. It can also be applied to the achievement of a stable arrangement under a long-term guardianship order to 18 years without guardianship being transferred to a third party. These orders are only applicable in some jurisdictions. * Finalised supervisory orders – give the department responsible for child protection some responsibility for a child’s welfare. Under these orders, the department supervises and/or directs the level and type of care that is to be provided to the child. Children under supervisory orders are generally under the responsibility of their parents and the guardianship or custody of the child is unaffected. Finalised supervisory orders are therefore less interventionist than finalised guardianship orders but require the child’s parent or guardian to meet specified conditions, such as medical care of the child. * Interim and temporary orders – generally cover the provision of a limited period of supervision and/or placement of a child. Parental responsibility under these orders may reside with the parents or with the department responsible for child protection. Orders that are not finalised (such as an application to a court for a care and protection order) are also included in this category, unless another finalised order is in place. * Administrative arrangements – are agreements with relevant child protection departments, which have the same effect as a court order in transferring custody or guardianship. These arrangements can also allow a child to be placed in out-of-home care without going through the courts.   Children are counted only once, even if they are on more than one care and protection order. |

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| **Child** | A person aged 0–17 years (including, at times, unborn children). |
| **Child concern reports** | Reports to departments responsible for child protection regarding concerns about a child, where there is no indication that a child may have been, or is at risk of being, harmed through abuse or neglect. This may include concerns about a child’s welfare related to the quality of his or her home environment or the standard of care that he or she is receiving. |
| **Children in out‑of‑home care during the year** | The total number of children who were in at least one out-of-home care placement at any time during the year. A child who is in more than one placement is counted only once. |
| **Comparability** | Data are considered comparable if, (subject to caveats) they can be used to inform an assessment of comparative performance. Typically, data are considered comparable when they are collected in the same way and in accordance with the same definitions. For comparable indicators or measures, significant differences in reported results allow an assessment of differences in performance, rather than being the result of anomalies in the data. |
| **Completeness** | Data are considered complete if all required data are available for all jurisdictions that provide the service. |
| **Foster care** | Care of a child who is living apart from his or her natural or adoptive parents in a private household, by one or more adults who act as ‘foster parents’ and are paid a regular allowance by a government authority or non-government organisation for the child’s support. The authorised department or non-government organisation provides continuing supervision or support while the child remains in the care of foster parents. Foster parents are chosen from a list of people registered, licensed or approved as foster parents by an authorised department or non-government organisation. |
| **Foster parent** | Any person (or such a person’s spouse) who is being paid a foster allowance by a government or non-government organisation for the care of a child (excluding children in family group homes). |
| **Guardian** | Any person who has the legal and ongoing care and responsibility for the protection of a child. |
| **Investigation** | An investigation of child abuse and neglect that involves identifying harm or risk of harm to the child, determining an outcome and assessing protective needs. It includes the interviewing or sighting of the subject child where practicable. |
| **Length of time in continuous out‑of‑home care** | The length of time for which a child is in out-of-home care on a continuous basis. Any break of 60 days or more is considered to break the continuity of the placement. Where a child returns home for less than 60 days and then returns to the former placement or to a different placement, this does not affect the length of time in care. Holidays or authorised absences (less than 60 days) in a placement do not break the continuity of placement. |
| **Notification** | Contact with an authorised department by persons or other bodies making allegations of child abuse or neglect, or harm to a child. Notifications can be counted at different points in the response to a report, ranging from the point of initial contact with the source of the report to the end of a screening and decision making process. |

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| **Out-of-home care** | Overnight care, including placement with relatives (other than parents) where the government makes a financial payment. Includes care of children in legal and voluntary placements (that is, children on and not on a legal order) but excludes placements solely funded by disability services, psychiatric services, youth justice facilities and overnight child care services.  There are five main out-of-home care placement types:   * Residential care – where placement is in a residential building with paid staff. * Family group homes – provide care to children in a departmentally or community sector agency provided home. These homes have live-in, non-salaried carers who are reimbursed and/or subsidised for the provision of care. * Home-based care – where placement is in the home of a carer who is reimbursed (or who has been offered but declined reimbursement) for expenses for the care of the child. This is broken down into three subcategories: (1) *relative/kinship care* – where the caregiver is a relative (other than parents), considered to be family or a close friend, or is a member of the child or young person’s community (in accordance with their culture) who is reimbursed (or who has been offered but declined reimbursement) by the State/Territory for the care of the child. For Aboriginal and Torres Strait Islander children, a kinship carer may be another Aboriginal and Torres Strait Islander person who is a member of their community, a compatible community or from the same language group; (2) *foster care* – where the care is authorised and carers are reimbursed (or were offered but declined reimbursement) by the state/territory and supported by an approved agency. There are varying degrees of reimbursement made to foster carers; (3) *other* – home-based care which does not fall into either of the above categories. * Independent living – including private board and lead tenant households. * Other – includes placements that do not fit into the above categories and unknown living arrangements. This includes boarding schools, hospitals, hotels/motels and defence force. |
| **Relatives/kin** | People who are family or close friends, or are members of a child or young person’s community (in accordance with their culture) who are reimbursed (or who have been offered but declined reimbursement) by the State/Territory for the care of a child. For Aboriginal and Torres Strait Islander children, a kinship carer may be another Aboriginal and Torres Strait Islander person who is a member of their community, a compatible community or from the same language group. |
| **Substantiation** | Notification for which an investigation concludes there is reasonable cause to believe that the child has been, is being or is likely to be abused, neglected or otherwise harmed. It does not necessarily require sufficient evidence for a successful prosecution and does not imply that treatment or case management is, or is to be, provided. |

### List of attachment tables

Attachment tables for data within this chapter are contained in the attachment to the Compendium. These tables are identified in references throughout this chapter by a ‘15A’ prefix (for example, table 15A.1 is table 1 in the Child protection services attachment). Attachment tables are on the Review website (www.pc.gov.au/research/recurring/report-on-government-services).

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| **Table 15A.5** | Child protection notifications, investigations and substantiations by Indigenous status |
| **Table 15A.6** | Number of children admitted to and discharged from care and protection orders by Indigenous status |
| **Table 15A.7** | Number of children on care and protection orders by type of order and Indigenous status, at 30 June |
| **Table 15A.8** | Children in notifications, investigations and substantiations and on care and protection orders, per 1000 children in the target population, and by Indigenous status |
| **Table 15A.17** | Children with documented case plans, by Indigenous status, at 30 June |
| **Table 15A.18** | Children in out-of-home care: number and rate per 1000 children aged 0–17 years by Indigenous status |
| **Table 15A.19** | Children in out-of-home care by Indigenous status and placement type, 30 June (number) |
| **Table 15A.20** | Children in out-of-home care by Indigenous status and whether on a care and protection order, 30 June (number) |
| **Table 15A.21** | Children in out-of-home care by Indigenous status and length of time in continuous out-of-home care, 30 June (number) |
| **Table 15A.22** | Children who exited out-of-home care during the year by Indigenous status and length of time spent in care (number) |
| **Table 15A.23** | Children in out-of-home care placed with relatives/kin by Indigenous status, 30 June |
| **Table 15A.24** | Aboriginal and Torres Strait Islander children in out-of-home care by relationship of caregiver, 30 June |
| **Table 15A.25** | Children aged under 12 years in out-of-home care and in a home-based placement, by Indigenous status, 30 June |
| **Table 15A.31** | Intensive family support services: number of children aged 0–17 years commencing intensive family support services by Indigenous status and gender |
| **Table 15A.34** | Target population data used for annual data, December ('000) |
| **Table 15A.35** | Target population data used for end of financial year data, March ('000) |

### References

AIHW (Australian Institute of Health and Welfare) 2014a, *Indigenous child safety*, Cat. no. IHW 127, AIHW, Canberra.

—— 2014b, *Child Protection Australia 2012‑13,* Child Welfare series no. 58.   
Cat. no. CWS 49, AIHW, Canberra.

—— 2013, *Child Protection Australia* *2011-12*, Child Welfare series no. 55.   
Cat. no. CWS 43, AIHW, Canberra.

—— 2012, *Child Protection Australia* *2010-11*, Child Welfare series no. 53.   
Cat. no. CWS 41, AIHW, Canberra.

—— 2011, *Child Protection Australia* *2009-10*, Child Welfare series no. 51.   
Cat. no. CWS 39, AIHW, Canberra.

—— 2010, *Child Protection Australia* *2008-09*, Child Welfare series no. 47.   
Cat. no. CWS 35, AIHW, Canberra.

—— 2006, *Family violence among Aboriginal and Torres Strait Islander peoples*, Cat. no. IHW 17, AIHW, Canberra.

Bamblett, M., Bath, H. and Roseby, R. 2010, *Growing them Strong, Together: Promoting the safety and wellbeing of the Northern Territory's children, Report of the Board of Inquiry into the Child Protection System in the Northern Territory 2010*, Northern Territory Government, Darwin.

Chisholm, R. 1998, ‘Placement of Indigenous children: Changing the law’, *University of New South Wales Law Journal*, no. 21, pp. 208-212.

DHS (Department of Human Services) 2002, *An Integrated Strategy for Child Protection and Placement Services*, Government of Victoria, Melbourne.

FaHCSIA (Department of Families, Housing, Community Services and Indigenous Affairs) 2012, *National Framework for Protecting Australia’s Children — Second Three Year Action Plan 2012-2015*. FaHCSIA, Canberra www.fahcsia.gov.au/sites/default/files/documents/09\_2012/  
second\_action\_plan.pdf (accessed 13 November 2012).

Gordon Report (Commission of Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities, chaired by Sue Gordon) 2002, *Putting the Picture Together*, State Law Publishers, Perth.

Holzer, P. J., and Bromfield, L. M., 2008, *NCPASS comparability of child protection data: Project report*, Australian Institute of Family Studies, Melbourne.

Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse 2007, *Ampe Akelyernemane Meke Mekarle “Little Children are Sacred”*, Northern Territory Government.

Northern Territory Government 2010, *Growing them Strong, Together: Promoting the safety and wellbeing of the Northern Territory’s children, Summary Report of the Board of Inquiry into the Child Protection System in the Northern Territory 2010*,   
M. Bamblett, H. Bath and R. Roseby, NT Government, Darwin.

The Allen Consulting Group 2008, *Inverting the pyramid: Enhancing systems for protecting children,* Australian Research Alliance for Children and Youth, Australian Capital Territory.