

Annual Report 2008–09



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Child Safety
Commissioner

promoting
the safety
and wellbeing
of children

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September 2009

The Hon. Lisa Neville
Minister for Community Services
Level 22
50 Lonsdale Street
Melbourne Vic 3002

Dear Minister,

In accordance with s. 41(1) of the *Child Wellbeing and Safety Act 2005* I am pleased to submit to you the Child Safety Commissioner's annual report for the year ending 30 June 2009.

Yours sincerely



Bernie Geary OAM
Child Safety Commissioner



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From the Child Safety Commissioner



The Office of the Child Safety Commissioner (OCSC) was formed a little over four years ago, and has developed to a point where it provides a range of crucial activities to enhance the safety and wellbeing of Victorian children.

My role is governed by the *Child Wellbeing and Safety Act 2005*. I am most mindful of my legislated role, to 'promote child-friendly and child-safe practices in the Victorian community'. The OCSC's publications, website and contributions to the development of policy as well as public debate all contribute to this promotional role.

The Act is more specific as it relates to the most fragile of young people in the community, those in out-of-home care and in the state's Child Protection system. This humbling task allows me to provide advice and recommendations to the Minister for Community Services, who with other Ministers shares the responsibility for the Department of Human Services (DHS). A great deal of access and generosity is necessary and readily provided to us from all echelons of DHS.

The wellbeing of children, whether they are connected to the Child Protection system or part of the broader community, is a responsibility for us all. Because they are powerless, fragile and trusting, government and community must be watching for them and listening to them at all times.

During the year I have met with hundreds of young people who are building their lives, so often from the most adverse of circumstances. They are deserving of no less than what I would want for my own children and grandchildren. It is important, to give them the best possible opportunities to maximise their life endeavours.

The generosity of the Victorian community was clearly evident in the aftermath of the firestorm which enveloped parts of the state in February. Our hearts go out to the children and their families whose lives were impacted on by the fires. We know that the effects of such a traumatic experience are profound and long lasting.

It is with this spirit of generosity in mind that I am confident that a pilot scheme to better support and provide community connections for children in residential care will be embraced by the Victorian community as it is implemented by my office over the coming year. The lives of these children and young people have been impacted on by a range of different traumatic experiences including abuse and neglect. I truly believe that this scheme will enable positive contact with the broader community.

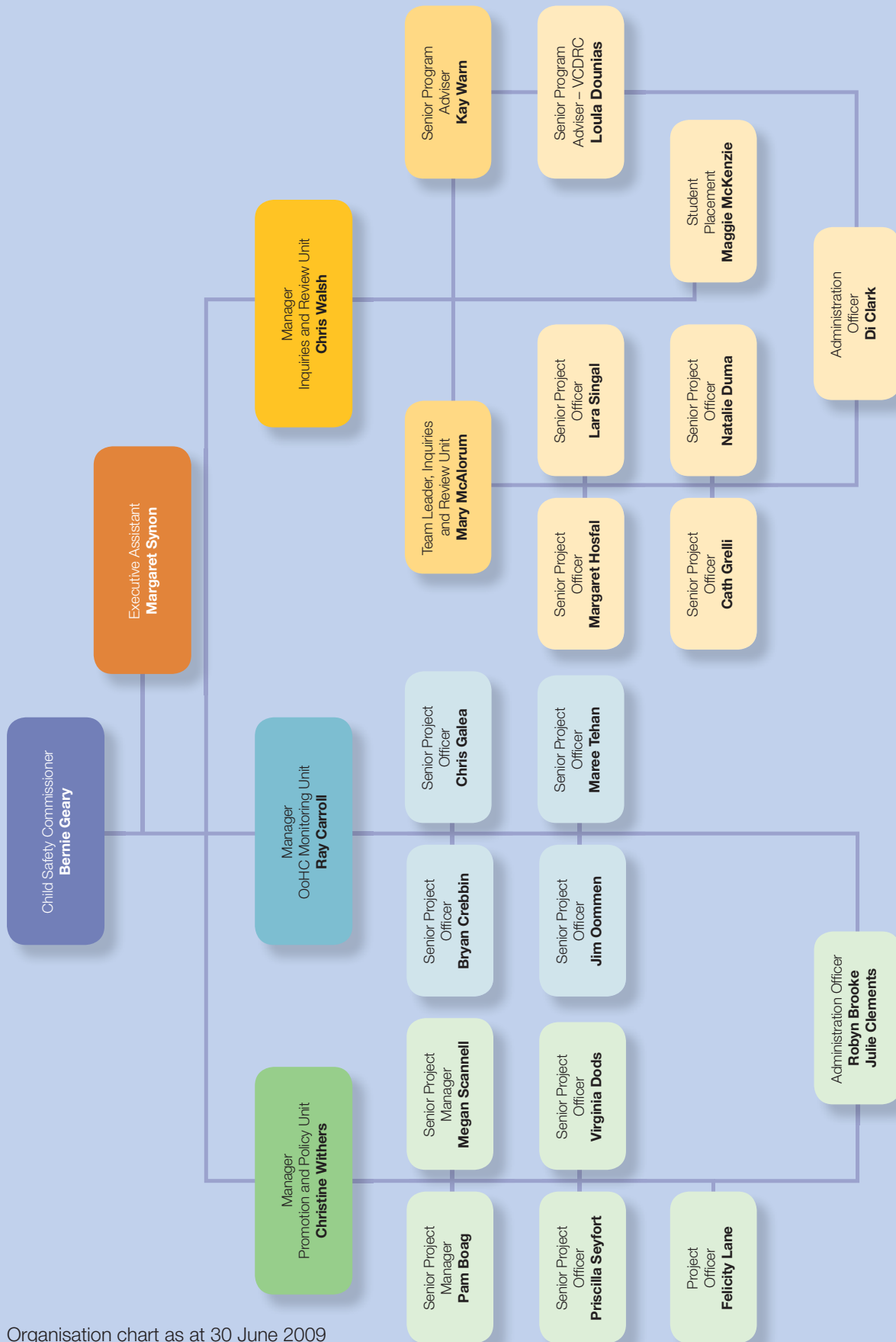
This report touches on some of the areas and issues that we have addressed, often in partnership with others, including carers, workers and families.

I am most grateful for the support and cooperation we receive from DHS and the community sector organisations. Working in partnership in order to serve the best interests of children is rewarding and inspiring. Most importantly, we thank the young people. We must never stop listening to them.

A handwritten signature in black ink, which appears to read 'Bernie Geary'. The signature is written in a cursive style and is positioned above a horizontal line.

Bernie Geary OAM
Child Safety Commissioner

Office of the Child Safety Commissioner



Organisation chart as at 30 June 2009

Functions of the Child Safety Commissioner

In the *Child Wellbeing and Safety Act 2005*, Parliament expressed its objectives for the creation of a Child Safety Commissioner as promoting 'continuous improvement and innovation in:

- (a) policies and practices relating to child safety; and
- (b) the provision of out-of-home care services for children.

The Act includes five specific legislative functions for the Child Safety Commissioner. These are:

- 1** Providing advice to the Minister for Community Services about child safety issues, at the request of the Minister.
- 2** Promoting child-friendly and child-safe practices in the Victorian community.
- 3** Reviewing and reporting on the administration of the Working with Children Act 2005 and in consultation with the Department of Justice, educating and informing the community about that Act.

- 4** In relation to children in out-of-home care:
 - promoting the active participation of those children in the making of decisions that affect them
 - advising the Minister and the Secretary on the performance of out-of-home care services
 - at the request of the Minister, investigating and reporting on an out-of-home care service.

- 5** Conducting an inquiry and preparing a report in relation to a child who has died, and who was a Child Protection client at the time of his or her death or within three months of his or her death.

The Act defines 'child' to mean a person under the age of 18 years.

Mission

The Child Safety Commissioner

**Promoting and improving
the safety and wellbeing of
all Victorian children**

Vision

**Victorian children – seen
and heard**

Significant achievements for 2008–09

During this year, the Office of the Child Safety Commissioner (OCSC):

- In partnership with the CREATE Foundation, interviewed 160 children and young people in the out-of-home care system about their experiences of living in care.
- Hosted the second debutante ball for young people in out-of-home care, where the Federal Minister for Families, Housing, Community Services and Indigenous Affairs, Jenny Macklin, received 18 debutantes and their partners.
- Launched the *As I See It* exhibition of photos taken by children in out-of-home care as depicting their lives.
- Hosted a forum to enhance support for grandparents and other kinship carers.
- Launched and distributed two resources: *Financial support for grandparents and other relative carers* and *Parenting for grandparents and other relative carers*.
- Continued to distribute the suite of resources the office has developed to support parents, carers, professionals and organisations.
- Attended and presented at a broad range of community forums, meetings and seminars.
- Made significant contributions to policy development at the state and national levels through written submissions, attendance at consultations and holding several forums into child-related issues.
- Worked with stakeholders to promote and support innovative programs designed to enhance the physical and emotional wellbeing of young people in Victoria.
- Championed the human rights of children through forums and through encouraging organisations to include the voices of children in the development of policies and making of particular decisions which impact upon them.
- Completed the annual review and report of the administration of the Working with Children Check.
- Undertook inquiries in relation to children who were clients of Child Protection at the time of, or within three months of, their deaths.
- Supported the Victorian Child Death Review Committee in the preparation and tabling of the annual report of inquiries into the deaths of children known to Child Protection.



Providing advice to the Minister about child safety issues

As mandated by the *Child Wellbeing and Safety Act 2005*, the Commissioner provides advice and recommendations to the Minister about child safety issues. In undertaking this role, the Commissioner meets regularly with the Minister for Community Services, Lisa Neville, and her staff to provide independent advice on matters of policy and legislative reform relevant to children and young people. In addition to providing general advice on matters of child safety, the Commissioner also advises the Minister on issues relating to child death inquiries and the out-of-home care system. These conversations are informed by the Commissioner's interactions with children and young people, particularly those in the out-of-

home care system, as well as his conversations with parents, carers and the professional sector.

The Commissioner also provides briefings to the Minister on a range of child-related issues, and also to support the Minister's attendance at events such as the launch of resources produced by the office.

In addition to advising the Minister for Community Services, the Commissioner also meets with the Minister for Children and Early Childhood Development, Maxine Morand, and her staff, to discuss issues relating to the safety and wellbeing of children. Through the review of the administration of the *Working with Children Act 2005*, the Commissioner also provides advice to the Attorney General.



Minister for Community Services, Lisa Neville, and Bernie Geary, Child Safety Commissioner

Promoting child-friendly and child-safe practices

Contribution to public policy debate and reform

This year, the OCSC has continued to build awareness of child safety and wellbeing in the Victorian community through contributing to public policy and debate. Identified as a strategic priority for this year, the OCSC contributed to government policy development at both the state and commonwealth levels. A list of the issues that the OCSC provided submissions on can be found in the boxes below.

Victorian Government:
Sentencing Advisory Council: Maximum penalties for sexual penetration with a child under 16
The Children’s Services Regulations review
Review of the Mental Health Act 1986
Because Mental Health Matters – a new focus for mental health and wellbeing in Victoria
Drugs and Crime Prevention Committee inquiry into strategies to prevent high volume offending by young people
Paediatric Palliative Care policy
Victorian Tobacco Control Strategy 2008- 2013
Victorian Civil and Administrative Tribunal – president’s review

Australian Government:
Australia’s Children: safe and well – a national framework for protecting Australia’s children
Productivity Commission’s inquiry into paid maternity, paternity and parental leave
National plan to reduce violence against women and children
National Human Rights consultation
Australia Council’s protocol for working with children
National quality framework for early childhood education and care
Guidelines on Attention Deficit Hyperactivity Disorder

Forums

In addition to providing comment on government policy and legislative reform, the OCSC has also sought to promote child-friendly and child-safe practices in Victoria by encouraging conversation and debate on a number of child-related issues. To this end, the OCSC hosted the following forums in the past year:

James Bell Forum – juvenile justice and mental health issues for young people in the USA

On 11 December 2008, the OCSC and the Department of Human Services jointly hosted a symposium with James Bell, Executive Director of the W. Hayward Burns Institute in San Francisco. Mr Bell spoke about the American juvenile justice system and the experiences of young people suffering mental illness within that system. The symposium provided local youth justice and mental health practitioners with the opportunity to discuss some of the issues facing Victoria’s young people.



Clockwise from top left: Judge Paul Grant, President, Children’s Court of Victoria; Bernie Geary, Child Safety Commissioner; Jan Noblett, Director, Youth Services and Youth Justice, Department of Human Services; James Bell, Executive Director, W. Hayward Burns Institute

FGM (Female Genital Mutilation) Forum

The OCSC, with support from the FGM working group consisting of members from the Department of Human Services, Centre for African-Australian Women's Issues, Victoria Police, the Department of Education and Early Childhood Development, the Association of Independent Schools, the Catholic Education Office, Centres Against Sexual Assault Forum, and the Family and Reproductive Rights Education Program, held a public forum on FGM in February.

Maxine Morand, the Minister for Early Childhood Development and Women's Affairs, opened the forum followed by presentations from the Child Safety Commissioner, and the Chief Executive Officer of the Victorian Human Rights and Equal Opportunity Commission, Dr Helen Szoke. In his opening remarks, the Child Safety Commissioner emphasised that 'FGM is universally acknowledged as a fundamental breach of human rights' and is unlawful in Victoria. The objective of the forum was to promote discussion of FGM and raise the public profile of the issue in the broader community.

Alternative futures: empowering Horn of Africa youth for employment

Community Forum

A unique piece of research was conducted in Melbourne in 2005 by Yusuf Sheikh Omar on the educational and employment aspirations of Somali high school students. In response to the findings of this research, and anecdotal reports that many Horn of Africa (HOA)-background young people were becoming disengaged from school and having difficulty gaining employment, the OCSC partnered with School Focused Youth Service coordinators and a planning reference group of HOA community service providers to organise the Alternative Futures forum.

Held at the Flemington Community Centre on 24 July 2008, the aim of the Alternative Futures forum was to address the apparent challenges confronting HOA-background young people in transitioning from education to employment, and the associated intergenerational conflict.

To this end, information on education and training pathways was provided to a target audience of HOA youth and their families.

Collaboration to support young people

Cyber safety

Greater numbers of children are using the internet more often to engage in a range of activities including social networking, communicating with friends, finding information, playing games and enhancing their education. While the internet offers great benefits, there are also risks.

The OCSC has undertaken preliminary consultations with some out-of-home care providers and the Department of Human Services to consider how children who experience out-of-home care can be supported to safely navigate these new technologies. Our preliminary consultations indicate that new communication technologies offer many benefits to all children, but not all children who experience out-of-home care have sufficient opportunities to share in these benefits.

Modelling a Generous Community Award

This year the Child Safety Commissioner established an award to recognise a person, who had made a significant contribution to enhancing the safety and wellbeing of vulnerable Victorian children; through demonstrating the highest level of sustained personal commitment to meaningfully connecting children to their local community. The award was announced as part of the 2008 Robin Clark Memorial Awards presented during Child Protection Week.

The inaugural recipient, Ms Claire Brunner was described as, "a dedicated foster parent who over many years, had continued to provide unconditional love and care to many vulnerable children, many of whom maintain an ongoing relationship with her despite no longer being in her care."

Youth and the media

The office continues to monitor the media for misleading or incorrect representation of children and young people. Conscious of the need to

promote and reinforce positive messages about children and young people, the office supports initiatives such as the launch of New Australia Media in December 2008. New Australia Media is an online media source featuring stories written mainly by young people from new and emerging communities. Further, the office took great pleasure in the media coverage of the 2009 debutante ball for young people in out-of-home care in *The Sunday Age* on 24 May 2009. This provided a great example of positive representation of young people in the media.

Empowering Young People Project

The provision of programs and services designed to support young people in negotiating the issues surrounding personal safety and respectful relationships has been identified as a gap in young peoples' education. The OCSC seeks to support wider uptake of such programs by schools, and to ensure the quality of these programs through an evaluation of two existing programs,

the *Love Drunk* performance and the *Respect, Protect, Connect* peer education program.

Work has been underway on the development of a partnership with Phunktional Theatre Company (Love Drunk) and the South East Centre Against Sexual Assault (Respect, Protect, Connect), to undertake a pilot project that combines the *Love Drunk* performance with the *Respect, Protect, Connect* program in six secondary schools. The pilot will be accompanied by a comprehensive evaluation to assess the impact of the programs individually and also as a package.

Supporting parents, carers and their children

Distribution of resources

Throughout the past year, the OCSC has continued to promote and distribute its suite of resources to the Victorian community. These resources support parents, carers, teachers and other organisations



Actors Ella Caldwell, Jamieson Caldwell and Mick Lo Monaco in rehearsal for a *Love Drunk* performance. Photo: Bridgette Burton



Left to right: *Wise choices: safe children* DVD and factsheet; *Calmer classrooms – A guide to working with traumatised children*; *Proper care when you're not there* booklet and tip sheet.

in creating child-friendly and child-safe environments. The OCSC has distributed large numbers of the resources at various conferences and events. In addition, the office has experienced enormous demand for these resources through our online orders, via the OCSC website (www.ocsc.vic.gov.au), and through phone orders.

Follow-on resources to *Calmer classrooms*

In response to the successful publication *Calmer classrooms: A guide for working with traumatised children*, the office has commenced work on the development of a trio of related resources, one of which will target professionals who are in contact with children and young people through their work, a second that will target parents of pre-school and school-age children, and a third that will be aimed at new parents of infants.

Safe Sleeping Policy working group

The incidence of Sudden Infant Death Syndrome (SIDS) has fallen by approximately 80 per cent since the introduction of public campaigns emphasising the importance of not sleeping infants on their stomachs. However, babies still continue to die of SIDS and it remains the single leading cause of preventable death in the first year

of life of a baby. Evidence suggests that parents are sometimes receiving inconsistent messages, or sometimes no messages at all, in relation to safe sleeping environments and practices.

The SIDS and SUDI (Sudden Unexpected Deaths in Infancy) working group (a multidisciplinary group convened by the OCSC), formed a working group to formulate a Victorian Infant-Safe Sleeping Policy for acute and community health facilities and services. The working group is developing a policy framework and set of minimum standards with accompanying practice guidelines, with the aim of preventing SIDS and SUDI (which includes sleeping accidents).

Consultations with young African people

In May and June 2009 the OCSC facilitated two formal consultation sessions on human rights and social inclusion with participants of African background. The office greatly appreciates the valuable insight that these participants were able to provide on issues facing children and young people in their communities. The insights gained from these consultations will be included in the OCSC's response to the Human Rights Commission's discussion paper, *African Australians: A report on human rights and social inclusion issues*.

Reviewing the administration of the *Working with Children Act 2005* and educating the community

The Working with Children (WWC) Check was implemented in 2006 as an initiative to further improve the safety of Victorian children when they are participating in activities. The WWC Check is administered by the Department of Justice. It requires some people who work or volunteer in child-related work to apply for, and pass, a WWC Check. The WWC Check is being phased in from 2006 to 2011. Each year different child-related occupational fields are introduced, requiring people who work or volunteer in designated fields to apply for a WWC Check.

Reviewing the administration of the Working with Children Act

The *Child Wellbeing and Safety Act 2005* assigns to the Child Safety Commissioner the responsibility of annually reviewing the administration of the *Working with Children (WWC) Act 2005* by the Department of Justice. A report is provided to the Minister for Community Services, the Attorney General and the Secretary of the Department of Justice.

The second full year of the five-year staged approach to implementation was completed on 30 June 2008. The review covered applications within seven occupational fields that relate to Year Two of the Department of Justice's Implementation Phasing Plan, including educational institutions for

children, childcare services, out-of-school hours care arranged by or located at schools, children's services (regulated under the *Children's Services Act 1996*), counselling or other support services for children, overnight camps for children arranged by or located at schools, transport services specifically for children, refuges or other residential facilities for children, and religious organisations.

A report on the *2008 Annual Review of the Administration of the WWC Act 2005* was provided to the people specified within the Act within the required timeframe.

Educating and informing the community about the Act

In consultation with the Department of Justice, the OCSC continues to develop and promote information about the role of the WWC Check.

This is disseminated to the community via presentations, attendance at meetings, speeches, and via widely distributed publications.

The OCSC believes that the WWC Check is one part of building a child-safe organisation and should accompany other strategies, such as the development of a child-safe policy, robust staff selection and recruitment practices, and clear governance processes.



Monitoring out-of-home care services

Listening to Children

The Child Safety Commissioner has identified 'listening to children' as a priority. Due to our role in monitoring the out-of-home care system, we are particularly interested in hearing the voices of children and young people who are living in care. These important conversations and interactions not only inform our advice to the Minister for Community Services and the Secretary of the Department of Human Services, but also inform and confirm the work of the office.

Visits

The Commissioner and his staff have continued to visit children and young people in care throughout Victoria to talk to them about their experiences. These informal occasions provide children with an opportunity to get to know the Commissioner, and to discuss any issues that are of importance to them. It also provides the Commissioner with the opportunity to meet and talk with the staff and carers who work closely with these children.

Over the past year, the Commissioner has visited children and young people in residential units (including the new therapeutic residential units which have been rolled out across Victoria), and met with



Bernie Geary, Child Safety Commissioner, and young people at the launch of the North2South CD at Brayton Youth and Family Services in Shepparton

kinship carers and kinship care staff. In addition to visits to children and their carers in out-of-home care services, the Commissioner has also visited other community organisations providing important services to children, such as the innovative Wendouree West Community Learning Hub.



Areas visited by the Commissioner and staff of the OCSC in order to hear from children, their families and carers and organisations which support them.



We are most grateful to the young people, carers, and out-of-home care and child protection staff for their generosity in allowing us into their lives.

Be.Heard

In 2008, the office commissioned the CREATE Foundation to undertake the Be.Heard project. Delivered in a joint partnership between the OCSC and the CREATE Foundation, the project aims to seek the views of children and young people in care about the quality of care they receive. Be.Heard has also been run in Queensland and Tasmania, but it has been adapted to the

Victorian context in order to reflect the Victorian Charter for Children in out-of-home care.

The Be.Heard project, piloted in the Southern Metropolitan and Hume Regions, involved interviews with 160 young people living in out-of-home care services including residential care, foster care, permanent care and kinship care. The final report is currently being developed and will be released in late 2009.

As I See It

As I See It, a black and white photographic exhibition by young people living in out-of-home care, was launched on 10 February 2009 by the Child Safety Commissioner and the Parliamentary Secretary for Human Services, Mr Telmo Languiller. The exhibition was held in The Atrium at Federation Square from 10–17 February. Each young person involved in the exhibition was provided with a camera (which they kept) and was asked to submit their own photos and stories. The exhibition provided a powerful insight into how these young people see their lives and what is important to them.

The *As I See It* project was delivered through a partnership between the OCSC, ten non-government organisations and the Department of Human Services. A report from the project is



Image from the poster used to promote the exhibition, *As I See It*.

currently being developed to analyse the written responses submitted by young people to further enhance our understanding of their experiences in care. Some of these responses can be seen below:

“I’ve been in lots of different placements which has made me feel upset and frustrated.”

“I want people to understand that a lot of us, under our cloaks, we can still be kids.”

“I want you to hear and know that even though a lot of bad things have happened to me, I’m still a human being, someone’s son and brother and nephew. I want to be treated like a normal kid and there is hope.”

“The photo of the car represents me moving forward as I am almost ready to leave care.”





Photo courtesy of Simon O'Dwyer, *The Sunday Age*

Debutante ball

Following the success of the inaugural debutante ball in 2007, the 2009 debutante ball for young people in out-of-home care was held on Thursday 21 May at the Melbourne Town Hall. The 2009 ball was hosted by the Commissioner and organised in partnership with several agencies delivering out-of-home care services, and the CREATE Foundation.

On the night, 18 debutantes and their partners were presented to the Federal Minister for Families, Housing, Community Services and Indigenous Affairs, Jenny Macklin MP and her partner, before showcasing their dancing skills to the audience of almost 600. In preparation for the night, the young people participated in 12 weeks of dancing lessons. There they showed great commitment and dedication and also experienced what it is like to be part of a team.

“ Many of the debutantes knew each other from their out-of-home care experiences. This makes us a close group of

people that we have shared our dream with. Many of us also have made new friends that we will keep in contact with after this amazing night.”

The commitment of the young people certainly paid off, as was articulated by one of the debutantes in her speech on the night:

“ Many of the young people here tonight have wanted to make their debut for a long time now. Many of us thought that this opportunity would never come up. It’s a dream come true. This is such an achievement for all the debutantes tonight, there have been many emotions throughout this journey.”



Over the 12 weeks of dancing lessons, the Commissioner and his staff got to know these young people and were afforded a privileged window into their lives. The inaugural debutante ball was borne out of a conversation between the Commissioner and a group of young people living in out-of-home care. The success of the second debutante ball in 2009 demonstrates the positive gains to be made for children and young people living in out-of-home care when we listen to their concerns, compliments and desires for the future.

Monitoring and improving systems

The *Children, Youth and Families Act 2005* is underpinned and guided by the principle that the best interests of the child are paramount. To this end, the Child Safety Commissioner has an important role to monitor Victoria's out-of-home-care system to ensure the safety and wellbeing of the children who have contact with this system. A central part of this role is the promotion of continuous improvement of the services provided to these vulnerable children and young people. Kinship and foster carers hold our system together

through their love and commitment; they selflessly give, often in challenging circumstances.

Kinship care

There are a growing number of children and young people who, for a variety of reasons, are unable to live at home with their parents and are placed in the care of a relative. These care arrangements, also known as kinship care, include children in formal statutory arrangements as well as those in private or informal kinship care arrangements. The OCSC is committed to supporting these children and their carers. In response to the growing number of kinship care placements, and the issues and needs that arise from these placements, the office has developed two resources to provide practical information for relative carers.

Financial support for grandparents and other relative carers

Taking on the care of children and young people can often put a financial burden on families. Children need food, clothing, schooling, dental and medical treatment as well as access to recreational activities. Released in late 2008, the *Financial support for grandparents and relative carers* booklet provides a comprehensive overview of the financial support that is available to children and their carers. This resource is designed to assist these carers decide on the government assistance for which they may be eligible.

Parenting for grandparents and other relative carers

Parenting for grandparents and other relative carers was launched in June 2009. This booklet has been written to help carers navigate the complexities of children's needs, parental involvement, family support and the importance of carers recognising and addressing their own needs.

Along with providing useful parenting tips and advice, the booklet is written to help carers feel that they are not alone and that emotional and practical supports are available to them when needed.

Statutory declaration for informal relative carers

There are a growing number of children who are unable to live with their parents and are in informal



Dr Howard Bath, Children's Commissioner for the Northern Territory; Brian Wynn-Mackenzie, former Magistrate of the Children's Court of Victoria; Anne McLeish, Director, Grandparents Victoria; Bernie Geary, Child Safety Commissioner; Robyn Miller, Principal Child Protection Practitioner, Department of Human Services; Paul McDonald, Executive Director, Children Youth and Families Division, Department of Human Services.

kinship care arrangements with grandparents or other family members. When children and young people are placed in the care of their relatives like this, there is often difficulty accessing Victorian and Commonwealth Government services.

A commitment was made by Community Services Ministers in July 2008 to introduce the statutory declaration for informal relative carers at a national level. On the request of the Victorian Minister for Community Services, the OCSC commenced the development of the statutory declaration. An inter-departmental working group was developed to assist the OCSC with the development of the statutory declaration.

Representatives on this group included the Department of Education and Early Childhood Development, Registry of Births, Deaths and Marriages, Rural and Regional Health and Aged Care, Public Health, Victoria Police, Health Services Commissioner and others. The statutory declaration is a written statement made in the

presence of an authorised witness that can be used as evidence for caregivers to prove their caregiver status, and assist them with access to services for the children in their care.

Work to complete the statutory declaration for informal relative carers along with the accompanying information booklet was completed in June 2009.

Kinship care forum

In addition to the trio of resources and the statutory declaration, the Office, in partnership with the Department of Human Services Child Protection, Placement and Family Services Unit and Grandparents Victoria, jointly hosted a kinship care forum in June 2009. This forum provided the opportunity to further explore the issues that are faced by kinship carers. Professionals from the government and non-government sectors working in the area of children, families and kinship care, as well as many kinship carers themselves, attended the forum.

Conducting inquiries and reporting on the deaths of children known to Child Protection

“The child death review process provides a window into routine practice and contributes to fostering a learning and developmental culture”

VCDRC Annual Report 2009

Acknowledgement

The pain of a child's death is felt by many, above all the child's family and friends, but also the professionals who provided their support and assistance. Your pain is recognised.

I would also like to express my appreciation to all those who participated in the inquiries in the past year to assist my office in their work to improve systems and services for vulnerable children and families.

Bernie Geary OAM
Child Safety Commissioner



Conducting child death inquiries

Victoria has a two-level system of examining deaths of children known to Child Protection. The first level is undertaken by the OCSC. The second level is undertaken by the Victorian Child Death Review Committee (VCDRC).

The Child Safety Commissioner has a legislative mandate to conduct an inquiry and prepare a report in relation to a child who has died, and who was a Child Protection client at the time of his or her death or within three months of his or her death. The aim of this review process is to promote continuous improvement and innovation in policies and practices relating to child protection and safety. The OCSC establishes and oversees all inquiries, delivering a report to the VCDRC for review.

Supporting the Victorian Child Death Review Committee

The Victorian Child Death Review Committee (VCDRC) is a ministerial advisory committee that provides independent, expert, multidisciplinary review of child death inquiries conducted by the OCSC. The OCSC provides a range of administrative supports and resources to the VCDRC. One of these roles is to support the VCDRC in producing its annual report of inquiries into the deaths of children known to Child Protection, and in tracking and monitoring the implementation of recommendations made by the VCDRC. The VCDRC annual report was tabled in Parliament on 25 June 2009.

Two key learning areas covered by the Victorian Child Death Review Committee in the reporting period April 2008 to March 2009 related to responding to vulnerable infants with complex medical needs, including premature birth, limited life expectancy and multiple disabilities; and responding to adolescents who present with high-risk behaviours.

Responding to vulnerable infants

A key learning area identified in the VCDRC annual report related to responding to vulnerable infants. The report highlights the following:

- A high level of sensitivity is required when assessing parental capacity during the period that the diagnosis and prognosis for the child is unclear, but at the same time a continued focus on the risk to the child needs to be maintained;
- The assessment of risk for the child should be ongoing, assertive and decisive; and
- Access to medical expertise would be of great benefit to practitioners to assist them in navigating through complex medical systems, and making appropriate judgements when assessing parenting capacity for infants with special needs.

Responding to adolescents with high-risk behaviours

The key findings identified by the VCDRC regarding responding to adolescents with high-risk behaviours are:

- The importance of intervening earlier with these young people, in a purposeful and assertive manner to ameliorate the effects of their past trauma;
- The use of trauma-informed case work to underpin an overall therapeutic response; and
- The importance of adopting a care team approach with a well coordinated service plan based on a comprehensive assessment which results in a clear and agreed case formulation and case plan.

The VCDRC has developed recommendations in relation to responses to both high-risk adolescents and infants which have been forwarded to the DHS for action. Responses to these recommendations will be reported in the 2010 Annual Report of the VCDRC.

Review of the current child death inquiry model

The OCSC has undertaken an in depth review of the current child death inquiry model, process and template. The review included consultations with a range of stakeholders and has led to the development of a proposed new model for child death inquiries. The proposed new model will strengthen the current approach and move towards a multi-service inquiry that is child-centred and will explore the interactions between staff, programs, agencies and institutions during the life of the child, at all levels of the system. This new approach will broaden attention to the range of service systems that were involved in providing services to the child. A pilot of the model has recently commenced.

Legislative change

The Children Legislation Amendment Bill 2009 was introduced into Parliament in March 2009. The Bill proposes amendments to broaden the criteria for the types of cases that will be subject to child death inquiries by the Child Safety Commissioner.

The Bill also includes amendments which would broaden the powers of the Child Safety Commissioner to enable inquiries to be established in relation to a child protection client where the Minister considers review will assist to improve child protection practices and enhance child safety. The definition of client applies to children who are alive or may have died.

Monitoring progress on inquiry recommendations

This Office provides a monitoring and data reporting function that assists the Victorian Child Death Review Committee to observe how its work impacts on the development of case practice and the service system. This function allows the Committee to analyse recurring themes in recommendations, and also to see how the recommendations are translated into actions to improve the response to vulnerable children and families, as well as ongoing service development.

Incident reports regarding children in out-of-home care

As one component of monitoring the out-of-home care system, the OCSC reviews Category 1 incident reports regarding children who live in out-of-home care. The office prepares quarterly and annual information reports regarding key themes and issues arising from the incident reports. The information reports are forwarded, together with any observation on key issues or recommendations from the Commissioner, to the Department of Human Services to action.

New group analysis focusing on the co-existence of parental risk factors

In 2009 work commenced on a group analysis designed to identify key learnings from a group of children who have died and were known to child protection. The aim is to understand and reflect upon the impact on children of the co-existence of parental risk factors associated with family violence, parental substance use and mental health illness.

The analysis will focus on service relationships, specifically on how child-focused and adult-focused services can better work together.

Future directions

Promoting child-friendly and child-safe practices

In the coming year, the office will continue to promote child-friendly and child-safe practices by:

- Working with DHS to identify how policies, procedures and resources can be enhanced to better enable children who experience out-of-home care to safely maximise the benefits arising from access to the internet.
- Launching the resources *Isolation to connection: a guide to understanding and working with traumatised children and young people* and *the Calmer classrooms companion: a guide for the school community*. The office will continue to develop the third resource in the package, *Let's start at the very beginning*.
- Finalising an agreed upon state-wide safe sleeping policy framework and set of minimum standards.
- Delivering the 'Empowering young people' project report.
- Developing a Proper Care resource for parents and carers with an intellectual disability.
- Hosting a breakfast series of high profile community leaders to draw attention to various issues facing children and young people.
- Continuing to promote the Working with Children Check as a key part of building and maintaining child safe organisations.

Out-of-home care services

In the coming year, the office will continue to focus on out-of-home care services by:

- Distributing the statutory declaration for informal relative carers.

- Distributing the third publication in the kinship care resource package, *Legal issues for grandparents and other relative carers*.
- Continuing to visit and listen to the voices of children and young people in care.
- In partnership with the Create Foundation, promoting the findings from the Be.Heard project report.
- Seeking to explore opportunities to enhance the quality of care for children with disabilities who live in out-of-home care.
- Considering how best to support the children for whom permanent care orders are made, and their carers.
- Developing a new volunteer community integration program to provide children in residential care with enhanced supports and better access to community activities. The new model will be developed in consultation with children in residential care, the Department of Human Services and residential care providers.

Conducting inquiries and reporting on the deaths of children known to child protection

- Undertaking a group analysis focusing on service relationships, specifically on how child-focused and adult-focused services can better work together.

Finances

The Department of Human Services provides financial services to the OCSC. The financial operations of the OCSC are consolidated into those of the Department, which are audited by the Auditor-General. Full financial reports are therefore not provided as part of this annual report. A financial summary of revenue and expenditure for 2008–09 is provided below.

Expenditure

Item	Actual	Budget	Variation
Salaries and on-costs	1 855 796	1 664 886	-190 910
Supplies and consumables	686 679	1 114 059	427 380
Total	2 542 475	2 778 945	236 470

Revenue

The source of revenue for the Office of the Child Safety Commissioner was the allocation of funds provided by the Department of Human Services.



Compliance and accountability

Whistleblowers Protection Act 2001

The *Whistleblowers Protection Act 2001* was enacted to facilitate the making of disclosures about improper conduct by public bodies and public officials and provide a number of protections for those who come forward with a disclosure (whistleblowers). It also provides for the investigation of disclosures that meet the statutory definition of 'public interest disclosure'.

The following report is provided in accordance with s. 104 of the Whistleblowers Protection Act.

a) Reporting procedure guidelines Statement of support

The Office of the Child Safety Commissioner has adopted guidelines in accordance with the requirements of the Whistleblowers Protection Act. The Office of the Child Safety Commissioner is an administrative office of the Department of Human Services and has modelled its guidelines on those of the Department of Human Services.

The Office of the Child Safety Commissioner does not tolerate improper conduct by its employees or officers or the taking of reprisals against those who come forward to disclose such conduct under the Whistleblowers Protection Act. The Office of the Child Safety Commissioner recognises the value of transparency and accountability in its administrative and management practices and supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of public resources, or a substantial risk to public health and safety or the environment. The alleged conduct must be serious enough to constitute, if proven, a criminal offence or reasonable grounds for dismissal to satisfy the Act.

Availability of procedures

The Office of the Child Safety Commissioner's guidelines are available for perusal by all employees of the Office of the Child Safety Commissioner. All members of the public may view these guidelines free of charge during normal business hours at the Office of the Child Safety Commissioner, Level 20, 570 Bourke Street, Melbourne. The guidelines can also be viewed on the Office of the Child Safety Commissioner's website: www.ocsc.vic.gov.au

Corrupt conduct

Corrupt conduct means:

- conduct that adversely affects the honest performance of functions
- the dishonest performance of functions or performance with inappropriate partiality
- conduct that amounts to a breach of public trust

- conduct that amounts to the misuse of information/material acquired in the course of one's duties
- a conspiracy or attempt to engage in the above conduct.

The reporting system

Disclosures of improper conduct or detrimental action by the Office of the Child Safety Commissioner or its employees may be made directly to the Protected Disclosure Coordinator:

Mr Ray Carroll
Manager Out-of-Home
Care Monitoring Unit
Telephone 03 8601 5818
Facsimile 03 8601 5881
Level 20, 570 Bourke Street,
Melbourne

(and in the event he is unavailable to Christopher Walsh, Manager Inquiries and Review).

Where a person is contemplating making a disclosure and is concerned about confidentiality, he or she can call the Protected Disclosure Coordinator and request a meeting in a discreet location away from the workplace. Employees can also obtain information about whistleblower policy and procedures from the Department of Human Services' Protected Disclosure Coordinator.

Alternative contact person

A disclosure about improper conduct or detrimental action by the Office of the Child Safety Commissioner or its employees may also be made directly to the Ombudsman:

The Ombudsman Victoria
Level 22, 459 Collins Street,
Melbourne Victoria 3000
(DX 210174)
www.ombudsman.vic.gov.au
ombudvic@ombudsman.vic.gov.au
Telephone (03) 9613 6222
Toll free 1800 806 314

Employees

Employees are encouraged to report known or suspected incidences of improper conduct, corrupt conduct or detrimental action in accordance with these procedures. All employees of the Office of the Child Safety Commissioner also have an important role to play in supporting those who have made a legitimate disclosure by protecting and maintaining the complainant's confidentiality and refraining from any activity that is or could be perceived to be victimisation or harassment of a person who makes a disclosure.

Confidentiality

The Office of the Child Safety Commissioner will take all reasonable steps to protect the identity of the whistleblower to ensure that reprisals are not made against them and to ensure that staff involved in the handling or

investigation of a disclosure understand and apply the principles of the Act about the confidentiality of information.

The Office of the Child Safety Commissioner will also put in place appropriate systems to secure all material related to whistleblower matters.

In the year under review:

b) Number of disclosures

No disclosures of any type were made to the Office of the Child Safety Commissioner.

c) Public interest disclosures referred to the Ombudsman

No disclosures of any type were referred by the Office of the Child Safety Commissioner to the Ombudsman for determination as to whether they were public interest disclosures.

d) Disclosures referred to the Office of the Child Safety Commissioner

No disclosures of any type were referred to the Office of the Child Safety Commissioner by the Ombudsman.

e) Disclosures of any nature referred to the Ombudsman

No disclosures of any type were referred by the Office of the Child Safety Commissioner to the Ombudsman to investigate.

f) Investigations taken over by the Ombudsman

No investigations of disclosed matters of any type were taken over from the Office of the Child Safety Commissioner by the Ombudsman.

g) Requests under Section 74

No requests were made under s. 74 to the Ombudsman to investigate disclosed matters.

h) Disclosed matters declined to be investigated

There were no disclosed matters of any type that the Office of the Child Safety Commissioner declined to investigate.

i) Disclosed matters substantiated on investigation

No disclosed matters of any type were investigated, or substantiated on investigation.

j) Recommendations by the Ombudsman

No recommendations were made by the Ombudsman under the Whistleblowers Protection Act relating to the Office of the Child Safety Commissioner.

www.ocsc.vic.gov.au