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Anthony Walsh
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Parliament House
EAST MELBOURNE VICTORIA 3002

Dear Mr Walsh

Re: Inquiry into Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015

Following the appearance of Beth Allen, Gwendolyn Ellemor and Kirsty McIntyre, before the Legal and Social Issues Committee on Friday 19 June 2015, you advised that the department took the following questions on notice:

- p.4 Question from Ms Patten requesting data
- pp.5-6 Question from the Chair requesting a copy of the draft report
- p.8 Question from Mrs Peulich requesting data
- p.8 Question from Mrs Peulich requesting data
- p.9 Question from the Chair about the draft report
- pp.10-11 Question from Mrs Peulich requesting data.

In response, the department provides the following:

Attachment 1: Number of children in OOHC by type of care addressing the question from Ms Patten on p. 4 requesting data.

Attachment 2: Time taken to reunify children with parents addressing the first question from Mrs Peulich on p.8 requesting data.

Attachment 3: Abuse in or poor quality of care addressing the second question from Mrs Peulich on p.8 requesting data.

Attachment 4: Underlying reasons for families being unable to look after their children addressing the questions from Mrs Peulich on p.10-11 requesting data.

In reference to the questions from the Chair regarding the draft report of the stability, planning and permanent care project, we note that the report is in the process of being finalised. Given the subject matter of the project, the Government is concerned that the premature release of a draft version of the report may create public confusion. I therefore respectfully request an extension of the Committee's request, in relation to the draft report only, until **1 July 2015**, to enable finalisation of the report.

The report will be available on the department's website: <http://www.dhs.vic.gov.au/home>.

Yours sincerely



Dr Pradeep Philip
Secretary

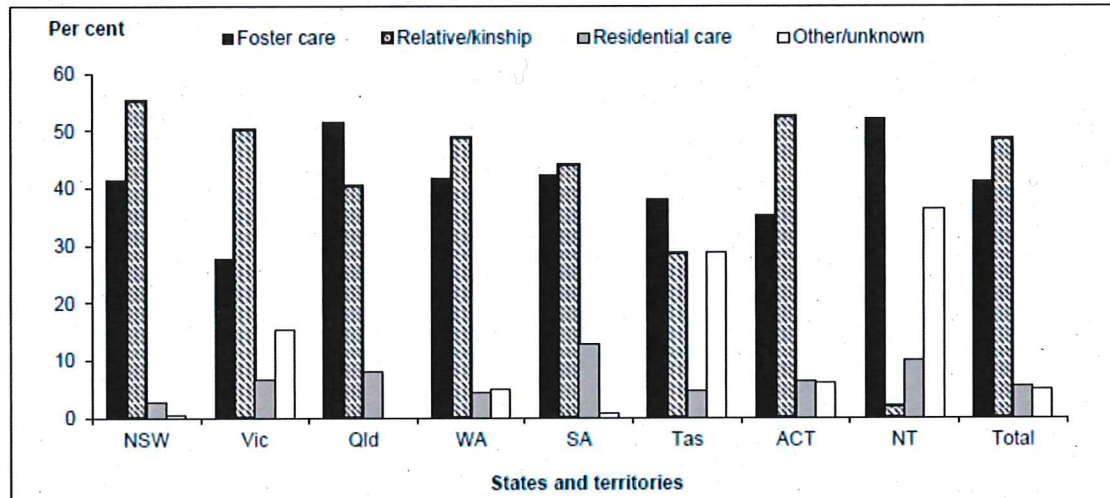
Response to question on notice of the Standing Committee on Legal and Social Issues – Inquiry into the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Act

ATTACHMENT 1

P.4 QUESTION FROM MS PATTEN REQUESTING DATA

"...can give me a breakdown of the children currently in out-of-home care. When you say kinship, foster, residential and permanent, can you give me some idea of what percentage are in kinship compared to permanent care?"¹

Number of children in OOHC by type of care



Australian Institute of Health and Welfare 2015. Child protection Australia: 2013–14. Child Welfare series no. 61. Cat. no. CWS 52. Canberra: AIHW, Page 48.

Table A28: Children in out-of-home care, by type of placement, states and territories, 30 June 2014

Type of placement	NSW	Vic ^(a)	Qld	WA	SA	Tas ^(b)	ACT	NT ^(c)	Total
Number									
Foster care ^(d)	7,550	2,132	4,223	1,549	1,114	401	213	472	17,654
Relatives/kin ^(e)	10,044	3,877	3,306	1,821	1,162	302	318	17	20,847
Other home-based care	0	1,136	0	0	0	255	36	261	1,688
Total home-based care	17,594	7,145	7,529	3,370	2,276	958	567	750	40,189
Family group homes	14	0	0	185	n.a.	29	0	9	237
Residential care	507	515	656	168	334	48	38	90	2,356
Independent living	66	49	0	0	21	1	0	5	142
Other/unknown	11	1	0	0	n.a.	18	1	54	85
Total	18,192	7,710	8,185	3,723	2,631	1,054	606	908	43,009
%									
Foster care	41.5	27.7	51.6	41.6	42.3	38.0	35.1	52.0	41.0
Relatives/kin	55.2	50.3	40.4	48.9	44.2	28.7	52.5	1.9	48.5
Other home-based care	0.0	14.7	0.0	0.0	0.0	24.2	5.9	28.7	3.9
Total home-based care	96.7	92.7	92.0	90.5	86.5	90.9	93.6	82.6	93.4
Family group homes	0.1	0.0	0.0	5.0	...	2.8	0.0	1.0	0.6
Residential care	2.8	6.7	8.0	4.5	12.7	4.6	6.3	9.9	5.5
Independent living	0.4	0.6	0.0	0.0	0.8	0.1	0.0	0.6	0.3
Other/unknown	0.1	—	0.0	0.0	...	1.7	0.2	5.9	0.2
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Australian Institute of Health and Welfare 2015. Child protection Australia: 2013–14. Child Welfare series no. 61. Cat. no. CWS 52. Canberra: AIHW, Page 97.

¹ In response to subsequent clarification by the Chair, Ms Patten indicated further information was not required, however the information has been included as the question was included in a list provided of questions on notice.

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ATTACHMENT 2

P.8 QUESTION FROM MRS PEULICH REQUESTING DATA

"...how many of the children who are removed from their parents are returned within 6, 12, 18 or 24 months time frames and how many are returned after two years?"

Time taken to reunify children with parents

Unpublished data provided in confidence

The following table shows children entering out of home care between July 2010 and June 2014 who had returned to their parents' care by April 2015 by length of time in care.

Length of time in OOHC	Number of children	% of children
Up to 6 months	5,607	67.29%
6 – 12 months	1,165	13.98%
12 – 24 months	1,016	12.19%
2 – 3 years	364	4.37%
3 – 4 years	159	1.91%
4 – 5 years	22	0.26%
Total	8,333	100%

Of 11,802 children who entered out of home care between 2010 and 2014, 8,333 (70.60%) had returned to their parents' care by April 2015, when the following data was run. Of these 8,333 children, 5,607 (67.29%) did so within six months, and a further 13.98% and 12.19% within 12 or 24 months (93.46% within two years). The proportion returning to their parents' care after more than two years in out of home care was 6.54%.

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ATTACHMENT 3

P.8 QUESTION FROM MRS PEULICH REQUESTING DATA

"...of those 7000 children in out-of-home care, how many of them may be subjected to abuse in the settings in which they have been placed?"

"In providing the whole number, are you able to provide that, breaking it down to the various contexts — kinship, foster, residential and permanent care? It just goes to heart of the question of how effective the state's and the court's decision-making is."

Abuse in or poor quality of care

Unpublished data provided in confidence

Data provided is for the period **01/07/2013** to **30/06/2014** and relates to the placement type of the child when the abuse or quality of care concerns occurred.

Of 542 cases investigated during this reporting period, 429* cases were completed in the period.

Of the 429 cases subject to a completed investigation in the period, 156* cases (36.4 per cent) had outcomes of substantiated abuse.

Of the 156* cases where abuse was substantiated:

- 68 cases (43.6 per cent) related to children residing in kinship care
- 50 cases (32 per cent) related to children residing in foster care
- 38 cases (24.4 per cent) related to children residing in residential care.

There were no cases that were investigated and substantiated for children residing in lead tenant.

* These numbers differ from those included in the department's 2013-14 annual report because the annual report includes cases reported, investigated and completed within the reporting period.

The metrics and measures used to calculate the data

Quality of care cases can be complex and may involve multiple clients and multiple carers in one incident. As there is not a 1 to 1 relationship (one carer, one client, and one outcome) in most incidents, a robust data system is required to calculate and quantify individualised outcomes. To achieve this, data is analysed by multiple measures. The four measures applied across the quality of care reporting suite to calculate the data are:

- the number of clients
- the number of incidents
- the number of cases
- the number of carers.

The quality of care data provided in this response is a measure of quality of care cases, each of which is given a Case Identification Number. The number of quality of care cases is calculated by the number of Case Identification Numbers. **One quality of care case does not equate to one individual client.**

Response to question on notice of the Standing Committee on Legal and Social Issues – Inquiry into the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Act

ATTACHMENT 4

PP.10-11 QUESTION FROM MRS PEULICH REQUESTING DATA

"...of the 7000 children placed in out-of-home care, what are the underlying reasons for their own families being unable to look after them? Are you able to give us a breakdown in terms of the contributing factors?"

"Is there a breakdown in terms of proportion – mental health, substance abuse, alcohol and drugs?"

In relation to the reasons for protection applications being brought before the court:

"If we could have that data, that would be great, thank you."

Underlying reasons for families being unable to look after their children

There is no data available to provide a breakdown of contributing factors to children being in out of home care. These commonly include one, or a combination of, the following factors: family violence; substance abuse; and mental health issues. Other contributing factors may include deficits in parenting skills where, for example, the parents were themselves in care as children, or significant intellectual disability.

The *Protecting Victoria's Vulnerable Children Inquiry* (Volume 2, pages 34-44) identified a wide range of risk factors that may contribute to child protection intervention and these are shown in the following table.

Domain	Risk factor
Parent/family or caregiver factors	<ul style="list-style-type: none"> • History of family violence • Alcohol and other substance misuse • Mental health problems • Intellectual disability • Parental history of abuse or neglect as a child • Situational stress
Child factors	<ul style="list-style-type: none"> • The age and gender of the child • Health and disability factors
Economic, community and societal factors	<ul style="list-style-type: none"> • Social exclusion and lack of social inclusion, in relation to which the Inquiry report references five factors identified by the Australian government. Opportunity to: <ul style="list-style-type: none"> ○ Secure a job ○ Access services ○ Connect with family, friends, work, personal interests and local community ○ Deal with personal crisis ○ Have his or her voice heard • Differing social norms and values

Cont/...

Grounds for Protection Applications

Unpublished data provided in confidence

Section 162(1) of the *Children, Youth and Families Act 2005* sets out the grounds for finding that a child is in need of protection.

More than one ground may be included in a protection application to the Children's Court.

The following table shows the number of times each of the grounds was used as the basis for a protection application in 2013-14.

Specific grounds used in protection applications (PAs) issued in 2013-14

Grounds	Number of PAs where the ground was included
Not recorded	8
S162(a) - Child abandoned	100
S162(b) - Parents deceased or incapacitated	81
S162(c) - Child not protected from physical harm by parents	3,048
S162(d) - Child not protected from sexual abuse by parents	382
S162(e) - Child not protected from emotional or psychological harm by parents	4,160
S162(f) - The child's physical development or health has been, or is likely to be, significantly harmed	1,090

Source: DHHS CRIS database (unpublished data)