Vulnerable children – Their need, our challenge

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I welcome the opportunity to speak here tonight on behalf of the Centre for Excellence in Child and Family Welfare,[1] the peak body for nearly 100 children and family services across Victoria.

I acknowledge the traditional owners of the land where we meet, and thank the school, the principal and the Board for the invitation to share the Centre's perspective on vulnerable children, whose needs are indeed our urgent challenge.

Like this school, the Centre has a long history, beginning with its founding as the Children's Welfare Association of Victoria in 1912, just a few years before the Neglected

[1] http://www.cfecfw.asn.au

Children's Act of 1915, and the Children's Maintenance Act of 1919 that followed the end of the Great War.[2]

These many years later, I speak tonight about vulnerable children as vulnerability itself looms large as an urgent issue on many levels – for our environment, for our economy, and even, it seems, for the democratic societies of wealthy nations.

The riots that have flared across the United Kingdom come as our own State Government has announced a "crackdown" on commuter crime, and as the Charter of Human Rights and Responsibilities[3] is called into question despite clear benefits to our most vulnerable.[4]

The Charter affords specific legal protection to 20 fundamental human rights, including the right to protection by society and the State of families and children, with

[2] http://www.pathwaysvictoria.info/timeline.html

[3] http://www.victorianhumanrightscommission.com/www/index.php?option=com_k2&view=item&layout=item&id=764&Itemid=515

[4] http://www.theage.com.au/victoria/do-we-really-need-a-victorian-human-rights-charter-20110813-1is57.html

additional protection for children in accordance with their best interests.

In Victoria, we also have as a background to this evening the government's mandatory sentencing proposals, a populist sentencing survey in the tabloid press, and media coverage that implies our judicial system is soft on crime, regardless of the widespread criticism of this claim by leading lawyers and jurists, and the concern that the changes will only serve to fuel proposals for new private prisons.[5]

Of course, we also have the child protection inquiry now underway in Victoria, of which I will say more later.

It would be a mistake to see these many issues as unconnected, or to fail to reflect upon them as opportunities to make things better for society as a whole, and for vulnerable children, young people and families in particular.

[5] http://www.theage.com.au/opinion/editorial/more-jails-will-not-mean-less-crime-20110610-1fwwg.html

The London riots call especially for deep reflection, including by our children and young people, whom we must encourage to consider the full range of causes of these events and potential solutions as they develop their own social consciousness.

The first of the riots followed the fatal police shooting on August 4 of Mark Duggan, a young father whose children will now live with a terrible, but I hope not insurmountable, absence in their lives. His death, the subject of an inquest, may have fuelled the first of the riots, but that causal connection became weaker as the riots spread.

In the search for reasons why they have happened, social disadvantage and the inequality within UK society have been raised as significant causes of the lawlessness and violence.

More prominent, however, has been a characterisation of the riots as criminal opportunism, as individual moral

failure, as a failure of parenting, and even as a sickness, virus, or contagion in society.

One commentator, a UK sociology professor speaking on ABC *Lateline*, went so far as to describe the events not as riots, but as “cannibalism”, with marauding youth consuming their own cities and towns.[6]

It is unhelpful that such heated public commentary has set up so stark an opposition between explanations based on social disadvantage, indeed vulnerability, and those based on the failure of individual responsibility.

Surely, however, we can explain the riots as the consequence of social disadvantage, at least in part, without this acting as a justification of the crimes to which they gave rise.

Doubtless there are multiple causes of the riots, but among them, we must seriously examine the extent to

[6] http://www.abc.net.au/lateline/content/2011/s3291677.htm

which disadvantage or perceived pending disadvantage was a primary cause of the unrest – unrest we have also seen in other nations as a direct response to austerity measures stemming from the global financial crisis.

That is not to justify the riots in London or to suggest that they were driven by an explicit political purpose. They were not campaigns for social justice; they were what may best be described as inarticulate eruptions.

Nevertheless, they can be seen as the alarming expression of social pressures that remain unresolved and are to be further tested by a response to the riots with the proposed evictions of offenders and their families from public housing, more police, harsher sentences, more prisons and threats to close down social media.

While public order must be maintained, such measures are a late and ineffective response – a *crisis* response – a response too often applied to the damage that follows

profound vulnerability and harm accumulated in the lives of those already disadvantaged.

If there is a sickness, a virus or contagion, we ought to take care in its diagnosis when searching for potential cures. Such crisis responses are often singular in their focus and often executed in a manner that further exacerbates the original cause. Making people homeless will not make them better citizens.

This might seem a contentious beginning for a talk about vulnerable children and young people in the relative peace of Victoria, but the connections are undeniable.

Consider a vulnerable young person disengaged from school education and training, living in a family where unemployment, poor health and family challenges persist through generations. There may also be the presence of mental illness, disability, alcohol or other drugs, and, of course, domestic violence.

These challenges may be worsened by an absence of protective factors at the individual, family and community level – to name a few, attachment to family, independence, problem-solving skills, positive attention from parents, extended family, positive social networks and access to education.[7]

It would be safe to say that such a young person has few resources at their disposal. Resources that also elude the many community support agencies that struggle for adequate funding and are increasingly open only to the most vulnerable. They mostly find themselves intervening to manage problems rather than address them.

Here our young person is vulnerable in multiple dimensions of life that threaten to profoundly affect their future prospects and contribution to society.

An increasingly influential view is that this kind of adverse childhood experience is strongly associated with negative

[7] http://www.fahcsia.gov.au/sa/families/pubs/early_childhood/Pages/p4.aspx

outcomes in adult life in a “dose–response” relationship – the more risk factors children experience, the worse their outcome.[8]

A very large study in 2009 has also found a strong connection between the kinds of negative childhood experiences described above and premature mortality, based on “the combined effects of social and biological risk occurring at different life stages, such as neurological development during childhood…”.[9]

We know much about early social risk factors and brain development and their long-term impacts – in fact, we have known much about this for many years and the broad application of such knowledge still fails to penetrate much of our policy development, other than in the form of scattered pilot responses.

[8] http://ajp.psychiatryonline.org/cgi/content/full/160/8/1453
[9] http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2674602/

The sort of background we have given our vulnerable young person would not be surprising among the rioters who beset London's streets, but also features among groups of children and young people in Victoria with whom the Centre for Excellence is vitally concerned – those 5,500 children in State care aged from birth to 18 years,[10] the 48,000 children who came to the attention of Child Protection in Victoria in 2010,[11] and the 14,000 families who through our community-based intensive family support service system received support during 2010 – those who we would deem at risk of being taken into care due to abuse and neglect without such support.[12]

The stretch of vulnerability across our State is indeed wide, and a child protection response removing children into State care cannot be the only response, because we know for many this does not provide a solution.

[10] http://www.aifs.gov.au/nch/pubs/sheets/rs8/rs8.pdf
[11] http://www.dhs.vic.gov.au/__data/assets/pdf_file/0009/644814/child-protection-workforce-the-case-for-change-2011.pdf
[12] DHS IRIS data; http://www.berrystreet.org.au/Assets/793/1/VulnerableChildrensFramework_FINAL20-10-20102.pdf

This point has been acknowledged in the UK context by David Cameron himself in comments he made long before he became prime minister,[13] when he suggested that time spent in care was a factor in later criminal activity.

And it is true that in Victoria and elsewhere in Australia, young people from a State care background are significantly over-represented in our juvenile justice system – 30 per cent in the State of Victoria.[14]

However, they also experience isolation, poor education and health outcomes, unacceptable levels of homelessness, and low employment prospects.

It's worth sharing just a few examples of specific data to illustrate the nature of their vulnerability.

[13] http://www.theage.com.au/world/burning-issues-20110812-1iqu7.html
[14] http://www.dhs.vic.gov.au/__data/assets/pdf_file/0005/585635/youth_justice_youth-parole-board-report2009-10.pdf

A report card[15] produced by the CREATE Foundation, an organisation focused on supporting young people leaving our State care systems, found that more than a third of young people leaving State care experience at least one episode of homelessness in their first year of living "independently" – often this being between the ages of 16 and 19 years.

Children in care across our education system continue to have below average literacy and numeracy skills, with a 50 per cent chance of scoring below average in numeracy and literacy.[16]

These children also present with delays in personal development, social and behaviour skills, and frequent episodes of truancy and school expulsion.

[15] http://www.create.org.au/files/file/ReportCard-2009.pdf
[16] http://www.aihw.gov.au/publication-detail/?id=6442475489&tab=2

Some 6.3 per cent of children and young people in out-of-home care attend school only part-time, while 45.1 per cent aged 15 and above are not attending school at all.[17]

And this is in addition to being taken into State care due to neglect and abuse, a system supposed to improve their life outcomes.

Of course, there are young people from a background in State care, such as those in the Centre's tertiary scholarship program, who overcome the pervasive challenges of their disadvantage to achieve at a high level. Yet the conclusion that these exceptional people should set the benchmark of our expectations for their peers from similar backgrounds is simply unfair.

We should also resist the urge to characterise vulnerable children and young people – particularly those who have experienced State care – solely in terms of their economic

[17] http://www.wesley.org.au/images/stories/pdfs/2010%20ciao%20report.pdf

cost to broader society. Our sole reason for getting things right cannot be to reduce the financial costs.

It's true that cost is significant, with recurrent State expenditure on child protection, out-of-home care and intensive family services now at more than half a billion dollars in Victoria alone.[18]

Yet even this investment remains inadequate considering the ultimate human costs of failing to intervene earlier to prevent the negative outcomes we continue to see – for those in our system and those at risk of entering.

Above all, we must consider the human costs for the nearly 5,500 children and young people now in State care in Victoria.[19]

We must also learn from the Forgotten Australians, to whom the then Prime Minister Kevin Rudd and former

[18] http://www.aifs.gov.au/nch/pubs/sheets/rs2/rs2.pdf
[19] http://www.aifs.gov.au/nch/pubs/sheets/rs8/rs8.pdf

Leader of the Opposition Malcolm Turnbull formally apologised in November 2009 for the abuse and neglect suffered by many of the more than 500,000 children who lived in out-of-home care last century.[20]

And let us not forget the Apology to Australia's Indigenous Peoples,[21] which also acknowledged the many wrongs of our past. The same group who is still over-represented across most vulnerability data – in particular in Victoria, where Aboriginal children have a significantly higher chance of being in State care than non-aboriginal children (53.7 per thousand compared to 3.7 per thousand for non-aboriginal children).[22]

When we talk about our apologies, the expression "last century" suggests a distant time, but as Canadian children's advocate, Dr Cindy Blackstock, stated powerfully at the 2011 Congress of the Victorian Council

[20] http://forgottenaustralianshistory.gov.au/apology.html
[21] http://www.fahcsia.gov.au/sa/indigenous/progserv/engagement/Pages/national_apology.aspx
[22] http://www.aihw.gov.au/publication-detail/?id=6442475448&tab=2

of Social Service *let us not lose sight people, the emergency is now.*

We cannot think our present responsibility will be discharged by some future apology for our failure to protect vulnerable children and young people today.

What, then, can we do?

This vital question has been recognised by the Victorian Government with the January announcement by Premier Baillieu of the Protecting Victoria's Vulnerable Children Inquiry.[23]

The Inquiry follows two highly critical reports by the Victorian Ombudsman on child protection[24] and out-of-home care.[25] Reporting to Parliament in November, the

[23] http://www.childprotectioninquiry.vic.gov.au/

[24] http://www.ombudsman.vic.gov.au/resources/documents/Investigation_into_the_Department_of_Human_Services_Child_Protection_Program.pdf

[25] http://www.ombudsman.vic.gov.au/resources/documents/Own_motion_investigation_into_child_Protection_-_out_of_home_care_May_2010.pdf

Inquiry has already received hundreds of written submissions, and has recently completed public sittings around the State.

The Centre, as the Victorian peak organisation for nearly 100 child and family services, continues to play an important role advocating at the Inquiry and supporting our membership to advance solutions to reduce the vulnerability of children and young people.

In this, the multiple dimensions of vulnerability of which I have already spoken are of central concern, but I would make an important additional point.

In its usual sense, vulnerability suggests risks that have *not yet been realised* – the possibility of negative outcomes that could occur if we fail to act.

In the context of vulnerable children and young people, however, we need to recognise that future vulnerability is substantially influenced by vulnerability that has *already*

been realised or is being realised right now – whether through social disadvantage, through neglect and abuse, or through the experience of ineffective State care and the support system itself.

This understanding underpins the concept of cumulative harm, the accumulation of damage over time that suggests early intervention and prevention as the most vital measures we can take to secure the future of vulnerable children, young people and their families.

A further common misconception holds that early intervention and prevention can take place only in the early years of a child's life.

While intervening at the earliest possible stage offers the best chance to address problems before they become more entrenched, an early intervention and prevention approach can forestall harm at any stage in the life of a child, young person or family.

Just as our doctors, even in our middle-age, speak of reducing our future risk of cancer and heart disease, so we can speak of reducing the risk of vulnerable children and young people to abuse, neglect and consequent trauma, despite what they have already experienced. We should never think it is too late or that we can't make a difference.

Too often, the public perception is that the vulnerability of children and young people is dealt with solely by child protection services, when in fact a range of services can potentially intervene, depending on the needs of the child and the extent of the risk they are facing.

Such a perception can mean that media stories about failures of "the system" bring simplistic calls for additional child protection funding, ignoring the benefits of early intervention carried out by intensive family services.

Yet child protection is funded at substantially more than double the level of these services, which can prevent the escalation of risk and removal of children into State care.

Similarly, the funding of child protection is disproportionately large compared to funding allocated to looking after children and young people actually in State care.[26]

This locks us into a crisis response frame.

Clearly, if children and young people are found to be at serious risk, their removal must be urgently considered, but the relative proportion of funding for different areas of the system needs to be adjusted to reflect a much stronger emphasis on early intervention, prevention, and the quality of State care should that become necessary.

Like a law-and-order reaction to the riots, child protection intervention is a late and ineffective crisis response that

[26] http://www.aifs.gov.au/nch/pubs/sheets/rs2/rs2.pdf

often overshadows the benefits of the work that surrounds it – work undertaken by not-for-profit community service organisations focused on promotion and prevention strategies.

By clarifying services for vulnerable children and young people, we might better address problems at the earliest stage or, when removal is necessary, by better supporting children, young people, and the carers and organisations who look after them when they need to live in State care.

Support once in care – particularly the intensive, therapeutic care which has demonstrated its effectiveness – has received only limited pilot funding, but is vital not only for the future life prospects of children and young people, but also as a means of reducing the need for services to address unresolved trauma later in life.

Of all children in care only 4 per cent receive therapeutic services that directly work with issues of trauma, something that all children in care have experienced – the

trauma of being abused and neglected, and the subsequent trauma of being removed from their families.

I would now like to turn to the specific proposals the Centre has made in response to the Protecting Victoria's Vulnerable Children Inquiry.

At the heart of the Centre's proposals is a bold new strategy for vulnerable children, young people and their families.

The strategy calls for the development of an outcomes framework that will allow us to publicly measure the true outcomes of vulnerable children and young people, and to match their need with appropriate supports and services when they are most likely to be effective.

It is true that there are existing initiatives to measure outcomes – such as the Australian Early Development Index, or AEDI – but there is no common approach that is sufficiently comprehensive, or which spans the lives of the

vulnerable to the degree that enables a true picture to be publicly understood and challenged.

The outcomes framework we propose would be developed with this aim, would be open to public scrutiny, and would reflect a shared social responsibility for preventing abuse and neglect, and for promoting the wellbeing of vulnerable children and young people.

It would bring a common understanding of vulnerability across government and community organisations, and ensure we are all working to common outcomes.

And when we advocate shared social responsibility – by the community, by service providers, and by government – we say that responsibility must be shared according to the capacity of each to effect change.

Through funding and legislation, the State Government necessarily bears greatest responsibility for an effective response, and community organisations to ensure policy

development is robust and informed by those whom it will most impact – our vulnerable children, young people and families.

We would combine with this strategy significant changes to existing roles and responsibilities of the people and the government agency working to protect vulnerable children and young people.

These changes are geared to greater accountability and transparency, where the current concentration of roles within a single government agency allows conflicts of interest that are not in the best interests of children and young people.

Our proposal would see an Independent Office of the Children and Young Persons Guardian take over legal guardianship for all children in care from the Department of Human Services, and independently advocate for their best interests.

We ask for this as we question how such advocacy can currently take place within a government agency that both manages funding and sets contractual conditions with community service organisations for the delivery of contracted care services.

Our aim is not to reduce government control but to elevate the critical factor that often gets lost in the debate of policy, funding and treasury requirement – *the true needs of children in care.*

We also propose an Independent Office of the Children and Young Persons Commissioner, which would report to Parliament, and build on the powers of the existing role of the Child Safety Commissioner for all children.

Further, as the Victorian Ombudsman has noted, the protection of vulnerable children and young people should not be a function of their geographic location, where abuse and neglect in regional areas that are poorly connected to

services, such as Gippsland, are met with an insufficient response.

To address this, and informed by our statewide plan, we propose greater local decision-making by community service organisations, including the allocation of funds based on local need, and a greater voice for children, young people and families in the processes and decisions affecting them.

This reflects the fundamental belief that effective and sustainable solutions to vulnerability are more likely to be achieved through the engagement of the vulnerable than through the imposition of mandatory participation upon them.

These changes we believe to be fundamentally in the best interests of vulnerable children, young people and families. They challenge us all to do business differently.

At the Centre, we have had many discussions over the last 12 months regarding these challenges and the view of complexity – primarily, discussions about where complexity sits.

Too often and too easily we view the vulnerable as complex and their failure to participate in much needed support programs as *their* failure.

At the Centre, we are of the view that the complexity sits with us – that our multiple responses, pilots and programs defined by targets, outputs and risks – are indeed what makes this area complex.

It is vital in shifting this level of complexity that the voice of children, young people and families be included in driving this agenda forward, with community service organisations themselves playing an important role in line with many of their original roots as public advocates.

Such roots are also vital to future success and we must overcome the precariousness of public funding which at times prevents community service organisations from speaking out about problems in the system that are due to flawed policies and inadequate resourcing, rather than to poor practice.

That is not to deny that, in common with most sectors, there are from time to time genuine issues of performance by community service organisations not due solely to the constraints within which they operate. These are, however, in the minority.

We cannot pretend, however, that adequate and appropriately targeted resources can be replaced by strengthening the regulation and compliance measures to which service providers are already rightly subject.

If, as has been the case, government is free to publicly critique community service organisations, then they must

be free to speak not only in their own defence, but in the best interests of vulnerable children and young people.

This will necessarily expose flaws in the system that are primarily the responsibility of government to fix under any reasonable understanding of shared social responsibility.

For any government, this is a frightening but necessary prospect.

An open and honest discussion is likely to acknowledge that, in the delivery of services to vulnerable children, young people and families, there are limits to economic efficiency that cannot be overcome by tighter controls driven more by fiscal restraint than by the genuine best interests of the vulnerable.

We should not become blinded by the view that efficiencies will equal better outcomes for the vulnerable children, young people and families we seek to support.

The 2011 community sector survey[27] of 745 agencies by the Australian Council of Social Service recently found that one in twenty people seeking help from services is turned away. Despite a 12 per cent increase in the delivery of services over 2009–2010, it found there was a 20 per cent increase in unmet demand.

We will not improve outcomes for vulnerable children, young people and families if we allow this gap to grow. We will not improve outcomes by reaching for false efficiencies, or from competition through the introduction of private community service providers, an option that has been suggested by the terms of reference of the Inquiry.[28]

The solutions to abuse and neglect must never be viewed as commercial opportunities for profit.

Ladies and gentlemen, our challenge is now. We are not meeting the needs of our most vulnerable children, young

[27] http://www.acoss.org.au/communitysectorsurvey

[28] See 5.1.1, http://www.childprotectioninquiry.vic.gov.au/images/stories/Guide-to-making-submissions-FINAL.pdf

people and families. In fact, it would appear that we are leaving them behind.

We need to do our work differently and to see our role not just as public policy-makers but as public facilitators of social change – through understanding that our job is to work with the vulnerable to make a difference, to seek their understanding of what will make things different, to do this guided also by our own professional knowledge and experience. And to build with them their future together.

We are not seeking a relationship of co-dependency, but one that recognises undoing trauma, neglect and abuse takes more that 120 hours – it may take years. The only other option is to give up, and that can never be acceptable.

Thank you.