

2023 Child Rights Progress Report on Child Protection

South Australia's progress on recommendations made
by the UN Committee on the Rights of the Child



About the CCYP

The [South Australian Commissioner for Children and Young People](#) is an independent position, established under the [Children and Young People \(Oversight and Advocacy Bodies\) Act 2016](#) (OAB Act). This legislation was introduced to the South Australian Parliament in response to the [Child Protection Systems Royal Commission 2014](#).

The Commissioner promotes and advocates for the rights, development and wellbeing of all children and young people in South Australia and seeks to change laws, policies, systems and practice to uphold children's rights.

The work of the Commissioner for Children and Young People is guided by the [United Nations Convention on the Rights of the Child](#) (UNCRC); the core international treaty established in 1989 to which Australia is a signatory. This important agreement sets out the civil, political, economic, social, and cultural rights of children around the world.

The Commissioner aims to ensure that as a part of the Australian Commonwealth, South Australia enacts its international obligations under this Convention.

Each year the Commissioner produces a series of Child Rights Progress reports measuring South Australia's progress against recommendations made by the UN Committee on the Rights of the Child (the Committee).

This year's progress reports comprise:

- Child Health
- Child Justice
- Child Protection
- Disability
- Education
- Environment
- Physical Punishment

Data reported in the data tables are the most accurate available at the time of writing.



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What the data says

Measure	Year: Data	1 year change	5 year trend	Assessment
Number of notifications to the Child Abuse Report Line (CARL) for all children. ¹	2022/23: 92,951 2021/22: 80,374 2020/21: 80,175 2019/20: 75,552 2018/19: 78,199	Increased	Increasing	- Unfavourable
Number of notifications to CARL for Aboriginal children. ²	2022/23: 22,759 2021/22: 18,600 2020/21: 18,754 2019/20: 17,364 2018/19: 17,892	Increased	Increasing	- Unfavourable
Proportion of all notifications screened in for further assessment or response. ³	2022/23: 42.5% 2021/22: 43.2% 2020/21: 47.6% 2019/20: 52.3% 2018/19: 36.8%	Stable	Fluctuating, increase from base year	- Unfavourable
Proportion of notifications for Aboriginal children screened in. ⁴	2022/23: 48.4% 2021/22: 49.7% 2020/21: 57.5% 2019/20: 62.9% 2018/19: 42.8%	Slightly decreased	Fluctuating, increase from base year	- Unfavourable
Number of children in out-of-home care (at 30 June 2023). ⁵	2023: 4,860 2022: 4,740 2021: 4,647 2020: 4,370 2019: 3,988	Increased	Increasing	- Unfavourable
Number of children in Residential Care (at 30 June 2023). ⁶	2023: 702 2022: 649 2021: 604 2020: 413 2019: 415	Increased	Increasing	- Unfavourable
Proportion of Aboriginal children in care compared to the proportion in general population (at 30 June 2023). ⁷	2023: 37.4%/4.7% 2022: 37.0%/4.8% 2021: 36.0%/4.9% 2020: 36.1%/4.9% 2019: 34.8%/4.8%	Stable	Increasing	- Unfavourable
Number (%) of children placed in accordance with the Aboriginal Child Placement Principle (at 30 June). ⁸	2022/23 estimated result: 1,065 (60.2%) 2021/22: 1,133 (61.2%) 2020/21: 1,092 (65.2%) 2019/20: 997 (63.7%) 2018/19: 854 (62.7%)	Decreased	Fluctuating, slight decrease from base year (in percentage)	No change
Proportion of children in care requiring a case plan who have one. ⁹	2022/23: 93.8% 2021/22: 96.2% 2020/21: 97.7% 2019/20: 87.3% 2018/19: 88.8%	Decreased	Fluctuating, increase from base year	+ Favourable

Note: 'Children in out-of-home-care' include children aged 0–17 years placed in care under a court order or administrative authority (usually a voluntary custody agreement). Children in care can be placed in different types of out-of-home care (OOHC) arrangements, including:

- Family based care, including foster care, kinship care and family day care placements.
- Non-family based care, including residential care, independent living and commercial property placements (the latter placements ceased as at 9 October 2020).

Areas of concern include:

- The number of children entering into care is continually increasing, year-on-year. South Australia's proportion of expenditure on early intervention services, per child in the population, is still the lowest in the country.
- South Australia is not on track to reduce the rate of over-representation of Aboriginal and Torres Strait Islander children in out-of-home care (OOHC) by 45% by 2031. The rate is increasing and is the second highest in Australia.
- High numbers of children are not placed in accordance with the ATSI Child Placement Principle and there is a lack of focus on connections, family, community and culture.
- The number of children being placed in residential care is increasing, including those aged under 10 years.
- South Australia has the highest rate in the country when it comes to children aged under 1 year being taken into OOHC.
- The large proportion of children and young people in residential care not receiving full-time education.
- The increasing number of children under guardianship of the Chief Executive interacting with the justice system and the lack of a systemic approach with SAPOL to prevent the criminalisation of children in care.

Background

The UN Convention on the Rights of the Child (UNCRC) was the first international Convention to acknowledge that children have rights and that these rights should be protected. Australia ratified the UNCRC in 1990 and South Australia's *Children and Young People (Oversight and Advocacy Bodies) Act 2016* (OAB Act) states that all government authorities must seek to give effect to the UNCRC. The Convention sets minimum standards and obligations for the protection of children's and young people's rights, including their rights to have access to justice, education, health care and social services. All children have the right to have a say on all matters that affect them and for their views to be taken seriously. In making decisions about children their best interests should be the primary concern, as well as the right to be safe and to be free from discrimination.

Every five years, the Australian Government reports to the UNCRC Committee to explain how Australia is fulfilling its obligations in relation to child rights. In response to Australia's fifth and sixth periodic reports, the Committee highlighted key areas of concern and made recommendations to ensure governments at both the Federal and State levels fulfil their obligations under the Convention. One of the Committee's main areas of concern requiring urgent attention is child protection.

Children's Rights in relation to Child Protection

The United National Convention on the Rights of the Child (UNCRC) protects the right of every child to a standard of living that meets their physical, mental and social development needs (Article 27). Although parents have the primary responsibility to raise their children and to consider what is best for them, governments are required to provide services that support parents' efforts (Articles 5 and 18). Governments must also take appropriate measures – legislative, social, administrative, and educational – to protect a child from all forms of physical or mental violence, injury, abuse, neglect, or maltreatment (Article 19).

Where children are placed in alternative care, their situation must be regularly reviewed (Article 25) and authorities must ensure that a child can exercise all their rights, including access to education, healthcare, legal and other services. A child's identity, language, and privacy must be respected at all times (Articles 24, 28, 29, 16).

The child protection system in South Australia

The power and responsibilities of the South Australian Department for Child Protection (DCP) are established under the *Children and Young People (Safety) Act 2017* (SA). The paramount consideration in the operation of the Act is to keep children and young people safe, with secondary concerns including children and young people being heard and their views considered, fulfilling the need for love and attachment, protecting self-esteem, and supporting them to reach their full potential.¹⁰

The DCP works with vulnerable families, government and non-government organisations, foster carers, and the community to care for and protect at risk children and young people, by addressing incidents of abuse and neglect and by taking steps to keep them safe from harm.

The Department of Human Services (DHS) delivers early intervention programs aimed at keeping children safe, working with their families. The Early Intervention Research Directorate (in DHS) provides professionals with the data, evidence, frameworks and tools they need to best support South Australian families and children.

There are also independent bodies that oversee children and young people who enter care. The following roles are currently combined:

- The Guardian for Children and Young People (GCYP) promoting the rights of all children and young people who are under the guardianship, or in the custody, of the Chief Executive of the DCP.
- The Children and Young Person Visitor (CYP Visitor) promoting the rights of children and young people who are under the guardianship, or in the custody, of the Chief Executive of the DCP and who are living in residential care.
- The Training Centre Visitor (TCV) promoting the rights of young people sentenced or remanded to detention in youth training centres in South Australia.

National and state plans and strategies

The National Framework for Protecting Australia's Children (2021–2031) was launched in 2021, setting out a national 10-year plan to improve the lives of children, young people and families experiencing disadvantage or who are vulnerable to abuse and neglect. This framework is being implemented through two 5-year action plans, complemented with dedicated strategies and action plans for Aboriginal and Torres Strait Islander children.

The South Australian government's Safe and Well Strategy supplements the national plan. It recognises the importance of 'earlier, targeted, intensive support for families with multiple and complex needs. This strategy is led by DCP and DHS.

The Safe and Well Strategy details the implementation plan for the Child and Family Safety and Support System (CFSS). The Roadmap for Reforming the Child and Family Support System 2021–2023 outlines the governments' plan to support families with complex needs as well as children in care.¹¹

The DCP's Strategic Plan 2022–26 vision is 'for all children and young people to grow up safe, healthy, connected and feeling loved so they reach their full potential'.¹²

Some welcome developments in 2023 include:

- Expansion of Family Group Conferencing Services, prioritising more vulnerable groups.
- Launch of a new survey tool, co-designed with children and young people in care, to provide them with an opportunity to voice their feelings and opinions and have a voice in their case planning.
- Commencement of the development of a child protection and family support sector workforce strategy.
- Increased resourcing for post-care services to provide more targeted support for young people transitioning from care to help break the cycle (with a focus on Aboriginal young people and young people in regional locations) including the transition to secure housing, education and employment.
- Completion of the first consultation process for the legislative review of the *Children and Young People (Safety) Act 2017* and tabling of the report in Parliament.
- Establishment of the Child Protection Expert Group, Carer Council, Direct Experience Group and Chief Executive Governance Group to advise on reform.
- Provision of resources to support the operations of the Carer Council.
- Increase in the capacity of the care system through the procurement of additional general residential care placements from non-government organisations.
- Commencement of the development and implementation process for a community-led model for South Australia's first peak body for Aboriginal children and young people.
- Provision of funding to Grandcarers SA to amplify the voices of grandparent and kinship carers.
- Increase in funding to support care leavers to access secure housing, study and employment, and to give young people a voice.
- Establishment of structured mechanisms to hear from children and young people in care, in partnership with the CREATE Foundation, on topics including sibling connection. The Minister for Child Protection has committed to work with CREATE and the GCYP to ensure a structured approach to hear the voices of children in care with siblings.
- Launch of a refreshed Statement of Commitment to foster and kinship carers.¹³

South Australia's progress on the latest recommendations made by the UN Committee in relation to Child Protection



No evidence that the UN Committee's recommendation is being addressed



Some evidence that the UN Committee's recommendation is being addressed



Clear evidence that the UN Committee's recommendation is being addressed

Current Status

To ensure adequate human, technical and financial resources are allocated to child protection services and to strongly invest in measures for children and their families aimed at avoiding the removal of children from their families.

There was a total growth in real expenditure on child protection services from \$36.3 million in 2020/21 to \$53.6 million in 2021/22.¹⁴ However, the investment into early intervention services to keep children safe at home remains steady at around 20% of overall expenditure.¹⁵ There was a smaller increase in funding for combined family support services and intensive family support services (\$4.8 million: 7.4%) and a decrease in protective intervention services (-\$7.9 million: 9.9%).¹⁶

South Australia has the lowest expenditure on protective intervention services, per child in the population – 40.2% lower than the national average (2021/22). Expenditure on combined family support services and intensive family support services in South Australia, per child in the population was 19.6% lower than the national average in 2021/22.¹⁷

The number of children aged 0–17 years in care increased by 124 (2.6%) at 30 June 2023 compared to the previous year. For Aboriginal children it increased by 62 (3.5%) in the same period.¹⁸ This slight increase in the number of children and young people entering into care indicates that not enough is being done to help families keep children at home safely.

During the reporting period (2022/2023) a number of early intervention services have either been extended or are continuing, including:

- OOHC prevention and intergenerational impact programs, including working with young women under 25 whose children have been removed and are at risk of repeat removals. During 2022/23, 147 families with an associated 349 children, and 13 young women have been accepted into these programs. Referrals are accepted through maternity hospitals, the DCP, DHS, self-referrals and NGOs.
- Intensive Family Support (IFS) Services provide targeted support for 6–9 months to families with children aged 0–18 years with multiple complex needs who have been identified as high to very high risk. These services are delivered through government partnerships with nongovernment organisations, including Aboriginal Community Controlled Organisations (ACCOs). There were 1,580 families with 3,704 associated children accepted to these services in 2022/23.
- The Family Support and Early Intervention Program – now renamed the Strong Families Strong Communities Program – helps vulnerable families to prevent crises escalating. This program supported 964 families during 2022/23.
- Families Growing Together and Parenting SA deliver parenting programs via face to face and online formats and through Parent Easy Guides. These programs supported 964 families during 2022/23.

- **No evidence** that the UN Committee's recommendation is being addressed
- **Some evidence** that the UN Committee's recommendation is being addressed
- **Clear evidence** that the UN Committee's recommendation is being addressed

- The Australian Centre for Social Innovation's Family by Family Program uses peer support from a network of families to help other families to make lasting positive changes. This includes support to families at risk of child abuse and neglect. The Family By Family Program supported 109 families with 242 associated children during 2022/23.
- Pathway Service and Child and Family Safety Networks (CFSNs) are multi-agency networks that provide regional coordinated responses to referrals (pre-birth–18 years). They processed a total of 4,254 referrals in 2022/23.¹⁹

To strongly invest in measures developed and implemented by Aboriginal and Torres Strait Islander children and communities to prevent their placement in out-of-home care, provide them with adequate support while in alternative care, and facilitate their reintegration into their families and communities.

During the year 2022–2023, the DCP:

- Expanded Family Group Conferencing Services, prioritising Aboriginal Families and services to support families where a concern has been made regarding an unborn child.
- Increased procurement of services delivered by Aboriginal Community-Controlled Organisations from 8% in 2021/22 to 9.25% in 2022/23.²⁰
- Trialled the Taikurtirna Warriapinthe Program to assist with identifying placement options for Aboriginal infants, children and young people.
- Partnered with and invested in SNAICC – the National Voice for ATSI children – to develop and implement a community-led model for South Australia's first peak body for Aboriginal children and young people.

South Australia has committed to Closing the Gap Target 12: To reduce the rate of over-representation of Aboriginal and Torres Strait Islander children in OOHC by 45% by 2031. However, progress against this target has deteriorated year on year since 2019 (the baseline year). The rate of Aboriginal children aged 0–17 years in OOHC increased from 75.3 per 1000 children in 2019 to 92.7 per 1000 in 2022.²¹ South Australia has the second highest rate in Australia, and the rate has increased more in SA than in other jurisdictions.

The number of Aboriginal children in care increased by 3.5% between 2022 and 2023, from 1,755 children in 2022 to 1,817 in 2023.²² Aboriginal children comprise 37.4% of children in care in 2023, similar to the 37% in care in 2022. The rate of case plan completion for Aboriginal children and young people in care remains steady with 91.9% having a plan. 91.3% have an approved Aboriginal Cultural Identity Support Tool.

The percentage of Aboriginal children in care who were placed in accordance with the Aboriginal and Torres Strait Islander Placement Principle in 2022/23 is estimated to be 60.2%, a reduction from 61.2% in 2021/22 and 65.2% in 2020/21.²³ The Commissioner remains concerned how the principle is being applied, both in placing children and providing the opportunity for children to maintain connection with family, community and culture.

During 2023 the South Australian Commissioner for Aboriginal Children and Young People (CACYP) continued her inquiry examining recent and current policies, practices and procedures of state authorities in applying the Aboriginal and Torres Strait Islander Child Placement Principle when removing and placing Aboriginal children.



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During this time the CACYP heard from more than 400 Aboriginal children, families and community members and 500 people working in child protection and family support services. Public hearings were held across the state and over 44 written submissions received.²⁴ In October 2023 the Preliminary Report was released with 17 recommendations to inform the Amendments to the *Children and Young People (Safety) Act 2017*.

The CACYP's findings and recommendations include:

- Inserting the five elements of the Aboriginal and Torres Strait Islander Child Placement Principle into any new legislation using 'active efforts'.
- Placing more decision making and control with DCP to work alongside Aboriginal controlled organisations and communities when making decisions in relation to Aboriginal children.
- Supporting families earlier to prevent children being taken into care.
- Annually reviewing the consideration of reunification for children on long term orders.

The government announced that it will review the preliminary report before finalising the draft legislation.

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability highlighted the overrepresentation of Aboriginal children and young people living with a disability in OOHC and their vulnerability to abuse in these institutional environments. It recommended a First Nations approach to promote the right to self-determination and culture, which includes supporting parents so children remain with families.²⁵

To ensure that children in alternative care have access to the mental health and therapeutic services necessary for healing and rehabilitation and to enhance preventive measures to avoid children drifting from care into crime.

Section 11(1) of the *Children and Young People Safety Act 2017* stipulates that all young people taken into care should be placed in a safe, nurturing, stable and secure environment, and that placements with a person who has an existing relationship with the young person are preferred. Following best practice guidance, residential care should only be considered as a last resort.

Local and world-wide evidence all points to children in care having more adverse health, economic, educational and wellbeing outcomes than children who remain with their families.²⁶ Children in care are also more likely to come into contact with the child justice system and be known to police, especially those in residential care.

The number of children and young people being placed in residential care has been increasing year-on-year in SA, nearly doubling from 388 at 30 June 2017 to 702 as at June 2023. Although this year has seen a decrease in the rate of infants entering OOHC, South Australia still has the highest per capita rate of infants in OOHC, with 7.0 in every 1,000 children under one year old living in OOHC. For Aboriginal children, this figure was more than seven times higher, at 51.6 per 1,000 children.²⁷



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- **Clear evidence** that the UN Committee's recommendation is being addressed

The following services and programs for children in residential care are underway:

- A new survey tool has been co-designed with children and young people in care to provide them with an opportunity to voice their feelings and opinions and have a voice in their case planning. Although very new there has already been positive feedback about this tool.²⁸
- The continued roll out of the Sanctuary Model in DCP residential care homes. This model brings a trauma informed lens to working with children in residential care. Monash University has been funded to evaluate this program,²⁹ however at time of writing there appears to be no report publicly available. In future, the Children and Young Person Visitor aims to integrate consideration of the Sanctuary Model in her work.³⁰
- The Power to Kids: Respecting Sexual Safety program is currently being rolled out to all DCP residential care homes. Over 90 staff from 14 residential care homes have completed the training with plans to roll the program out on a wider level next year.³¹
- The My Place program helps children entering residential care feel at home by personalising bedrooms and other spaces.

The Child and Young Person Visitor 2022–23 Annual Report raised a number of concerns for children in residential care, including:

- Children under 10 living in residential care facilities despite a Nyland recommendation³² to ensure that this does not occur, except when it is necessary to keep together a sibling group. As at 30 June 2022 there were 118 children under 10 living in residential care.
- The overrepresentation of children and young people not receiving full-time education.³³ The Inquiry into Suspension, Exclusion and Expulsion Processes in South Australian Government Schools found an overrepresentation of students in care had been subject to exclusionary practices.³⁴ Data received by this office from the Department for Education on exclusionary practices of primary school children show that although students in care only represented 1.3% of the total population in 2022, they were overrepresented in exclusions (12.8%), suspensions (9.7%) and take homes (7.1%).

In 2022, the Guardian for Children and Young People and Training Centre Visitor released her Final Report of the South Australian Dual Involved Project with a number of recommendations to reduce the overrepresentation of children in care in the justice system.³⁵ This project has continued, with the GCYP reporting an increasing number of young people in care who are admitted to youth detention, and a growing proportion of dual involved young people who are Aboriginal.³⁶

The Training Centre Visitor 2022–23 Annual Report found that 88 young people under the Guardianship of the Chief Executive were detained in Kurlana Tapa Youth Justice Centre on any given day which accounted for an average of 35.6% of the daily population. Young people under Guardianship make up 1% of the South Australian population of under 18s.³⁷ It is understood that there is currently no Memorandum of Understanding between DCP and SAPOL to provide consistent responses for incidents arising in care to ensure children are not criminalised for behaviour that would be deemed non-reportable in a home.

To strongly invest in measures to ensure that children, their families and communities participate in decision-making in order to guarantee an individualised and community-sensitive approach to prevent removal.

As indicated in previous sections there has been a slight increase in the number of services working with children and families to prevent removal of children from families. However, it this is not enough to support families to keep children safe at home. To do this there needs to be a systemic reset moving towards a public health approach, moving away from investing when children and families are already in crisis to providing all children and families with extra supports at an earlier stage to keep children safe in their families where possible.

Some services that are working with children, families and communities include:

- Resilient Families³⁸ – A social impact initiative being delivered by the Benevolent Society with a funding model that rewards the program for achieving results. The initiative plans to support up to 300 children over five years, by keeping together families whose children are at imminent risk of being placed into care. It does this through intensive support and evidence-based therapies and supports. It is focused on creating positive home environments and preventing children entering OOHC.
- Taikurturna Tirra-apinhi – Delivered by Kornar Winmil Yunti, this is a culturally responsive program established to work with Aboriginal families in western Adelaide where children are at imminent risk of being placed into care. This service provides a very high level of intensive family support, to address immediate safety and then works to improve family functioning. The program has been co-designed with the community to keep children safely at home with their families.
- Safe Kids, Families, Together – Delivered by Uniting Communities, this program is aimed at keeping children in Adelaide's north out of the child protection system. Having commenced in August 2019, the program has so far supported a total of 55 families, including 157 children.
- Breathing Space – A program aimed at Aboriginal parents under 25 years who need specific parenting support which is being delivered by Catholic Family Services across metropolitan and southern Adelaide.
- My Place – A pilot program located within Yarrow Place for young people aged 12–25 years who are, or have been, under the Guardianship of the Chief Executive. It supports young people through their pregnancy and parenting journeys. It has a strong focus on engaging Aboriginal young people who are currently pregnant, or who have had their child taken into care.
- Strong Start – A program delivered by DHS with Child and Youth Family Health Services (CAFHS) designed to support first time mothers in Adelaide's southern and northern suburbs to give their children a better start to life.

■ **No evidence** that the UN Committee's recommendation is being addressed

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To provide adequate training to child protection carers on the rights and needs of children with disabilities to prevent their maltreatment and abuse.



Seventy percent of houses visited by the CYP Visitor in 2022–2023 were home to children who were diagnosed with a disability. This does not include children and young people who are undergoing or believed to require a disability assessment. Of the children diagnosed with a disability, just over one in two young people (55.9%) with diagnosed disabilities were reported as having current NDIS plans.³⁹

The CYP Visitor commended the Department on the number of NDIS plans in place for children and young people in care, but also states that more needs to be done in relation to children who have not been diagnosed and to ensure that carers fully utilise children's plans.

The DCP has reported an increase in the number of children and young people in care with a disability or developmental delay on NDIS plans. However, there is no publicly reported data on the number and proportion of children in care living with a disability or on NDIS plans.⁴⁰ These plans have the potential to improve children and young people's lives, including the purchase of specialist equipment, and access to emotional, mental, and physical wellbeing support services. Access can be complicated in houses with more than one young person with disability, and at the point when a young person on a plan moves to a different house.⁴¹

The Department for Child Protection's Disability Action and Inclusion Plan 2020–2024 has a number of actions, including:

- Developing and implementing a streamlined approach to the collection and reporting of data on children and young people with disability in care.
- Training carers to support children living with a disability or developmental delay and providing information to carers to build awareness of caring for children.
- Introducing a Therapeutic Carer Support Team to focus on providing support and training to carers.⁴²

■ **No evidence** that the UN Committee's recommendation is being addressed

■ **Some evidence** that the UN Committee's recommendation is being addressed

■ **Clear evidence** that the UN Committee's recommendation is being addressed

Endnotes

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