

**The Parliament of the Commonwealth of Australia**

**CHILDREN IN INSTITUTIONAL AND OTHER FORMS OF CARE**

**A NATIONAL PERSPECTIVE**

**Report of the Senate Standing Committee on Social Welfare**

**JUNE 1985**

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## MEMBERS OF THE COMMITTEE

34th Parliament\*

Senator R.C. Elstob	(South Australia) (Chairman)
Senator M.S. Walters	(Tasmania) (Deputy Chairman)
Senator F.I. Bjelke-Petersen	(Queensland)
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Senator R.A. Crowley	(South Australia)
Senator P.J. Giles	(Western Australia)
Senator the Hon. A.J. Messner	(South Australia)
Senator G. Sheil	(Queensland)

### *Secretary*

C.J. Shrosbree

The Senate

Parliament House

Canberra

(Telephone 062-726709)

*\* Former members of the Committee during the inquiry were Senators N. Bonner (Queensland), D.J. Grimes (Tasmania), J. Haines (South Australia) and B.F. Kilgariff (Northern Territory).*

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## TERMS OF REFERENCE AND CONDUCT OF THE INQUIRY

On 27 May 1982 the Senate referred the following matter to the Committee for inquiry and report:

an examination of children under institutional and other forms of care, with particular reference to:

- the overlap between Commonwealth and State responsibility in the care and protection of young people up to 18 years of age;
- the types of care available;
- the role of institutional care;
- the changing direction of and attitudes towards institutional care;
- the alternatives to institutional care;
- the type of youth in care;
- the legal status of young people;
- the cost of care;
- the circumstances behind the placement of youth in care;
- the effect of care on young people; and
- Aboriginal youth in care.

At the time, the Committee noted that although a number of investigations into this area had been undertaken recently at the State level, little work had been carried out on a national basis. It considered that in view of the changing nature of substitute care generally and the national importance of the future welfare of children, an inquiry of this nature was both warranted and timely. The Committee also had a particular interest in this field because its previous inquiry into homeless youth (1982) had revealed that a large number of youth with a background of institutional care subsequently became homeless.

The inquiry was advertised in the national press on 29 June 1982 and individuals and organisations were invited to submit their views to the Committee. The Committee also sought written submissions from relevant Commonwealth, State and Territory government departments and authorities, non-government welfare agencies, private care institutions and associations, and others. Over 150 submissions were received and considered by the Committee together with a large volume of supporting material.

Public hearings were held in Sydney on 15 November 1982 and Melbourne on 26 November 1982. On 4 February 1983 the proceedings of the Committee were suspended as a result of the double dissolution of the Commonwealth Parliament. The Committee was re-established in the new Parliament on 21 April 1983 and on 5 May the Chairman of the new Committee, Senator Ron Elstob, announced in the Senate that the Committee had resolved to continue the uncompleted inquiry. The Committee's program of public hearings resumed in June 1983 in Adelaide; subsequent hearings were held in Perth and Hobart in July and August respectively.

On 6 September 1983 the Committee received an additional reference from the Senate. Further proceedings in connection with the inquiry into children in institutional care were deferred while arrangements were made to conduct the two inquiries concurrently. As an interim measure, the Committee formed a Sub-committee to continue the institutional care reference. The Sub-committee held public hearings in Canberra and Brisbane in October 1983 and in Melbourne during the early part of 1984. A total of nine public hearings was held during the inquiry.

As part of its investigations the Committee visited residential care centres in the States and held informal discussions with many groups and individuals, including children, their parents, foster care agencies and foster parents, residential care administrators and staff, and others.

The transcript of formal evidence taken at the public hearings is available for inspection at the Senate Committee Office, the Australian National Library and the

Commonwealth Parliamentary Library. Witnesses who appeared before the Committee are listed in Appendix 1. Individuals and organisations who presented written submissions to the Committee are listed in Appendix 2. A list of centres visited by the Committee and Sub-committee is given in Appendix 3.

### **Acknowledgements**

The Committee acknowledges the co-operation and assistance provided by all witnesses who gave evidence at public hearings and by others who contributed to the inquiry through written submissions. It also records its appreciation of the assistance provided by children in institutional and other forms of care, their parents or foster parents, and other individuals and organisations concerned with the provision of substitute care as well as government and non-government agencies directly responsible for the delivery of care services.

## **RECOMMENDATIONS**

The Committee recommends that:

### **Foster Parents' Allowance —**

1. the Commonwealth Government introduce a national foster parents' allowance to replace existing allowances for foster parents. *(paragraph 4.25)*
2. the national foster parents' allowance —
  - a) fully compensate foster parents for the cost of maintaining children placed in their care;
  - b) be automatically indexed on a regular basis in line with variations in the cost of living; and
  - c) include a separate component representing the Family Allowance that would otherwise be payable to the foster child's natural mother or father. *(paragraph 4.25)*
3. the Minister for Social Security in consultation with State and Territory Ministers responsible for child welfare matters determine appropriate administrative arrangements for the payment of the national foster parents' allowance. *(paragraph 4.25)*

### **Children in Residential Institutions Program —**

4. in determining an organisation's eligibility for funding under the Children in Residential Institutions Program, the Commonwealth Government require State and Northern Territory education departments to place greater emphasis on (a) projects that encourage and assist children in institutional care to participate in education or training at least until they have completed a full secondary education or its equivalent; and (b) projects that prepare and equip those leaving residential institutions with independent living skills. *(paragraph 5.40)*

### **Evaluation of substitute care services —**

5. the Commonwealth Government promote the evaluation of substitute care services by assisting State and Territory government and non-government welfare departments and agencies to determine appropriate evaluation criteria and develop procedures for the establishment and maintenance of on-going evaluation programs. *(paragraph 6.5)*

### **National statistics of children in substitute care —**

6. the Minister for Community Services, through WELSTAT, give priority to the expansion of the present range of statistics on the characteristics of children in substitute care to include data on such matters as the reasons for children being placed in care (i.e. apart from whether they are placed in care because their welfare is at risk or because they have committed an offence), the duration of care arrangements, the number and nature of successive admissions, and the outcome of substitute care placements. *(paragraph 6.9)*



### **Training programs for substitute care personnel —**

7. the Commonwealth Ministers for Community Services and Education, in consultation with State and Territory Ministers responsible for child welfare matters and non-government welfare organisations —
  - a) investigate the needs of government and non-government substitute care agencies for both pre-service and in-service training for personnel;
  - b) review existing pre-service substitute care training courses and programs in technical and further education institutions and other tertiary institutions and, where necessary, support the development and implementation of suitable diploma and certificate courses; and
  - c) examine the need for government financial assistance to meet the cost of replacing substitute care personnel participating in in-service activities and determine the most appropriate means of providing support for staff release and the replacement of staff attending in-service training programs.

*(paragraph 6.12)*

### **Assessment and planning of substitute care placements —**

8. the Commonwealth Minister for Community Services seek the co-operation of State and Territory Ministers responsible for child welfare matters and non-government welfare agencies to establish a set of universally acceptable guiding principles for (a) the initial and continuing assessment of children requiring substitute care and (b) the development of a planned approach towards the placement of children in care.
9. the Commonwealth Government introduce a special substitute care grants program to assist government and non-government welfare agencies in the implementation of proper assessment and planning procedures for the placement of children in substitute care, including the design and maintenance of appropriate client data collection, storage and retrieval systems.

*(paragraph 6.25)*

### **Dissemination and exchange of information —**

10. the Minister for Community Services seek the co-operation and assistance of State and Territory Ministers responsible for child welfare matters and non-government welfare agencies in devising appropriate mechanisms for promoting the dissemination and exchange of information concerning new developments and exemplary practices in the provision of institutional and other forms of substitute care (e.g. through the establishment of a national clearinghouse for studies related to children in substitute care and the joint sponsorship of regular national seminars, workshops or conferences).

*(paragraph 6.33)*

### **Family Support Services Scheme —**

11. the Family Support Services Scheme be continued and expanded by the Commonwealth Government.

*(paragraph 7.20)*

### **The Child Care Act 1972 —**

12. the *Child Care Act 1972* be either amended or replaced to reflect more accurately the Commonwealth's present and future role and policy direction in the provision of assistance for child care and associated family support services.

*(paragraph 7.23)*

### **Establishment of a national children and families commission —**

13. the Commonwealth Government introduce legislation providing for the establishment of a national statutory authority to be known as the Australian Children and Families Commission to advise the Government on matters of policy concerning the development of welfare programs for children and families, and to develop strategies to improve the overall planning and co-ordination of such programs in co-operation with other Commonwealth departments, State and Territory governments, local government authorities and non-government agencies responsible for the provision of these programs.  

*(paragraph 8.41)*
14. the Australian Children and Families Commission be directly responsible to the Commonwealth Minister for Community Services.  

*(paragraph 8.41)*
15. the Commission comprise no more than nine members, including two representatives of State or Territory government welfare authorities, two representatives of the non-government sector, one Aboriginal representative, two representatives from other client groups, one representative with specialist qualifications, and a chairman appointed by the Minister for Community Services.  

*(paragraph 8.42)*
16. the Commission consult regularly with interested community groups and organisations, and establish an appropriate consultative mechanism for this purpose.  

*(paragraph 8.43)*
17. in addition to providing advice on child and family welfare policy matters and developing strategies to improve the planning and co-ordination of welfare programs, the Australian Children and Families Commission have the following functions:
  - a) the development of a set of guiding principles and national goals for the promotion of the well-being of children and families;
  - b) the on-going assessment of the effect on family functioning, including the economic status of families, of Commonwealth, State and Territory legislation and programs of family support;
  - c) the provision of advice to the Minister for Community Services on the effectiveness of such legislation and programs, including the formulation of recommendations relating to —
    - (i) the development of improved methods of family support, including measures aimed at preventing family disruption, and
    - (ii) the allocation of financial assistance to government and non-government organisations for the development, establishment and maintenance of appropriate specific purpose programs for children with particular needs such as those in institutional and other forms of substitute care, children who have offended against the law, homeless children, children who are victims of abuse, and children disadvantaged through intellectual or physical disability, ethnic or cultural background, or geographical isolation;
  - d) the provision of technical assistance and advice to the States and Territories for the evaluation of children's welfare programs and associated community services for families;
  - e) the conduct, promotion and co-ordination of research, together with the exchange of ideas and the dissemination of information, in relation to developments occurring within the child and family welfare field both in Australia and overseas; and

- f) the continuing review of the education and training needs of persons involved in the delivery of child and family welfare programs. *(paragraph 8.44)*
- 18. the Institute of Family Studies be incorporated as the research arm of the Australian Children and Families Commission. *(paragraph 8.44)*