

Queensland Government response
to recommendations of the

Commission of Inquiry into Abuse of
Children in Queensland Institutions

Progress Report

11 September 2001



Queensland
Government

Table of Contents

<i>Foreword</i>	2
<i>Introduction</i>	3
<i>Commentary</i>	5
<i>Progress Report</i>	9
Recommendation 1	10
Recommendation 2	12
Recommendation 3	13
Recommendation 4	14
Recommendation 5	17
Recommendation 6	20
Recommendation 7	22
Recommendation 8	24
Recommendation 9	26
Recommendation 10	28
Recommendation 11	30
Recommendation 12	31
Recommendation 13	34
Recommendation 14	36
Recommendation 15	38
Recommendation 16	41
Recommendation 17	43
Recommendation 18	46
Recommendation 19	47
Recommendation 20	48
Recommendation 21	49
Recommendation 22	51
Recommendation 23	53
Recommendation 24	54
Recommendation 25-27	56
Recommendation 28-33	58
Recommendation 34	61
Recommendation 35	64
Recommendation 36	66
Recommendation 37	69
Recommendation 38	70
Recommendation 39	72
Recommendation 40	73
Recommendation 41	74
Recommendation 42	75

Foreword

In 1999 Leneen Forde and her fellow Commissioners delivered the Commission of Inquiry into Abuse of Children in Queensland Institutions Report – the Forde Report. The Inquiry made Queensland aware for the first time of the abuse and neglect significant numbers of children had suffered in Queensland institutions.

The Government committed itself to responding to the Report's 42 recommendations with diligence and persistence. There were no illusions about the magnitude of the task ahead. Decades of neglect by successive governments had left a shameful legacy that required a substantial investment of time, financial resources and energy to address.

To assist it in responding, the Government appointed the independent Forde Implementation Monitoring Committee, chaired by Professor Ian O'Connor. The Committee's task was to monitor the Government's implementation of the Inquiry's recommendations and report annually to the Legislative Assembly.

The final report of the Committee has now been presented to the Government and tabled in the Legislative Assembly. It provides a detailed account of the Committee's views of the progress made and suggestions as to how the Government's response could be enhanced. We are grateful to the Committee for its valuable work.

The report is a key resource for the Government in its continued implementation of the Forde Report.

Two years have passed since the Inquiry completed its task. In that time, important progress has been made, yet more work is still to be done. Now is an appropriate time to report on this progress, and on the plans in place for future improvement.

Peter Beattie MP
Premier and Minister for Trade

Judy Spence MP
Minister for Families,
Minister for Aboriginal and Torres
Strait Islander Policy and
Minister for Disability Services

Introduction

The Forde Commission of Inquiry into Abuse of Children in Queensland Institutions was established by Governor-in-Council on 13 August 1998. Its Report, tabled in the Legislative Assembly on 8 June 1999, found that abuse had occurred, children had suffered and continue to suffer the legacy of this pain through their lives.

The Report outlined 42 recommendations concerning contemporary child protection, youth justice, including youth detention, the Commission for Children and Young People, formerly known as the Children's Commission and issues relating to former residents of institutions.

In August 1999 the Government released its response to the recommendations. The Government accepted 41 of the 42 recommendations. The non-endorsed recommendation - Recommendation 14 - called for reconsideration of the Government's decision to construct the proposed Brisbane Youth Detention Centre at Wacol.

This process would have caused an unacceptable delay to the priority of closing the Sir Leslie Wilson Youth Detention Centre, and as such, was not endorsed. However, an undertaking was given to take into account the Inquiry's concerns when considering the design of the centre.

Included in the Government's response was an undertaking to establish an independent external committee to monitor the implementation of the Inquiry's recommendations. The Committee, known as the Forde Implementation Monitoring Committee (the 'Monitoring Committee'), first met in December 1999. It comprised representatives from former residents, the community sector, academics, churches and consumer and advocacy groups.

Information and advice was provided to the Monitoring Committee by the Commissioner for Children and Young People, Police Commissioner, Crime Commissioner and the Director-General of the Department of Families attending on an ex-officio basis with no voting rights.

The Monitoring Committee's terms of reference were, for a period of two years, to

- collect, monitor and analyse information from Government and relevant stakeholders concerning progress in the implementation of the Forde Inquiry recommendations
- report annually to Parliament, through the Minister for Families concerning progress in the implementation of the Forde Inquiry recommendations.

The Monitoring Committee's first report was tabled in Parliament in September 2000 and essentially provided an interim assessment of the implementation of the Forde Inquiry recommendations. The final report has been tabled today, together with the Government's progress report.

The purpose of the Government's report is to provide an account of what progress has been made in the past two years and identify areas that still need further work. The report also takes into account the comments of the Monitoring Committee and presents the Government's response to issues of significance raised by the Committee.

Commentary

In the relatively short time of two years, significant progress has been made in implementing the recommendations of the Forde Inquiry toward addressing past abuse, as well as ensuring that abuse does not occur in the future.

The Government's response in relation to Youth Justice and the Commission for Children and Young People is well on the way to full implementation. A draft Bill proposing amendments to the *Juvenile Justice Act 1992*, as recommended by the Inquiry, is currently the subject of public consultation. Cabinet will consider comments made about the Bill later this year.

The Government has invested over \$78.2 million in the past three budgets to implement the recommendations of the Inquiry.

There remains considerably more work to do in the area of child protection and issues relating to former residents.

The Government reaffirms its commitment to continued improvement in all these areas. This progress is outlined in detail in section four of this report.

The Monitoring Committee has commented extensively on the Government's progress. It has noted the progress made in many areas, including youth justice and the Commission for Children and Young People, and raised issues where continued work and vigilance will be required. The Committee's views and advice is an invaluable resource that will be an important reference to assist in future planning and review.

With the benefit of experience and new information the Monitoring Committee also made suggestions for enhancements to the Government's response. Given that these are proposed extensions to the original response, they are dealt with separately in this report. These areas include

- enabling former residents of Queensland institutions to access information about deceased relatives
- extension of the powers of the Commission for Children and Young People
- transfer of activities relating to former residents
- compensation
- ongoing monitoring.

Access to records

The Monitoring Committee has suggested that the Government consider amendments to the *Freedom of Information Act 1992* to allow former residents of institutions to access information pertaining to deceased relatives. It is agreed that this significant public policy issue requires appropriate consideration.

Accordingly, the matter is being referred to the Legal and Administrative Law Review Committee for inclusion in its current review of the *Freedom of Information Act 1992*. The Committee is due to report to the Government at the end of 2001.

Extension of the powers of the Commission for Children and Young People

The Monitoring Committee has expressed the opinion that the complaint power of the Commission should be broadened to include services delivered to, and in relation to, children across other Government departments, for example, health, education, justice, transport, housing and corrective services.

In its final report, the Committee has recommended that the Commission be required by law to produce an annual report on the circumstances of children in Queensland (“The State of Our Children Report”). Although the *Commission for Children and Young People Act 2000* does not obligate the Commission to produce a ‘State of Our Children Report’, the Commission is empowered to do so under its broad functions.

In addition, the Committee has suggested that the Community Visitors scheme be extended to ensure protection of the rights, interests and wellbeing of children and young people accommodated in

- foster care
- boarding houses, including student hostels for children from remote communities
- certain subsidised unsupported accommodation for young people under funding provided by the Department of Housing
- domestic violence shelters.

The Government believes there is merit in these suggestions. The Department of Families and the Commission, in consultation with the Department of Premier and Cabinet, will jointly examine these issues and develop options for consideration by Cabinet.

Transfer of Activities relating to Former Residents

The Monitoring Committee has suggested that a range of activities currently carried out by the Department of Families in relation to the victims of historical abuse be transferred to the Department of the Premier and Cabinet under a new body referred to as the Council For Restoration and Healing. These activities include

- coordinating access by former residents to information
- organising reconciliation events
- facilitating access to Government services.

The Committee suggests the Department of the Premier and Cabinet, particularly with the administrative machinery of the proposed council, will have greater capacity to coordinate a whole-of-government response and keep former residents issues on the agenda.

The Government is of the view that such an arrangement would only have symbolic value at best. Line agencies that have experience with the relevant issues and the operational supports to implement policy will produce better outcomes. The concept of lead agency responsibility to coordinate issues that cross a number of portfolios is well established in Queensland. Accordingly the Department of Families will retain responsibility for the above activities.

The Department will, however, consider the concerns raised by the Committee and identify options for improvement.

In relation to improved access to personal information, the Department will undertake discussions with other Government agencies, such as State Archives, to assume responsibility as a central repository for personal histories.

The idea of 'priority access' to State Government services for former residents will also be considered in consultation with other Government agencies and former residents.

Compensation

The Monitoring Committee recommended the Government undertake a serious investigation into the issue of compensation to victims of institutional abuse. It particularly referred to the compensation processes adopted in Canada.

The Government considered the issue of compensation in depth when first recommended by the Forde Inquiry in 1999.

The Government remains of the view that the appropriate mechanism for aggrieved people seeking monetary compensation is the Queensland court system. To establish a separate arrangement for one group of Queenslanders over another would be iniquitous.

A fundamental principle, then as now, is the need to strike a balance between repairing the past and securing the future.

Modelled on the British Child Migrant Trust established by the UK Blair Government, the Government established the Forde Foundation with an initial funding allocation of \$1 million and enhanced it in the 2001/02 budget by an additional \$1 million. The Government will continue to support the Foundation's efforts to raise donations from church organisations and the business sector.

The first year of operation saw over \$100,000 allocated to meet the practical needs of former residents who successfully applied for funding support. As the capital assets of the Foundation grow, the funds available for future allocations will also increase significantly.

Additionally, to support former residents in the healing process, the Government will continue to develop community based counselling, support and advocacy services. A recent initiative is the establishment of a peer based support service that will build upon the informal supports developed by former residents.

Applications for grants have been invited from community agencies interested in providing this service and it is anticipated that the service will commence later this year.

Ongoing Monitoring

With its task over, the Committee has proposed that ongoing responsibility for monitoring the Government's implementation of the Forde Inquiry's recommendations be assumed by the Commission for Children and Young People.

The Government agrees it should be kept informed about progress and any relevant issues. As a number of recommendations relate to the Commission, as well as the Department of Families, it is considered appropriate that the Department of the Premier and Cabinet develop a process for reporting and coordinate an annual report to Cabinet.

Progress report

A progress report on the implementation of the Government's response to each of the 42 recommendations follows.

RECOMMENDATION 1

That the Department of Families continue to give effect to the recommendation of the Daffen Report 1998 that funding to Petford Training Farm as a residential facility for young people be terminated.

Government response in 1999

Funding to the Petford Training Farm as a residential facility ceased in March 1999. The Minister reallocated those funds and provided additional resources to assist remote Indigenous communities in North Queensland implement strategies for at-risk youth.

The Aboriginal Coordinating Council proposed a new service delivery model to resource remote communities to plan, coordinate and deliver programs for the prevention of youth suicide, self harming, offending and anti-social behaviour. Approximately \$500,000 per year was made available for these purposes.

What has occurred

The “*Which Way*” youth project targets at risk young people in 13 communities that belong to the Aboriginal Coordinating Council.

The Project has fostered recognition within communities that young people’s issues are most effectively dealt with locally, and that communities have an ongoing responsibility to meet young people’s needs.

The focus of activities for young people is being shifted from responding to young people involved in anti-social behaviour to one of inclusion of all young people in meaningful, developmental activities.

The Project has worked innovatively and successfully to empower young people to identify and address their own issues through the establishment of “Youth Councils”

Local community youth councils have been established and are comprised of young people who initiate and run their own activities and voluntary community projects. Youth councils currently exist in three communities and a further five communities have expressed interest in establishing a similar model.

Funding rounds, which strategically target the needs of young people during school holiday or other critical periods, have been established. Grants of up to \$10,000 have been provided. All 13 communities are involved and approximately 300 young people aged between 12 and 17 years have participated in these activities.

Crisis work has been undertaken in two communities in relation to youth suicide and substance abuse issues.

Preliminary data suggests the project has had a favourable impact. Finalised Children's Court appearances among Cape communities, which were primary users of Petford, dropped by almost 50 per cent between 1998/1999 and 1999/2000.

The average number of Aboriginal and Torres Strait Islander young people in the Cleveland Youth Detention Centre also fell by more than 40 per cent (from 40 per cent to 22 per cent) over roughly the same period.

A detailed evaluation of the '*Which Way*' youth project is currently being undertaken by the Department of Families.

Further youth crime funding of \$225,000 per year for Cairns and Far North Queensland was made available in the 2001/2002 State Budget. Substantial amounts of this will be directed to communities that are not part of the Aboriginal Coordinating Council.

Government position

The Government's response to this recommendation has been implemented.

RECOMMENDATION 2

That the Department of Families undertake a project similar to “Connecting Kin” developed by the NSW Department of Community Services in 1998 to identify the repositories of information relevant to the lives of former State wards in Queensland.

Government response in 1999

The Government gave a commitment to implementing mechanisms to improve access to information for former Queensland child residents.

What has occurred

The Government has taken the following steps to ensure and promote access to former child residents.

- Establishment of a special unit within the Department of Families to expedite requests for documents from departmental files for former residents of children’s homes.
- Organisations that formerly operated children’s homes were contacted and asked to advise details of records they may have retained concerning former residents.
- The information from the non-Government sector and the Department has been published in *Missing Pieces: information to assist former residents of children’s institutions to access records*. A version is available on the Department of Families’ web site and is updated as necessary.

The Government is committed to the ongoing provision of enhanced access to records and files for former residents. Efforts to locate surviving information pertaining to former residents held by Government and non-Government agencies will continue.

Government position

The Government’s response to this recommendation has been implemented.

RECOMMENDATION 3

That the Department of Families notify all non-Government organisations that have been involved in the care of children in Queensland that it is willing to accept any surviving records relating to State wards and that it will retain those records and provide the individuals and families concerned with access to them.

Government response in 1999

The Government gave a commitment to working with non-Government agencies and church services to ensure surviving records were located and centralised.

What has occurred

Organisations that formerly operated children's homes were contacted and asked to advise details of records they may have retained concerning former residents. A significant number of organisations reported they no longer have any records about former residents. The Department of Families offered to centrally store surviving records for these organisations.

The information from the non-Government sector has been published in *Missing Pieces: information to assist former residents of children's institutions to access records*.

The Government acknowledges the problems experienced by former residents in tracing documents reported by many organisations as being unable to be located or no longer in existence.

As new information on the location of records comes to hand it will be included on the Department of Families web site and as an insert prepared for *Missing Pieces: information to assist former residents of children's institutions to access records*

Government position

The Government's response to this recommendation has been implemented.

RECOMMENDATION 4

That the Queensland Government increase the budget of the Department of Families by \$103 million to permit it to meet the national average per capita welfare spending for children, and agree to maintain the increase in line with the national average. The additional resources should focus on the prevention of child abuse through supporting 'at risk' families, respite care, parenting programs and other early intervention and preventative programs for high risk families.

Government response in 1999

The Government is committed to significantly improving child protection and family support services. Clearly any resources invested must demonstrate that outcomes for children, young people and families will be improved. Resources to implement a comprehensive reform strategy in the short, medium, and long term will be considered in a budgetary context.

What has occurred

Successive State Budgets have increased funding for the Department of Families since 1999/2000. In 1999/2000, Child Protection funding before enhancements was \$94.6 million. The 1999/2000 State Budget allocated \$100 million in funding over four years to implement the recommendations of the Forde Inquiry. The \$100 million over four years included \$10 million in 1999/2000, increasing each year by a further \$10 million up to \$40 million by 2002/2003.

Both the 2000/2001 and 2001/2002 State Budgets allocated additional funds to boost the Government's commitment to implement the recommendations of the Forde Inquiry, with the additional investment since 1999/2000 being almost \$51 million by 2002/2003.

These investments represent an increase of over 45 per cent in the child protection budget from 1999/2000 to 2002/2003. This is the single largest commitment to increase child protection spending by any Queensland Government.

Funds have been directed to

- increasing the number of service delivery staff
- enhancing the capacity and number of community based family support and child protection services
- including Aboriginal and Torres Strait Islander child and family welfare services
- developing responses to former child residents of Queensland institutions and youth justice services.

The Monitoring Committee has “urged the Government to continue increases in child protection funding to bring it in line with the national average, to ensure that standards of care levels are met, and to allow sufficient spending on preventative and early intervention programs”.

The Government agrees the Department of Families has been seriously under-funded for decades, and has made the commitment to build on this investment in successive budgets.

In preparation for the 2002/2003 budget the Department, together with Queensland Treasury and the Department of the Premier and Cabinet, is reviewing foster care allowances and related child protection issues. A report will be provided to Cabinet Budget Review Committee in early 2002.

In addition, Cabinet has recently noted the Department of Families’ Five-Year Child Protection Service Improvement Strategy. The strategy is developing new and innovative models of service delivery from early intervention to improved intake, assessment and placement services. The Government will consider funding requirements at each stage of the development of the strategy during in the preparation of future State Budgets.

This work is essential to ensure taxpayer resources are used effectively and efficiently to achieve the best possible outcomes for clients of the Department.

The Government also acknowledges the Committee’s concern that the Department of Families did not achieve recruitment of all 77 additional full-time service delivery positions by June 2001, as projected. Currently 71 of 77 positions have been filled, with the balance waiting for completion of the selection process.

The Department is currently researching interstate and international trends and recruitment strategies with a view to enhancing the Department's practices.

A range of workforce management strategies have already been implemented, including

- a new rural and remote incentive package
- a work environment officer network to support and deal with work place health and safety issues
- targeted learning and development activities for team leaders and managers.

Government position

The Government has made substantial progress in implementing the response to this recommendation.

RECOMMENDATION 5

That there be a concerted whole-of-government effort to reduce the gross over-representation of Indigenous children in juvenile detention centres.

Government response in 1999

The Government expressed commitment to reducing over-representation of Indigenous children and young people in detention centres and the juvenile justice and child protection systems. It said it would work closely with Indigenous communities to achieve this aim.

Particular strategies identified at the time included

- an additional \$3.5 million over four years made available in the 1998/1999 State Budget for youth crime prevention initiatives that targeted Indigenous youth crime prevention in particular
- expansion of Community Conferencing services, then conducted at Ipswich, Logan City and Palm Island, to include a fourth program in Cairns to service remote areas of North Queensland
- three pilot Youth Justice Services at Ipswich, Townsville and Logan to provide focused and specialised services for young people on community based orders and remand
- a major summit to enable government agencies and Indigenous communities to identify and plan means to effectively address this serious problem
- early intervention services to Indigenous families in need of support, and at times of crisis, to address the underlying problems that often lead to family breakdown or youth crime
- further develop and expand upon existing youth crime prevention strategies to target, in particular, Cape York and other high need areas of the State
- build on the effective work of Community Justice Groups and other Indigenous organisations to strengthen their capacity to address the problems of youth crime when it occurs, at a local level
- expand the range and intensity of programs and services available to Indigenous young offenders to increase the cultural appropriateness and effectiveness of community based options as viable alternatives to detention.

What has occurred

All of the strategies identified above have been implemented. In addition, the Queensland and Aboriginal and Torres Strait Islander Justice Agreement has established a whole of government framework for reducing over-representation.

Additional resources were made available in the 2000/2001 Budget to

- establish a service for Brisbane that helps families and young people respond to conflict or crisis and supports police responses to young people in ways that enable wider use of cautions and readier access to bail
- develop a range of brokerage and community placement services with a particular goal of reducing Indigenous over-representation
- provide additional funds for bail support
- provide a specialised assessment and treatment program for young sexual offenders combining individual and family treatment models and consultancy services to remote areas.

Further resources in the 2001/2002 budget include

- additional Youth Crime Prevention funds for regional centres with high Indigenous population
- two additional Youth Justice Services at Caboolture/Redcliffe and Hervey Bay/Maryborough.

Already this has contributed to:

- the number and rate of Aboriginal and Torres Strait Islander young people held in detention declining from 3.9 per 1000 (78 young people) in June 1999 to 2.4 per 1000 in March 2001 (53 young people)
- the number of Aboriginal and Torres Strait Islander people on orders supervised by the Department of Families falling from 812 at 30 June 2000 to an estimated 770 by 30 June 2001. This represents a decline of around 5 per cent.

The Queensland and Aboriginal and Torres Strait Islander Justice Agreement sets a target of 50 per cent reduction of Aboriginal and Torres Strait Islander involvement in the criminal justice system by 2011. Achieving this will require a coordinated whole-of-Government and community effort. This Government is committed to this effort.

Government position

The Government's response to this recommendation has been implemented.

RECOMMENDATION 6

That alternative placement options be developed for young people on remand in order to reduce the number placed in juvenile detention centres.

Government response in 1999

The Government said it was committed to expanding alternative placement options to reduce the need for young people on remand to be placed in detention centres. It identified the Conditional Bail Program established in 1995 as an effective strategy for diverting young people from custody.

It said it would build on the program's success by

- enhancing services to assist young people, who may otherwise be refused bail or remanded in custody, to wherever possible remain in the care of their families or kin
- increasing the range of supported accommodation options that exist in local communities, the training and support of care providers, and the number and quality of program activities for young people aimed at addressing their offending behaviours
- working toward the establishment of a number of youth outreach services that operate for extended hours in high need areas across the State. These services will work closely with Police and Crisis Care to divert young people from unnecessary detention in a watch house or detention centre when arrested. They will also be used to arrange early intervention services for young people who have not been arrested, but have come to the attention of the Police and are at risk of entering the criminal justice system.

What has occurred

Additional resourcing for the Conditional Bail Program has resulted in significant upgrading of the supervision and support that can be provided to young people.

The Bail Accommodation Support Service is in operation.

The Aboriginal and Torres Strait Islander Youth Working Party, representing a coalition of youth and accommodation services, has been provided with three year funding of \$200,000 per annum to maintain young people in the community on bail.

Three-year funding of \$30,000 per annum per organisation has been provided to Aboriginal and Torres Strait Islander Child Care Agencies in Cairns, Mt Isa and Townsville to support families of young people granted bail.

Services to Gold Coast young people are provided through the Gold Coast Integrated Response to Youth at Risk.

An outreach service has been established servicing the Brisbane Metropolitan Area.

The remainder of the state accesses resources to support bail placements through a centralised brokerage system.

The draft *Juvenile Justice Amendment Bill 2001* proposes amendments to simplify the process of granting bail, including the capacity to consider bail applications by audio or audiovisual link. The Bill is currently undergoing public consultation.

The range of initiatives introduced between April 1999 and April 2001 contributed to a 16.2 per cent reduction in the number of young people held in detention on remand. The impact of the new Bail Accommodation Support Service and the outreach service will be evaluated.

Government position

The Government's response to this recommendation has been implemented.

RECOMMENDATION 7

That the Department of Families review the practice of unclothed searches with a view to reducing their use, and that detailed documenting (date, time, reason and process used) of every such search be made.

Government response in 1999

It is intended to

- review and amend current procedures to ensure unnecessary unclothed searches do not occur
- purchase drug detection equipment and increase the supervision of visits as an alternative to searches
- review procedures for recording details about searches
- improve training of detention centre staff for conducting unavoidable searches in as discrete and sensitive a manner as possible
- improve systems for monitoring and reviewing the practice of searching.

What has occurred

A review of technology that potentially offered alternatives to unclothed searching (ion scan drug equipment and metal detectors) found these alternatives were not able to guarantee drug and other contraband detection on a reliable basis.

The closure of the Sir Leslie Wilson Youth Detention Centre and the suspension of operation of the John Oxley Youth Detention Centre have resulted in a decrease in the scope of unclothed searches because young people no longer have to be transferred between two Brisbane Centres.

Random unclothed searches have been eliminated, along with routine unclothed searching after each program activity.

Following meetings with the Queensland Police Service, routine searches of young people by police who attend watchhouses have been curtailed where they have already been searched at a youth detention centre.

Further work is being done to reduce searches where young people leave a detention centre on unescorted leave, escorted leave with handcuffs and escorted leave without handcuffs.

Any required changes to practice have been appropriately incorporated in Departmental practice and procedure manuals.

The present policy and practice of unclothed searches provides an appropriate balance between recognising the rights of the young person and ensuring the safety and security of the detention centre and resident young people.

As suggested by the Forde Monitoring Committee, the Department of Families will continue to review new emerging technology as an alternative for unclothed searching and will expand its database to include the incidents of body searches, the use of force in carrying out unclothed or body searches and the use of handcuffs.

Government position

The Government's response to this recommendation has been implemented.

RECOMMENDATION 8

That the Department of Families ensures:

- *contact with family and friends is treated as a basic entitlement of all detainees, essential to their psychological wellbeing and successful reintegration, and that it should not be apportioned according to behaviour;*
 - *procedures that deny a young person contact and support from their family are examined and eliminated unless a substantial case can be made for their retention; and*
 - *visiting times are varied to accommodate the needs of working parents, shift-workers and those with small children.*
-

Government response in 1999

To address this recommendation, it is intended to review the current visiting practices of each centre to ensure that contact with family including young people's partners and significant others is treated as a basic entitlement and encouraged. More flexible visiting arrangements will be developed and, where possible, increased assistance will be provided to families and community members to visit.

As part of the infrastructure development program for detention centres, close attention is being given to the design of the reception and visits areas within both the new Brisbane centre and the upgraded Cleveland and John Oxley centres to ensure the facilities are as family and visitor friendly as possible. Provision is also being made for video conferencing families to enable contact with families from remote areas that may be unable to visit.

What has occurred

The case management process for young people in detention centres has been changed so, as part of regular case reviews, a check is made to determine if any resident young person is not receiving meaningful contact so remedial action can be put into place.

Procedures have been incorporated into the case planning process to ensure all visits to children are reviewed.

To assist with facilitation of contact between young people and their families, a dedicated Visits Coordinator has been appointed to the Brisbane Youth Detention Centre. An interim visits strategy has been developed at the Cleveland Youth Detention Centre that includes extra duty officer support as a forerunner to the appointment of the centre's permanent Visits Coordinator.

Both the Brisbane and Cleveland Youth Detention Centres have extensively increased visiting hours for families, which has resulted in both centres having visits over five days per week. Evening and special visits are also provided at the centres to assist employed family members.

Where young people are not receiving visits from family members, the centres are arranging for suitable members of the young person's respective community or representatives from an appropriate agency to visit.

Extensive funding to assist in meeting families' costs with transport and accommodation is available as required. Other subsidies, such as payment of petrol, rail or airline travel and taxi vouchers, are also made available as required.

Provisions are being put in place for video-conferencing to be available at youth detention centres.

Consistent with the Monitoring Committee's recommendations, the Department of Families will ensure that outgoing phone calls at the Cleveland Youth Detention Centre are increased once the refurbishment of the Cleveland Youth Detention Centre is complete, and expand the data base on visits to young people in detention.

Government position

The Government's response to this recommendation has been implemented.

RECOMMENDATION 9

That the Department of Families explores mechanisms for increasing community involvement in juvenile detention centres.

Government response in 1999

To address this recommendation, it is intended to

- proceed with full implementation of the 'Securing the Care' Project, including establishment of the Secure the Care Review Groups
- work towards increasing the range and quality of services and programs provided for young people in detention by external community based agencies
- designate a function of community liaison within each centre for the specific purpose of ensuring that greater levels of community involvement exist
- in consultation with community organisations, consider and establish further mechanisms that may be used to increase community involvement.

What has occurred

The Securing the Care project, including establishment of the Secure the Care Review Group at each centre, has been fully implemented

An Indigenous Programs Support Officer has been appointed at both the Brisbane Youth Detention Centre and Townsville's Cleveland Youth Detention Centre to assist with increasing community involvement in detention.

The work of the Indigenous Programs Support Officer has extensively increased the number of external Indigenous agencies and Indigenous program providers visiting the centres. In South-East Queensland, these currently include

- a sexual health program for young women
- drug and alcohol counselling
- an Indigenous counselling service
- Aboriginal visual arts and performing arts program
- Indigenous Art Creations program.

A similar range of programs has been implemented at the Cleveland Youth Detention Centre.

A service agreement has been signed with Create Foundation, an agency developed and staffed by young people to assist young people in secure custody access the same life opportunities as those in the community.

The Create Foundation program also includes training for staff to ensure they have the skills to help young people participate in decision making processes.

The Department of Families agrees with the Monitoring Committee that continuity of program provision is important, and is committed to its continual improvement.

All programs supplied by external providers are written-up in full and include an evaluation framework. On completion of a particular course, an evaluation is undertaken. The Youth Detention Operations Branch continually monitors program provision in youth detention to ensure relevance and effectiveness.

Government position

The Government's response to this recommendation has been implemented.

RECOMMENDATION 10

That the Department of Families works closely with Queensland Health to establish adequate, high quality mental health services for juvenile detainees, staffed by in-house specialised mental health personnel with whom a child and adolescent psychiatrist and allied mental health staff can consult part-time.

Government response in 1999

Discussions occurred between Queensland Health and the Department of Families, with Queensland Health recommending the provision of an integrated health service model to include general health, mental health, dental care and drug and alcohol counselling and treatment. It was proposed to further investigate the most appropriate model for health services, paying particular attention to the needs of Indigenous young people.

What has occurred

Queensland Health has agreed to provide \$1 million recurrently to assist the Department of Families improve health services in youth detention centres. Implementation of the new model of service delivery has commenced, and it is anticipated that services will be fully implemented by January 2002.

The model recognises the high number of Indigenous young people in detention and includes the recruitment of Indigenous clinicians to ensure culturally appropriate treatment services.

The combined mental health and alcohol and drug treatment teams will include the provision of psychiatric consultation in each detention centre. The treating psychiatrist will assume responsibility for providing advice to the Secure the Care Panel.

Sexual health and oral health services will be provided as discrete services to each detention centre. West Moreton Health District has commenced providing an oral health service to the Brisbane Youth Detention Centre. The Oral Health service for Cleveland Youth Detention Centre will commence when construction work is completed. Similarly, West Moreton and Townsville Health Districts will provide sexual health services.

Child and Adolescent Forensic Mental Health Service has commenced an interim service to the Brisbane Youth Detention Centre, with a psychiatrist, psychologist and senior social worker in attendance two days a week.

Detailed work has been done to establish a framework to evaluate the implementation of the model and its effectiveness in meeting the health needs of young people in detention, as noted by the Monitoring Committee. It is proposed that the Commission for Children and Young People undertake this external evaluation.

As a component of the transition to the new model of health service delivery, Professor Barry Nurcombe provided training in goal-directed treatment to detention centre staff.

Training in relation to drug and alcohol, adolescent development and mental health issues will be included in the induction program for new staff and will be reflected in the program of continuing staff education and training.

Government Position

The Government's response to this recommendation has been implemented.

RECOMMENDATION 11

That the Department of Families and Education Queensland jointly review the allocation of special education resources for children in institutions and prepare a detailed report to both Ministers, by 31 December 1999, on the current availability and any gaps, as well as a clear plan for rectification.

Government response in 1999

The Government is committed to ensuring appropriate targeting of educational and training support to provide the skills necessary for young people to play a more positive role in society. Education is instrumental to rehabilitation outcomes.

What has occurred

The Department of Families, Department of Employment and Training and Education Queensland have signed a three year Memorandum of Understanding to provide each young person in youth detention with 36 hours per week of core education, vocational training and developmental programs.

The Department of Families and Education Queensland finalised a report on improvements to alternative education provision. It also sought to clarify the roles of the respective departments.

Five alternative education sites were established for students at educational risk.

Two inter-departmental working groups have been established to improve educational outcomes and employment pathways for young people aged between 15 to 24 years, and develop prevention and early intervention strategies for pre Year 1 children.

The three-year Memorandum of Understanding between Department of Families, Department of Employment and Training and Education Queensland meets the core educational and vocation and training needs of young people in detention.

Government position

The Government response to this recommendation has been implemented.

RECOMMENDATION 12

That the Department of Families ensure that all young people in detention centres, whether sentenced or on remand, have access to

- *a range of programs that will both engage them and be of future vocational benefit*
 - *community-based educational, vocational and related services to assist reintegration and to help reduce the isolation and separation felt by detainees*
 - *appropriate recreational facilities and sporting instruction as central components of programmed activities, recognising the importance of sport as a factor in achieving reintegration and reducing recidivism.*
-

Government response in 1999

To address this recommendation, the Department of Families, Education Queensland and the Department of Employment and Training will work together in developing the appropriate mix of educational and vocational training programs. Similarly, the Department of Families will, in conjunction with the Department of Tourism and Recreation, develop improved recreational and sporting instruction programs that may be continued by young people in the community following their release from detention.

With the addition of these enhanced programs and services, the aim of detention centres will be to provide structured activities for young people that will both gainfully occupy their time while in detention and assist their rehabilitation and reintegration into the community following their release.

What has occurred

The Department of Families, Education Queensland and the Department of Employment and Training have agreed on a best practice model for the improvement of vocational and educational training within the new Brisbane Youth Detention Centre and the rebuilt Cleveland Youth Detention Centre. A Memorandum of Understanding has been signed by the three departments to provide the best practice model for the next three financial years.

The best practice model aims to provide 36 hours per week of education, programs and activities to resident young people. This includes

- 12 hours of general education
- eight hours of vocational education and training
- four hours of vocational education provided by the Yeronga TAFE
- specialist educational support, where required
- 12 hours of developmental, cultural and recreational programs.

A framework providing for regular evaluation of vocational, educational programs is currently being developed, consistent with the suggestion made by the Monitoring Committee.

The Brisbane Youth Detention Centre is continuing to develop its structured day of programs and activities as a core component of providing rehabilitation opportunities for young people. The structured day provides an increased range of meaningful and rewarding core education, vocational training and developmental programs for young people, and ultimately increases pathways for them upon their release from detention.

A Transitions Officer position - jointly funded by Education Queensland and the Department of Families - has been established in the Brisbane and Cleveland detention centres to provide job pathways and career options for young people.

A database has been developed to record young people's attendance at programs to ensure compliance with benchmarks on a monthly basis.

With the provision of increased funding, and subsequent to the completion of the Key Programs Project, a range of key programs has been introduced into all centres. These programs include anger management, challenging offending behaviour, preventing abuse in relationships, drug and alcohol awareness, cognitive skills development, sexual health, cultural education/studies, legal awareness, traditional gardening and pre-release programs.

The Secure the Care framework principally guides access to education, programs and services for the young people. The Secure the Care framework now provides for clear guidelines for young people's reintegration into the community during the final phase of their detention period.

Recreation Officers have been included in the youth detention centre staffing model. These positions require professional qualifications in human movement studies or sport and recreation management.

The new facilities at the Brisbane Youth Detention Centre offer a much wider range of sporting activities for young people and a dedicated physical education classroom. A range of culturally appropriate recreational programs, such as Indigenous dance, art and culture, are also offered.

The Cleveland Youth Detention Centre will also be provided with an improved range of facilities as part of the rebuilding program.

Government position

The Government's response to this recommendation has been implemented.

RECOMMENDATION 13

That the closure of Sir Leslie Wilson Youth Detention Centre be accomplished as planned by the end of 2000, or before, and that the refurbishment of John Oxley and Cleveland Youth Detention Centres proceed as a matter of urgency.

Government response in 1999

It is intended to proceed according to plan with the Infrastructure Development Program. This plan includes

- the construction of a new Brisbane Youth Detention Centre
- the re-building of the Cleveland Centre on its existing site at Townsville
- closure of Sir Leslie Wilson Youth Detention Centre following completion of the new Brisbane centre

What has occurred

The Sir Leslie Wilson Youth Detention Centre was closed as scheduled on 7 February 2001.

The John Oxley Youth Detention Centre was largely re-furbished in terms of the removal of hanging points. However, with the opening of the Brisbane Youth Detention Centre and the reduced demand for detention beds, operations at the John Oxley Centre have now been suspended.

Work commenced on rebuilding the Cleveland Youth Detention Centre with completion of the perforated mesh fence in July 2000. The main building work is 90% complete and is programmed to be completed in October 2001.

The new Brisbane Youth Detention Centre commenced operation from 7 February 2001. The centre offers a wide range of benefits to young people, with purpose built facilities for core educational activities, fully vocational training activities and sport and recreational activities.

For the first time, purpose built medical facilities have been provided. This includes a two-bed ward, should young people require overnight care, and dental facilities.

The centre is secure, while the design minimises the overt obviousness of security measures. For example, a large proportion of the perimeter fence is perforated metal mesh that does not obstruct the view.

Safety for young people has been enhanced, with the design of the rooms minimising possible opportunities for suicide to the greatest extent.

Improved visits facilities have been provided to ensure young people maintain contact with family, friends and significant others.

The Monitoring Committee's recommendation for continued monitoring of the standards of care is supported. The new monitoring and inspection system developed for youth detention, which includes inspections by Community Visitors from the Commission for Young People and Children, analysis of trend data and outliers and external audits, provides an appropriate framework against which standards of care can be measured and ensured.

In addition, the Department of Families has added a Compliance and Monitoring Officer to its staff at each of the centres to assist with maintenance of appropriate standards of care.

Government position

The Government's response to this recommendation has been implemented.

RECOMMENDATION 14

That the Minister for Families establish an expert working group to provide advice regarding options available as an alternative to the construction of a proposed new juvenile detention centre at Wacol.

Government response in 1999

The Government does not endorse this recommendation. It is intended to proceed according to plan with the construction of the new Brisbane Youth Detention Centre on the selected Wacol site.

Work on the new Brisbane Centre is now well advanced and to revisit the selection of its site would lead to major delays on the closure of the outdated Sir Leslie Wilson centre.

The closure of Sir Leslie Wilson is a priority of the Government, consistent with the Inquiry's recommendations that it be closed as soon as possible.

What has occurred

A new youth detention centre was built at Wacol. The Brisbane Youth Detention Centre commenced operations on 7 February 2001. On this same date, Sir Leslie Wilson Youth Detention Centre (now demolished) closed, and its residents were transferred to the Brisbane Youth Detention Centre.

Between February and March 2001, young people at the John Oxley Youth Detention Centre were transferred to the Brisbane Youth Detention Centre. Consequently, operations at John Oxley Youth Detention Centre have been suspended and the Brisbane Youth Detention Centre is the sole youth detention centre located in South East Queensland.

The Brisbane Youth Detention Centre currently has a built capacity of 102 beds and an optimal operating capacity of 86 beds. The original plans for Brisbane Youth Detention Centre included a 'footprint' for an additional accommodation unit at the centre.

A 15 and a half hectare site was secured and appropriate program and service areas provided for, with the possibility of an additional accommodation unit should future demands require it. This is not currently the case.

The concerns raised by the Monitoring Committee about the potential construction of an additional accommodation unit will be considered in future planning.

Government position

The Government's response to this recommendation has been implemented.

RECOMMENDATION 15

That the Department of Families implement in full the detailed recommendations of the consultant responsible for the review of juvenile detention centres, contained in Appendix 13.

Government response in 1999

It is intended to

- include within legislation, as part of the review of the Juvenile Justice Act 1992, a list of rights of young people in detention
- fast-track completion of the new Youth Detention Practice Framework Manual, incorporating any procedural changes required as a result of other recommendations
- close the Sir Leslie Wilson Youth Detention Centre as soon as possible
- incorporate, wherever feasible, changes to the design of the new Brisbane centre and planned upgrades of the John Oxley, Cleveland and Sir Leslie Wilson centres to address a number of specific recommendation made by the consultant to the Inquiry
- review the behaviour management and discipline systems and practices at all centres, as well as the procedures for admission, searches and the use of handcuffs
- enhance mental health and other health services for young people in detention
- increase the flexibility of contact arrangements with family, friends and community members
- increase the quality and range of programs and services for young people in detention
- enhance systems for complaints and monitoring.

What has occurred

Charter of Rights

A 'charter of juvenile justice principles' has been included in the draft *Juvenile Justice Act Amendment Bill 2001*. As indicated elsewhere, the draft bill is currently undergoing public consultation and comments made by the Monitoring Committee will be considered in this context.

Practice Framework Manual

The New Practice Framework Manual for Youth Detention Centres is currently being activated in the centres. The manual incorporates the requirements noted in relation to international rules, national standards and legislative provisions. It also embodies the policies of positive staff/resident interaction, discipline, the maintenance of family contact and the requirements of inspection and monitoring.

Any proposed alterations to the manual or the creation of new centre based rules or procedures will be submitted to the Youth Justice Executive Management Committee for approval.

Procedures – Admission, Searches, Use of Handcuffs

New admission processes have been implemented with the opening of the Brisbane Youth Detention Centre. Young people on short-term remand (under one month) are accommodated in a Remand/Reception unit, separated from longer term remanded young people. The latter residents progress through the accommodation units according to the Secure the Care 'phase' framework.

The new practice for unclothed searching has been implemented in each centre. The new procedure is sensitive to the impact that unclothed searching has on young people (see Recommendation 7).

All young people accessing external escorted leave continue to undergo a risk assessment through the Secure the Care framework. The necessity for, and circumstances of, handcuffing are still determined in that context.

Behaviour Management

A new behaviour development system, based on an extensive literature review, was developed in consultation with detention centre staff and staff from Education Queensland.

The new system focuses on more immediate rewards for appropriate behaviour to reinforce the development of appropriate future life skills. The recording system has been simplified from the original system and does not rely on complex scoring mechanisms as had occurred in the past.

Young people, who had input into the development of the system, have largely reported favourably on the changes. As planned, in line with other aspects of the centre, the system is currently being reviewed after six months of operation.

The new system incorporates the requirements as detailed by the Forde Inquiry, such as consistency in the application of management strategies, appropriateness of the behaviours for which young people are rewarded, appropriateness of the rewards and structure of the system (eg. self-managed).

All operations staff of the Brisbane Youth Detention Centre is trained in the operation of the new system.

The behaviour management plans in each centre are individually designed and developed collaboratively by key centre staff in consultation with the young person themselves. The Secure the Care Panel in each centre endorses the plan. All consequences for behaviour are individually based.

Current practices in each centre for recording and monitoring the use of separation follows the legislative requirements of the *Juvenile Justice Act 1992*.

Government position

The Government's response to this recommendation has been substantially implemented.

RECOMMENDATION 16

That legislation be enacted to make mandatory the reporting of all abusive situations that come to the attention of departmental employees and persons employed in residential care facilities and juvenile detention centres.

Government response in 1999

The Government acknowledges the need to implement mandatory reporting of all situations of abuse in residential care and detention centres.

The Government will review the current provisions for reporting incidents of abuse of young people detained in detention centres to either the Queensland Police Service or the Criminal Justice Commission to identify gaps in jurisdictional arrangements.

The review of the *Juvenile Justice Act 1992* will consider the need to strengthen existing provisions to include reporting of abuse of young people by staff employed at detention centres.

What has occurred

The *Child Protection Act 1999* and *Child Protection Regulation 2000* contain the necessary provisions for mandatory reporting of harm to children in residential care services.

Section 148 of the Act mandates that departmental officers and employees of residential care services immediately report harm or suspected harm caused to a child in residential care.

The Regulation requires a licensee under the Act to prepare and maintain a policy about reporting matters of concern. It also requires employees to be aware of this policy and their obligations under the Act.

The legislation also requires records to be kept about reports of harm or suspected harm caused to a child in the care of an approved foster carer or residential care service, or about any breach of the Statement of Standards.

The Government will monitor the use of mandatory reporting provisions and will report on harm to children and young people in out-of-home care. In addition, the Department of Families will ensure that Departmental officers and residential care workers are aware of their mandatory reporting obligations, including reporting harm to young people by other young people.

Youth Detention has reviewed its incident reporting guidelines concerning assaults of young people on young people and staff on young people. It has ensured that clear guidelines are contained in the new youth-detention practice framework manual for referral of these matters, under appropriate legislation, to the Queensland Police Service, the Criminal Justice Commission or for investigation by the Department of Families.

These requirements are in place in all centres.

Mandatory provisions for detention centre employees to report any incidents of harm of children detained in youth detention centres to the Chief Executive Officer are contained in the draft *Juvenile Justice Amendment Bill 2001*.

The Government notes that the Forde Monitoring Committee believes that the provisions in the *Juvenile Justice Amendment Bill 2001* will deal with the issue of mandatory reporting of abuse in youth detention. The Government also concurs that mandatory reporting of abuse through legislation must complement other protection strategies for young people, including the new monitoring and review system and the upgraded complaint and advocacy arrangements.

Government position

The Government's response to this recommendation has been implemented.

RECOMMENDATION 17

That requirements for the Department of Families to conduct regular inspection and monitoring of residential care facilities and juvenile detention centres be specified in legislation.

Government response in 1999

The Government recognises the obligation of the Department of Families to be well informed about the day to day operations of residential care facilities and detention centres, and therefore to be in a position to ensure adherence to standards.

What has occurred

The *Child Protection Act 1999* and *Child Protection Regulation 2000* provide a legislative framework for the monitoring, review and evaluation of care services for children. This framework includes regular inspections of each licensed residential care service to ensure that the care provided meets the Statement of Standards.

Licences are issued for three years. The Act provides for breaches, suspension and cancellation of licences based upon the provision of care provided to children and young people and the performance of the service.

A consultant prepared a model for an inspection and monitoring framework in June 2000. The components of the monitoring and evaluation framework for licensed residential care services reflect the legislative framework. They include

- the licensing criteria established by the Act
- inspection and evaluation activities by each service, the Department of Families and independent external evaluators
- a monitoring system drawing on information contained in the required service reports and findings of departmental officers and Community Visitors, Commission for Children and Young People.

The Government notes the concerns of the Monitoring Committee with respect to the implementation of the framework for child protection. Monitoring and evaluation elements of the framework have not yet been operationalised, including external accreditation, and collection and collation of data. Workshops with regional departmental officers and services during 2001 will finalise these arrangements.

Detailed consideration and further development of the model by an interagency project team consisting of representatives of the Commission for Children and Young People, the Youth Justice Directorate and the Office of Child Protection has occurred throughout the latter half of 2000.

Provisions for the monitoring and inspection of youth detention centres are contained in the draft *Juvenile Justice Amendment Bill 2001*.

The process for the auditing of the operations of youth detention centres against standards articulated in the Australasian Juvenile Justice Administrators' *Standards for Juvenile Custodial Facilities* and the Youth Detention Centre Practice Framework Manual is currently being finalised.

These audits will be conducted on a regular basis by

- the Department of Corrective Services (annually at each centre regarding physical security and safety specifications)
- the Research and Review Branch of the Youth Justice Directorate (an annual audit of all other specifications other than security and safety and follow up inspections at three month periods of those areas identified during the annual audit as not meeting the specifications)
- centre staff (monthly) against a specific group of specifications, with all specifications being addressed over a twelve month period.

The Committee's concern about the regularity of inspections is noted. Inspections will be conducted "as required", consistent with the best practice model adopted.

Inspections are defined as a generally qualitative analysis of “outliers” identified as part of the monitoring and review process. Examinations of specific aspects of youth detention centre operations occur as part of the investigations process that are initiated in response to the incident reporting and complaint systems.

The Department of Families shares the Committee’s concerns about existing ‘stand alone’ information systems in both Child Protection and Youth Justice.

A comprehensive review of child protection and youth justice information requirements, which will inform the development of an integrated management information system, will be undertaken as part of the development of the Department of Families’ information strategic plan.

Government Position

The Government’s response to this recommendation has been substantially implemented.

RECOMMENDATION 18

That the Department of Families have a legislatively imposed responsibility to collect information relating to abuse of children and young people in residential care facilities and juvenile detention centres.

Government response in 1999

The Government has legislated for this in the *Child Protection Act 1999*. The proposal to extend similar provisions to the *Juvenile Justice Act 1992* will be considered as part of the current review of that Act.

What has occurred

The *Child Protection Act 1999* contains provisions relating to the mandatory collection of data about abuse of children and young people in care. The Department of Families is required to keep these records and to report on the incidence of abuse as required.

The Department of Families can report on the incidence of harm to children in foster care and residential care services, and does so in the Productivity Commission's annual *Report on Government Services*.

The Department will commence reporting on the level of abuse of children and young people in residential care services and foster care in the 2001/02 annual report.

Provisions for the monitoring and inspection of youth detention centres are contained in the draft *Juvenile Justice Amendment Bill 2001*. The Bill also contains a new power to make regulations for collection and publication of information and statistics about children dealt with under the *Juvenile Justice Act 1992*.

It is proposed that a regulation will be created to parallel section 12 of the *Child Protection Regulations* in relation to youth detention centres. Section 12 requires the Chief Executive to keep records of any harm, or suspected harm, caused to a child in the care of an approved foster carer or residential care service.

Regular reports of the information collected and trends are to be forwarded to the Commissioner for Children and Young People.

Government position

The Government's response to this recommendation has been substantially implemented.

RECOMMENDATION 19

That the provision of advocacy services for young people in residential care facilities and juvenile detention centres be required by legislation.

Government response in 1999

The Government supported the need to include legislative provisions ensuring access to advocacy services to children and young people

What has occurred

The *Commission for Children and Young People Act 2000* provides for Community Visitors for young people in detention, and children and young people in residential facilities. The role of Community Visitors is to promote and protect the rights, interests and wellbeing of children and young people residing in these facilities.

In April 2000, Section 7 of the *Child Protection Act 1999* was amended to include access to advocacy services for children in licensed residential facilities, and cooperating with the services to help ensure children's concerns were dealt with, as functions of the Chief Executive.

While the recommendation noted residential care and youth detention centres, the target group has been broadened to include children and young people in a range of other placements, including foster care, at the suggestion of the Monitoring Committee.

In late 2000, Create Foundation was approved for funding to 31 December 2001 to

- increase the capacity of children and young people on child protection and detention orders to participate in decisions about their lives
- support children and young people in gaining self advocacy skills
- provide system's advocacy through the direct input of children and young people into the development of the statutory care system and youth detention centres.

The model of service delivery, performance of Create Foundation and future needs and directions in advocacy will be independently evaluated in the latter half of 2001. This will inform the continued development of advocacy services for children.

Government position

The Government's response to this recommendation has been substantially implemented.

RECOMMENDATION 20

That legislation be enacted to require that licensing of residential care facilities be subject to an independent written evaluation.

Government response in 1999

The Government will strengthen licensing procedures and give active consideration to the need for independent evaluations as part of this process.

What has occurred

The *Child Protection Regulation 2000* provides that the Chief Executive must obtain a written evaluation from an independent person of the care services provided, or to be provided, under the licence.

The independent evaluation informs the Chief Executive's decision to issue a licence, or any conditions of it, and relies on the evaluator's independence from applicants and the Department of Families.

Independent external advice has been sought to inform licensing decisions for residential care services. Advice has been sought about the capacity of services to provide care that meets the Statement of Standards. The Department has also sought the views of young people about the standard of care provided to them.

The Government will consider options for independent involvement in an accreditation system on an ongoing basis. The system will be centred around the standard of care provided in out-of-home placements and management systems supporting the delivery of care services.

Government position

The Government has substantially implemented the response to this recommendation.

RECOMMENDATION 21

That by December 2000 the Department of Families

- *assess the needs across Queensland for residential care*
 - *review the effectiveness of current models of residential care (eg. family group homes compared to larger institutions such as Boys Town)*
 - *develop criteria for equitable distributions of facilities and appropriate models of care*
 - *develop medium and long term plans for future development of residential care, taking into account the distribution and needs of children throughout the State*
 - *review funding and provision of residential services for Indigenous young people to ensure quality of services and cultural appropriateness*
-

Government response in 1999

In addition to the significant work currently underway, the Government is committed to ensuring appropriate distribution of residential care services across Queensland on a needs basis. This work will be done in close consultation with the existing service provider network.

What has occurred

In 1999, Boystown and the Department of Families commissioned Deakin Human Services Australia to review Boystown and Logan Lodge.

The review - completed in November 1999 - proposed a number of reforms to the system. These included special intensive services needed for children and young people at high risk. The reforms were aimed at strengthening the alternative care system in Queensland.

The reform process at Boystown commenced in early 2000, and continued until the De La Salle Brothers announced in August 2001 that they would be closing the facility.

In May 2000, the Department of Families commenced the Child Protection Service System Improvement Project (CPSSIP). A major element of the project focused on alternative care services. This sub-project addressed a number of issues, including the earlier recommendations from the Deakin Review, such as

- the need to increase the number of alternative care placements in general, as well as those which can be intensively supported
- appropriate costings and models be prepared for the provision of intensive support
- each region having a range of alternative care placements which can complement each other.

The Child Placement Service sub-project began in May 2001. Consultations were undertaken in relation to three proposed models. These consultations have been completed and the Department of Families is currently finalising the preferred service model.

Following the announcement to close Boystown, the Department of Families met with community service providers and staff in August 2001 to finalise service outcomes for the provision of alternative care in South East Queensland.

The following timetable has been agreed.

- Expression of Interest advertised in September 2001
- Applicants short-listed in October 2001
- Successful applicant advised in November 2001
- Service commences from December 2001

Government position

The Government has substantially implemented the response to this recommendation.

RECOMMENDATION 22

That in order to ensure effective links between standards of care, service agreements, quality assurance, licensing and legislative requirements for residential care, the Department of Families

- *review the Practice Standards for the Conduct of a Licensed Residential Care Service to ensure consistency with the statement of standards outlined in the Child Protection Act 1999 and develop clear performance indicators that are incorporated into service agreements*
 - *develop a system of independent external accreditation based upon standards required under the Act*
 - *require that all residential care facilities be subject to independent evaluation as a condition of being granted a licence or renewal of a licence.*
-

Government response in 1999

The Government recognises the need for improved quality assurance for the conduct of licensed residential care facilities and, within the recently enacted *Child Protection Act 1999*, has provided a framework for this to be addressed.

What has occurred

The *Child Protection Regulation 2000* provides that the Chief Executive must obtain a written evaluation from an independent person of the care services provided, or to be provided, under the licence. The Department of Families' Funding Reform Strategy, established during 2000, provides for an outcome-focused approach to funding community agencies, including those providing child protection and family support services.

Residential Care Services in receipt of Department of Families funding are subject to funding conditions. These services must meet legislative provisions relating to the standard of care provided and licensing requirements. They are also bound by funding agreements and service plans that detail accountability and reporting requirements.

The practice standards for the conduct of residential care services is scheduled to be updated to incorporate the legislative changes introduced with the *Child Protection Act 1999*.

The Government is working through the Department of Families Regulation of Care Steering Committee to finalise practice standards for the conduct of a licensed residential care service.

Standardised performance measures for residential and foster care services are being consolidated to ensure consistency in measuring outcomes across funded services. These will form part of the broader monitoring and evaluation framework for licensed care services.

Consideration of an independent external accreditation system will be considered in the context of the quality framework being developed.

Government Position

The Government has substantially implemented the response to this recommendation.

RECOMMENDATION 23

That the Department of Families establish a short-term residential facility to enable proper and comprehensive assessments when children are first admitted to care.

Government response in 1999

The Department of Families does not support this recommendation in this form, but fully endorses the need for better assessment services for children coming into care.

A statewide assessment service will be developed, as opposed to a centre-based service.

What has occurred

A child needs assessment process has been developed for children and young people in long term care. The project is part of the proposed pilots within the Child Protection Service Improvement Project and will be piloted from September 2001.

The child needs assessment pilot clearly articulates a framework, procedures and recording systems that focus on the needs of children in long term care. The work builds on that undertaken in 2000.

A review of all child protection policies and procedures has commenced and will be finalised in 2002. The review will examine the way the Department of Families assesses the needs of children and young people in placements, as well as a broader range of child protection assessment procedures.

Government Position

The Government has substantially implemented the response to this recommendation.

RECOMMENDATION 24

That the Department of Families develop and implement an information system that records individual complaints and trends in institutional abuse.

Government Response in 1999

The Government is committed to maintaining and, where appropriate, enhancing information systems to record individual complaints.

What has occurred

The *Child Protection Act 1999* places requirements on the Chief Executive and licensed services to record and report on incidences of abuse for children in care. Care services must keep certain records and provide returns to the Department of Families. The Department is required to keep particular records and report accordingly.

The Department of Families child protection information system has been enhanced so as to differentiate the type of alternative care setting in which abuse has been reported.

A client complaint mechanism consistent with Recommendation 34 has been developed and implemented, and data about complaints is collected.

Youth detention centres operate a grievance/complaints and incident reporting system for young people as per the Practice and Procedures Framework Manual. Such complaint information, in conjunction with complaint data obtained from Community Visitor Reports, inform the Incident Management System. This will form the basis for the establishment of the youth detention centre monitoring and inspection framework.

Protocols with the Office of the Commission for Children and Young People will establish regular processes for trend data to be supplied within the departmental monitoring and inspection framework. This data will assist the Office of the Commissioner for Children and Young People in its research and monitoring role.

The implementation of the Department-wide complaints system into youth detention is being further researched to provide for a more comprehensive implementation strategy. The main issue is ensuring a coherent interface between the incident reporting systems in centres, the reporting by Community Visitors and the Departmental complaints system. Systems are also being established to allow for electronic lodgement of complaints to the Research and Review Branch of the Youth Justice Directorate - the area responsible for managing the monitoring and inspection database.

However the Department of Families shares the Committee's concerns about the limitations of existing 'stand alone' information systems in both Child Protection and Youth Justice.

A comprehensive review of child protection and youth justice information requirements will be undertaken as part of the development of the Department of Families' information strategic plan. This will inform the development of an integrated management information system

Government position

The Government's response to this recommendation has been implemented.

RECOMMENDATIONS 25-27

25. *That amendments be made to the Children's Commissioner and Children's Services Appeals Tribunals Act 1996 to ensure the independence of the office of the Commissioner, and provisions be made for its attachment for administrative support to the Premier's Department.*
26. *That the office of the Children's Commissioner be strengthened by*
- *investing it with the role of independent inspector of residential care facilities and juvenile detention centres with wide powers of inspection in relation to such matters as the treatment of residents, preparation for release. Morale of residents and staff, quality of health care and education, physical facilities and management*
 - *empowering the Commission to conduct inquiries into matters affecting children and young people including the authority to investigate and resolve complaints about the provision of services to children and young people*
 - *establishing a comprehensive research function to enable research to be conducted into all matters relating to the rights, interests and wellbeing of children and young people in residential facilities and detention centres.*
 - *providing the Commissioner with the power to monitor the role of the Department of Families in overseeing the care of young people in residential facilities and detention centres.*
27. *That there be a Children's Services Appeals Tribunal constituted as a separate entity to the Children's Commission whose powers are inquisitorial rather than adversarial in nature.*
-

Government Response in 1999

The Government supports these recommendations and is committed to strengthening the role of the Children's Commissioner as an independent advocate for children and young people in Queensland.

Implementation of Recommendation 25 will be progressed shortly, and the remaining recommendations will be progressed in the context of the legislative review currently underway.

What has occurred

The *Commission for Children and Young People Act 2000* creates the Commission as an independent statutory authority and was proclaimed on 2 February 2001. Administrative support for the Commission was transferred from the Department of Families to the Department of Premier and Cabinet on 4 August 2001

The *Commission for Children and Young People Act 2000* has strengthened the role of the Commission by

- establishing the role of Community Visitors to visit and report on youth detention centres and residential facilities for children and young people in care, including services for children with a disability and mental health facilities; and providing Community Visitors with powers of entry and inspection of the site and of documents held at the site
- empowering the Commission to investigate complaints about the provision of services to children and young people and to monitor and investigate the ways in which service providers deal with complaints. The Commission has the power to initiate complaints in the Commissioner's own name in certain circumstances, including where the matter raises issue of public interest or where it is not reasonable to require the child affected to complain
- stating that a function and power of the Commissioner is to "conduct, coordinate, sponsor, participate in and promote research about the rights, interests and wellbeing of children" (s.15(j))
- empowering the Commissioner to monitor laws, policies and practices that concern children or the delivery of services to them.

Protocols for the exchange of information between the Department of Families and the Commission are expected to be finalised in September 2001.

The *Children Services Tribunal Act 2000* established the Tribunal as an independent entity on 2 February 2001. The Department of Justice and Attorney-General provides the Tribunal with administrative support.

Government position

The Government's responses to the recommendations have been implemented.

RECOMMENDATIONS 28 TO 33

28. *That there be a review of the Official Visitors program focussing on the legislative base, policy and procedural guidelines, actual practice, and effectiveness of the service.*
 29. *That the Official Visitors' program be maintained and extended with a view to providing a comprehensive monitoring function of all residential facilities for children and young people, including those not funded by the State but which, nevertheless, provide a similar service and including juvenile detention centres.*
 30. *That visits from Official Visitors be regular and frequent, and the number of visitors reflect the size of the client base.*
 31. *That Official Visitors be empowered to act as advocates for children and young people in care, by listening to, giving voice to, and facilitating the resolution of, their concerns and grievances.*
 32. *That Official Visitors be provided with complete orientation and training in alternative care practice, standards of residential care, advocacy issues and practice, and developing trusting relationships with young people.*
 33. *That Official Visitors be given access to relevant information about children and young people in care, and that they be bound by the same rules of confidentiality as other Commission and departmental staff.*
-

Government response in 1999

In September 1998, the Government commissioned a review of the *Children's Commissioner and Children's Services Tribunal Act 1996*. The report has been received by the Minister for Families, Youth and Community Care.

Cabinet will further consider necessary amendments to the *Children's Commissioner and Children's Services Appeal Tribunal Act 1996*, arising both from these recommendations and the independent review of the legislation. An exposure draft of the proposed legislation will be released for public consultation this year. New legislation will be enacted in 2000.

What has occurred

Recommendation 28

A review of the Official Visitors program was undertaken during 2000. The review included input from service providers and young people. This review has helped shape the new program.

Recommendation 29

The *Commission for Children and Young People Act 2000* provides for visits by Official Visitors (now “Community Visitors”) to all residential facilities and youth detention centres.

The monitoring function of Community Visitors is set out in Section 68 of the Act. This function includes

- assessing the adequacy of information given to children about the rights
- inspecting and assessing sites and accommodation
- observing the treatment of children
- assessing the physical and emotional wellbeing of children
- assessing staff morale
- considering the appropriateness of pre-release programs for children in detention.

Community Visitors are required by Section 67 of the Act to prepare a report on each visit as soon as practicable afterwards, and give it to the Commissioner. Templates have been developed ensure this reporting is standardised. The legislation also requires that reports be forwarded to other interested parties, including the operators of the facility and responsible Government departments.

The new Community Visitors scheme commenced on 2 July 2001.

The Children’s Commission agrees with the Monitoring Committee that particular ongoing attention is necessary to ensure appropriate numbers of Aboriginal and Torres Strait Islander people are employed as Community Visitors. It was also agreed that Community visitors should be trained in relation to relevant issues.

The development of appropriate recruitment and training strategies is already incorporated into the Commission’s planning. A training course incorporating cultural issues is programmed for October 2001.

Recommendation 30

Section 65 of the *Commission for Children and Young People Act 2000* requires that the Commissioner ensure residential facilities and youth detention centres are visited by Community Visitors “regularly and frequently”.

Commission benchmarks require that Community Visitors visit residential facilities and youth detention centres at least once a month.

Twenty-three Community Visitors have been appointed under the new program.

Recommendation 31

The *Commission for Children and Young People Act 2000* states that one of the functions of a Community Visitor is “to advocate on behalf of the children by listening to, giving voice to, and facilitating the resolution of, their concerns and grievances.”

Recommendation 32

The initial training and orientation of Community Visitors occurred through a two and a half day program between 2 to 4 July 2001.

A procedures and protocols handbook has been prepared and was distributed to Community Visitors during the July 2001 training program.

Recommendation 33

The *Commission for Children and Young People Act 2000* grants Community Visitors powers of entry to visitable sites, the power to obtain information from staff, and the power to require the production of relevant documents.

Provisions in the Act relating to confidentiality apply to all Commission staff, including Community Visitors.

Government position

The Government’s responses to the recommendations have been implemented.

RECOMMENDATION 34

That by December 2000 the Department of Families develops and implements policies which ensure

- *there is a range of easily accessible, confidential complaint mechanisms for children*
- *children making complaints are protected and any worker about whom a child has made a serious complaint is separated from children in the facility, without loss of pay and other employment conditions, pending the outcome of the investigation of the complaint*
- *a rapid response to complaints is made and the action taken is documented;*
- *senior officers of the Department of Families or other personnel independent of the service with substantial experience in matters relating to child abuse carry out the investigation*
- *all allegations of abuse in out-of-home care are made the subject of mandatory reporting by institutional staff and are notified to the Children's Commissioner and the Department of Families Office of the Director-General*
- *all serious complaints result in review processes to identify systemic problems and to provide recommendations for improvement*
- *all documentation relating to complaints or allegations of abuse is subjected to external review and audit, to ensure that required procedures have been followed*
- *a central database of caregivers is established to identify patterns of complaints and trends in institutional abuse.*

Government response in 1999

The Government recognises the need for improved complaint mechanisms and, in particular, the need to increase their accessibility to children. The need for a comprehensive information system and transparent review process is acknowledged.

What has occurred

A phased implementation of the internal client grievance and complaint system commenced on 1 March 2001. The system will be fully implemented by mid September 2001 in all services including child protection, youth justice, adoptions, sexual abuse counselling and court services. The Committee's concerns about the delay in the implementation of this system are noted.

The development and implementation of client's complaint procedures provides a consistent, simple and accessible system for clients and service deliverers.

Promotional material (brochures and posters) describing client complaints procedures have been developed and distributed to service points for departmental clients to familiarise themselves with their rights, including internal and external avenues for complaint.

Implementation of the complaints system is integrally linked with the delivery of high quality client-focused services, which counter the occurrence of complaints.

Resources aimed specifically at advising children, young people and Indigenous clients of their rights to raise issues, concerns or complaints are currently being developed.

Aggregate complaint data and identified trends will be monitored internally and externally by the Commission for Children and Young People.

The *Child Protection Act 1999* mandates the reporting of harm or suspected harm to a child in residential care. The Regulation requires licensed care services to have an up-to-date policy about the reporting of harm and suspected harm to a child in the care of the licensed care service. It also requires the Chief Executive to provide the Commissioner for Children and Young People with information about harm, or suspected harm, to a child in a licensed care service, and the outcome of any investigation of these reports.

The draft *Juvenile Justice Act Amendment Bill 2001* also contains similar provisions.

The complaint process

- protects and promotes clients' rights to receive quality services that meet the needs of children, young people and their families
- helps resolve client dissatisfaction
- contributes to improvement of client services, Departmental systems and employee skills

Complaint data will be monitored to identify common issues, trends and systemic problems and inform policy and practice improvement.

Government position

The Government's response to this recommendation has been implemented.

RECOMMENDATION 35

That by December 2000 the Department of Families prepare

- *detailed and standardised procedures for record-keeping that must be maintained by residential facilities, detention centres and the Department*
 - *quality assurance mechanisms, including monitoring and review processes, that can measure whether appropriate standards are being maintained, that individual cases of abuse are detected and dealt with, and whether staff have the necessary conditions to work effectively*
 - *detailed time-limited plans for their implementation across residential institutions caring for children.*
-

Government response in 1999

The Government recognises the need to standardise record keeping throughout the Department of Families, and has a strong commitment to implementing clear standards to ensure quality outcomes for children in residential care. The *Child Protection Act 1999* introduces clear standards of care and licensing requirements. These strategies will significantly reform the monitoring and review of residential care facilities, the operation of residential care services and improve accountability.

What has occurred

The *Child Protection Act 1999* provides a legislative framework for the regulation of care, which ensures the care received by children placed in licensed services meets the Statement of Standards. There are also provisions about the records that must be kept by licensed services and provided to the Department of Families.

Significant planning work has been undertaken to ensure the links between record keeping, monitoring and evaluation systems.

Service plans, linked with funding agreements, specify outcomes, strategies and performance measures that will be monitored by the Department. Standardised measures for these are being developed.

The Department acknowledges that more work is required to regulate the increasingly diverse environments within which children and young people are cared for. This will ensure quality care that meets the legislated standard. The Committee's comments are noted.

The Department will consider options for an external accreditation system as part of the development of the quality framework. This project is due to be finalised by the end of 2001.

In relation to youth detention centres, a comprehensive Youth Detention Centre Practice Framework Manual covering procedures and practices has been implemented. These procedures and practices cover contingency responses, admission and discharge procedures, complaint mechanisms, the Secure the Care Framework and incident reporting procedures. These procedures are standardised across the centres.

Youth detention centres maintain a number of registers and report books for the recording of daily activities within the centres. These report books and registers allow for ready access to accurate and relevant information by authorised persons and are audited in accordance with the Procedures Manual.

The established audit processes in youth detention have been incorporated into the inspection and monitoring framework. As noted by the Committee, improvements implemented will allow ongoing quality assurance of youth detention centres.

The Government will consider the enhancements proposed by the Monitoring Committee to extend the nature of records that must be kept by licensed services. This is in part to ensure that past residents of licensed services have access to their personal care records.

The Government will also consider legislative amendment to ensure licensed services deposit personal care records when a child leaves care or a service closes. The advice of the Minister for Families will be sought on these matters.

Government position

The Government's response to this recommendation has been implemented.

RECOMMENDATION 36

That by December 2000 the Department of Families

- *review issues affecting field staff responsible for children in care, including excessive caseloads, inadequate personnel and professional supervision, high turnover, insufficient resources and training and implementation measures to address them*
- *establish the minimum requirement to operate each institution and provide adequate funding to ensure that the facilities can operate safely*
- *require through service agreements and service standards for residential services that staff are recruited through transparent merit selection processes, that clear human resource development and management standards are applied and that these standards be part of a contract, review and evaluation process. This must include, as a minimum, clear job descriptions and regular progress and performance monitoring of staff*
- *require scrupulous screening of all staff and other people in regular contact with children in residential care facilities and juvenile detention centres, not only through police checks (including fingerprints and records of charges laid) but also extensive interviews to ensure their suitability to be in contact with children or young people in care or detention*
- *require that criminal history and Child Protection Register checks be conducted on an ongoing basis, at a minimum of five-yearly intervals, for all residential care and juvenile detention centre staff*
- *address staff training requirements (initial and ongoing) for residential care services by the application of Service Standards and provision of training for all service providers*
- *require that an accredited core training program be completed by all residential care workers and that orientation programs to clarify staff roles and expectations be conducted, as well as refresher training programs for all staff at regular intervals*
- *review staffing and supervision arrangements within detention centres, with risk assessment procedures applied to determine appropriate supervisory arrangements and the optimum staffing balance to permanent to casual staff to provide cost-effective service delivery by experienced staff, while minimising risk.*

Government response in 1999

The Government broadly supports the recommendation. The feasibility of fingerprinting in the screening of persons applying for employment in residential care facilities and detention centres requires further investigation.

What has occurred

Regulation of Care specifications are detailed in the *Child Protection Act 1999*, including the Statement of Standards. The legislation requires the criminal history, domestic violence and traffic history of staff in care services to be checked under section 142 of the Act.

The consent of people involved in licensed care services has also been sought to check child protection histories.

Provisional guidelines have been developed to interpret the criminal, domestic violence, child protection and transport histories for people working in care services. The Department of Families also checks, with their consent, the histories of potential foster carers.

In December 1999, the *Family Services Amendment Act 1999* was proclaimed. This Act allowed the Department to obtain criminal histories of all staff being employed in the Department, including charges laid against the person for an offence, or an investigation of a serious offence.

The Department has introduced three-year criminal history checks for officers working in direct care with young people in youth detention.

In association with the commissioning of the Brisbane Youth Detention Centre and the rebuilding of the Cleveland Youth Detention Centre, a review of the staffing structures at the centres was conducted and new staffing structures put in place.

The initial planning for the introduction of psychometric testing as part of a screening and recruitment package for new youth workers in youth detention has been completed.

The Department of Families will continue to work with the Commission for Children and Young People to achieve consistency in the approach to, and interpretation of, background histories. However, the Department will continue to coordinate processing of criminal history checks for Departmental staff.

The suggestion by the Committee that the Commission assume responsibility for criminal history checks of all prospective external service providers to youth detention centres will be considered in the context of the development of the *Juvenile Justice Amendment Bill 2001*.

Government Position

The Government's response to this recommendation has been implemented.

RECOMMENDATION 37

That the Queensland Government and responsible religious authorities issue a formal statement acknowledging the significant harm done to some children in Queensland institutions licensed under the Infant Life Protection Act 1905, the State Children Act 1911, the Children's Services Act 1965 and the Juvenile Justice Act 1992, formally apologise for that harm and make a commitment to prevent further abuse.

Government response in 1999

The Government acknowledged the value of an apology to those people who had been harmed as children in Queensland institutions, and had been working with the churches to formulate a statement of apology.

What has occurred

In August 1999, a joint apology from heads of churches, the Premier and the Minister for Families was issued.

In April 2000, an apology printed on superior paper was reissued to former residents following feedback that the first release was unsatisfactory.

Government position

The Government's response to this recommendation has been implemented.

RECOMMENDATION 38

That the Queensland Government and relevant religious authorities organise a reconciliation event for former victims of abuse in orphanages and detention centres after consultation with them.

Government response in 1999

The Government endorsed the need to reconcile with victims of child abuse and agreed to work with the churches on an appropriate strategy to ensure the process of reconciling the past.

What has occurred

A range of events and activities has been organised. The majority of these have involved former residents, service providers and Government representatives in the development and delivery of reconciliation activities. Such projects have included

- August 2000: appointment of a former resident to a position within the Department of Families to assist in the implementation of this recommendation
- 25 August 2000: a function held by the Minister for Families, Youth and Community Care to commemorate the first anniversary of the tabling of the *Government Response to the Recommendations of the Commission of Inquiry into the Abuse and Neglect of Children in Queensland Institutions*
- August 2000: launch of *Forde News* – a quarterly Ministerial newsletter to advise former residents of progress relating to the implementation of Forde Inquiry Recommendations and other relevant information
- December 2000: publication of the book of poetry, *Memories, Hopes and Dreams*
- April 2001: closing ceremony for former residents of Sir Leslie Wilson Youth Detention Centre
- May 2001: closing ceremony for former residents of the Townsville Orphanage/ Carramar/TARA
- June 2001: launch by the Minister for Families of the information kit – *Reconciling the Past, Transforming the Present and Creating a Future*

The Government supports the view of the Monitoring Committee that reconciling the past is an ongoing process and will continue to be a partner with former residents, community agencies and churches in developing a way forward.

Government position

The Government's response to this recommendation has been implemented.

RECOMMENDATION 39

That the Queensland Government and responsible religious authorities establish principles of compensation in dialogue with victims of institutional abuse and strike a balance between individual monetary compensation and provision of services.

Government response in 1999

The Government committed to establishing a trust fund to provide services to support former residents in rebuilding their lives. Claims for individual compensation were directed to proceed through the normal legal channels.

What has occurred

In August 2000, a perpetual charitable trust benefiting former child residents of Queensland institutions known as the Forde Foundation was officially formed as an independent legal entity. The Foundation is administered by The Public Trustee who acts on recommendations made by a Board of Advice, which is chaired by Mrs Leneen Forde AC.

To date the Government has contributed \$2 million to the capital base of the Foundation and met all the administrative costs. In its first year of operation, the Foundation has allocated over \$100,000 of earnings generated from the capital to beneficiaries.

Refer to the section 'Compensation' on page 8.

Government position

The Government's response to this recommendation has been implemented.

RECOMMENDATION 40

That the Queensland Government and responsible religious authorities fund an independent 'one stop shop' for victims of abuse in institutions that provides a range of services such as

- *ongoing counselling for victims and their families*
 - *facilitation of educational opportunities including literacy programs*
 - *advice regarding access to individual records, documents and archival papers*
 - *specialised counselling services for indigenous victims of abuse*
 - *assistance to former child migrants for reunification with their families*
-

Government response in 1999

The Government endorsed the need to provide a comprehensive 'one-stop-shop' for former child residents of Queensland institutions and agreed to work with churches to ensure a full range of services were available.

What has occurred

The Government modified the 'one-stop-shop' concept in favour of the provision of a range of integrated services following consultation with former residents and the Monitoring Committee.

The Government has made recurrent funding available for the provision of a range of services targeting the needs of former child residents across Australia. This has included community based counselling, support and advocacy services. A new service building on and supporting the informal support given by former residents to other former residents will commence operation in late 2001.

The Monitoring Committee advocates that work to improve service delivery must be continuous. This Government agrees that existing service responses for former residents could be enhanced through the provision of educational information to existing services, integration of service responses and the development of best practice frameworks. The Government is committed to working with service providers and former residents to ensure quality services are provided for former residents.

Government position

The Government's response to this recommendation has been implemented.

RECOMMENDATION 41

That the Department of Families implement transitional programs to prepare young people in the care of the State for independent living and help them to make the transition by providing assistance to gain employment, education and housing.

Government response in 1999

The Government endorsed this recommendation committing to the development and coordination of programs to assist young people transitioning from care to independent living.

What has occurred

Practice, resourcing and legislative responses have been made to fully implement this recommendation. Case planning for young people preparing to leave care is undertaken between the young person, the Family Services Officer and other identified stakeholders.

The Government has allocated \$1 million for children leaving care in the 2000/2001 financial year, rising from \$0.5 million in 1999/2000. The new *Child Protection Act 1999* contains provisions requiring the Chief Executive of the Department of Families, to ensure, as far as practicable, assistance is provided to children exiting care to independence.

A formal evaluation of the Transition From Care Pilot Program was completed in November 2000. The Department of Families will continue to incorporate issues raised through the evaluation into current practice

Government position

The Government's response to this recommendation has been implemented.

RECOMMENDATION 42

That the Queensland Government establish a process for the implementation and review of recommendations of the Inquiry, requiring annual progress reports to Parliament on the implementation of recommendations over the next two years.

Government response in 1999

The Government supported this recommendation forming an independent and external monitoring committee, which was required to report to Parliament annually for a period of two years.

What has occurred

The Forde Inquiry Monitoring Committee was established to monitor and report on the implementation process. Members of the Committee were drawn from key stakeholder groups. The Committee's reports have been tabled in Parliament.

Government position

The Government's response to this recommendation has been implemented.

