



C&K Response  
to the Queensland Government public consultation  
for the review of the

## ***Child Protection Act 1999***

**26 February 2016**

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## The Crèche and Kindergarten Association Limited (C&K)

C&K is a leading, non-profit early childhood education and care (ECEC) provider with more than 107 years of experience. C&K is proud to support more than 20,000 children, 6,000 families and 2,000 staff through our long day care and kindergarten services, family day care schemes, limited hours care, in-home care, outside school hours care and integrated child and family programs. C&K ensures that children come first, in all of its activities.

### C&K's credentials in providing comment about child protection

The long-held evidence describing the most effective ways to protect children at risk of harm centres on early intervention – and, in particular, on the integration of education, child and maternal health, and family support.

So, while C&K's core business is providing early education, we embrace a focus on child safety and early intervention through our broader social goals to better meet the needs of vulnerable children. C&K currently operates integrated child and family services in Mackay and Logan, with plans for growth in this service type.

C&K began as a community-led enterprise to support the children of “poor working women, who, from sad circumstances, were forced to fill not only the place of both father and mother, but also become the breadwinner of the family... leaving very early in the mornings to work in shops and factories... the poor kids had no place to play; their homes were nightmares; they flocked into the dusty streets...”<sup>i</sup> C&K, has therefore for 107 years, focused on children in need of support and protection, as well as education.

Today, around 60 children in State care attend our services. Our early childhood educators are often the first to notice if there is a change in a child's behaviour, they hear about issues that come up in families and can be the ones to refer families to support. Our services also report concerns about ‘at risk’ children through child protection notifications. While these instances are fairly rare, the lessons and observations (described through this paper) are pertinent to the Government's current consultation.

### C&K child protection policy position

C&K acknowledges protecting children is a *fundamental responsibility* for our organisation, our team members, families and communities. (See *C&K Child Protection Commitment Statement* attached).

All C&K employees (whether or not their role involves direct contact with children) undertake mandatory child protection awareness training annually.

C&K has instigated an internal policy that mirrors mandatory reporting: C&K requires our team members to report *all* suspicions of harm or risk of harm to the statutory authority as a condition of employment.

To support this policy C&K invests significant additional funding into continuing professional development for our educators in all aspects of child-centred education and care. C&K also invests additional resources in building relationships with other health, and family support agencies, across Queensland so that we are able to offer the most supportive and appropriate early intervention responses should instances of child abuse or neglect arise.

## C&K Response

In regard to legislative change, the Carmody Inquiry report recommended a range of very specific legislative changes, several of which have already occurred. In regard to the *Queensland Child Protection Act 1999*, the Commission shared the view of many submissions that “legislative amendment is not always the most effective or desirable way to solve operational problems or influence practice change”.

Given *some* legislative changes will however still be drafted, we thank the Queensland Government for this opportunity to provide input into the review of this important legislation.

### Key points:

- 1. Wide lens: consider developments across the broader human services system before assessing whether a problem still exists; and whether child protection legislation is the appropriate solution.**

Where possible, **C&K recommends** child protection legislative reforms are considered in a holistic way that considers whether improvements elsewhere in the human services system have changed the landscape for families.

For example, have early intervention services already positively affected and improved options for ‘at risk’ children; and, in the ECEC/child care sector, has the implementation of the National Quality Framework improved child safety systems and the responsiveness of educators?

- 2. Narrow lens: recognise the current unacceptable over-representation of Aboriginal and Torres Strait Islander children in the child protection system; and specify how legislative changes will affect Indigenous children and families.**

In Queensland, 1 in 4.5 Aboriginal and Torres Strait Islander children have had some form of contact with the child protection system (compared with the overall rate 1 in 7 children).

[Note - C&K acknowledges that over-representation and negative outcomes also exist for many other groups - Culturally and Linguistically Diverse (CALD) families, newly-arrived refugee and humanitarian-background families, and parents and/or children with significant disabilities.]

Over-representation and inappropriate cultural practice have proliferated in the decades since the current Act was proclaimed, despite highly honourable inclusions such as the Child Placement Principle.

Encouragingly, however, some *other* parts of the human services system have achieved moderate gains over recent years. For example, improved health engagement by Aboriginal and Torres Strait Islander people; and improved early education participation of children with disabilities, and CALD and Indigenous children.

Using a ‘narrow lens’ to review the *Child Protection Act 1999* - to closely examine the perspectives and experiences of minority groups - could safeguard against unintentionally reversing these recent gains. For example, if child care educators were to become mandatory child protection notifiers, could this unintentionally jeopardise the recent improvements in some groups’ participation in early education?

**C&K requests** the current review take the advice of Queensland and national Aboriginal and Torres Strait Islander peak organisations and services, as well as the voices of those closely affected by current practice.

**C&K recommends** that draft legislation is accompanied by a statement about how the draft legislative changes will impact Aboriginal and Torres Strait Islander families.

### 3. Keep the focus on strengths and rights

C&K agrees with the Commission that the *Child Protection Act* should retain a rights focus, enhance the principle of least intrusiveness, and become less driven by ‘investigation’ and punitive measures.

**C&K suggests** the revised legislation should reflect the United Nations Convention on the Rights of the Child –

- Recognise the child’s right to a **standard of living** adequate for their physical, mental, spiritual, moral and social development (UNCRC Article 27)
- **Support families** where necessary by providing material assistance and support programmes (UNCRC Article 27)
- recognise the **right of the child to education** (UNCRC Article 28 & 29) – and that education of the child shall be directed to
  - personality, talents and mental and physical abilities;
  - respect for human rights and fundamental freedoms;
  - respect for the child's parents, for cultural identity, language and values; for civilizations different from his or her own;
  - peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin

### 4. Elevate early education to break the cycle of vulnerability

Education, coupled with early support for developmental problems, has the power to end generational cycles of disadvantage.

In the education sphere, C&K strongly congratulates the Queensland Government for its support of universal access to preschool funding for all children, and its work to instil further incentives for vulnerable children through Kindy Plus fee support, ‘connect to kindy’, and cultural awareness and competence development programs.

Queensland previously had by far the lowest preschool participation rates of any jurisdiction – a figure that has now more than tripled (on a per child basis) in five years from 29 per cent in 2008, to 77 per cent in 2012, and 97.4 per cent in 2013.

Attention from successive governments has led to significant gains in preschool participation rates (and therefore also gains in future educational achievement and economic participation).

From the child protection perspective, **C&K strongly suggests** that the Queensland Government could take clear steps towards ending inter-generational vulnerability by enshrining **the child’s right to early education in the new legislation** and/or regulation and policy.

Early education is the key to successful transition to school – and safeguards against students beginning school behind, staying behind and perpetuating the next generation of disadvantage.

Disadvantaged children benefit significantly more from high quality preschool experiences, especially where they mix with children from different social backgrounds.

The lasting benefits from investment in early education include:

- improved intellectual performance – NAPLAN scores have been shown 20 to 30 points higher among children who had attended preschool<sup>ii</sup>
- international testing shows Australian Year 4 students who attended one year of formal pre-primary education scored 11 points higher in reading and 18 points higher in maths/science than those who did not attend
- the OECD found that the Program for International Student Assessment (PISA) reading assessment results of 15 year old students in most countries who had attended preschool outperformed those who had not attended, even after accounting for their socioeconomic background (2011<sup>iii</sup>)
- one year of preschool increases a child’s future earning capacity by 7-12%<sup>iv</sup>
- the number of months a child attends preschool continues to have an effect on their progress throughout primary school

With regard to vulnerable and/or disadvantaged children (the children for whom the child protection system operates), the Longitudinal Study of Australian Children (LSAC) highlights these biases in the early education system:

- children who mostly spoke a language other than English at home were more likely not to attend any education/care program at all, and less likely to attend preschools outside of child care centres
- children who identified as Aboriginal or Torres Strait Islanders were generally more likely to not be in any education/care program at all
- children in lone-mother families were more likely not to attend any education/care program at all
- 17-18% of children from jobless families, did not attend any care/education program at all (compared to 3-6% of children in families in which at least one parent was working)

**C&K strongly recommends** that all children on Child Protection orders are financially and logistically supported to access *a minimum* of 15 hours per week kindergarten (at approx. 3-4 years of age); with a commensurate number hours of quality ECEC supported in the years before kindergarten (approx. 0-3 years of age).

### **But first, increase understanding, trust and relationships with early childhood education and care**

Increasing participation in early education is not, however, as simple as providing additional child care services, or funding places. Significant community education and engagement is needed to encourage many families to value and trust the education system, including child care and kindergarten.

Again, **C&K applauds** the Queensland Government’s past efforts to improve early education participation through programs such as Kindy plus, ‘connect to kindy’, and cultural awareness and competence development programs. C&K recommends these programs continue.

**C&K strongly recommends** that referral to early education is formally recognised and strengthened within child protection practice and processes, including further development of innovative access programs for at risk children and families.

## 5. Hear the voices of children and families

Given the child protection system in Queensland has many times been the subject of inquiries, which received input based on the best current academic evidence, the most effective remaining improvements may be achieved via the views, voices, and experiences of affected children and families.

Many areas of child protection practice would be improved by adding the child voice. For example in decisions about family visitation, interactions at schools, and out-of-home care placements.

**C&K strongly supports** improvements that better inform, support and involve children and families throughout their contact with the child protection system.

Drawing on the the Commission's recommendations, and the United Nations Convention on the Rights of the Child, **C&K supports** legislative changes that will:

- provide representation for children and young people before making a child protection order (as per Commission's Rec 13.13 & 13.14)
- ensure legal advice and representation for parents before making a child protection order (as per Commission's Rec 13.15)
- assure the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, given due weight in accordance with the age and maturity of the child (UNCRC, Article 12)

## 6. Continue investing in prevention and early intervention

C&K suggests that legislative changes are as prevention-focused as possible. Consciously aiming to minimise crisis-end changes, implementation effort and costs will then free up opportunities to continue to invest in early intervention.

In 2002-03, the Queensland Government began this trajectory with a \$32 million prevention and early intervention services. However, for around ten years – until the relatively recent introduction of the *Helping Out Families*, and *Stronger Families* strategies – this priority has been interrupted by successive inquiries, machinery-of-government changes, and focus on the tertiary investigation system.

Queensland is therefore lagging behind most other states in its investment in preventative and/or early intervention. The Report on Government Services 2013 table (below) shows Queensland leading Australia's 'real expenditure per child' at the crisis end.

Although the Queensland Government's welcome 2014 commitment of \$406m<sup>y</sup> to implement the Carmody Inquiry reforms *does* increase investment in family support services, the balance *could* again shift if excessive legislative changes occur at the crisis end and if the categories of mandatory reporters is broadened.

**Table 3.3: Real recurrent expenditure on child protection services per child, Queensland and Australia, 2011–12**

	Real expenditure per child		Qld ranking in the 8 jurisdictions (1 = lowest, 8 = highest)
	Qld	Aust	
Child protection	\$283	\$203	7
Out-of-home care	\$367	\$382	5
Intensive family support	\$31	\$73	4
Family support services	\$53	\$92	5
<b>Total</b>	<b>\$734</b>	<b>\$750</b>	<b>6</b>

Source: Steering Committee for the Review of Government Service Provision 2013, *Report on government services 2013*, Table 15A.1

**C&K joins the call** for legislative changes to include a shift in the system towards early intervention - including early education and care - with transparent and measurable demonstration of improved knowledge, skills and practices that support child and family wellbeing.

### 7. Consider *all* implications before expanding mandatory reporting of suspected child abuse

C&K has previously submitted to the Queensland Law Reform Commission that we subscribe to the view that child protection is everyone’s business; and that we all have a moral responsibility as community members to report suspected cases of child abuse and neglect.

Mandatory reporting for ECEC workers *could* become one strengthening aspect in a raft of legislative change because, like primary school teachers, early childhood educators are in a unique position where they see continual and contextual changes in behaviour, physical presentations and distress levels that other people could miss.

C&K understands the view that mandatory reporting is seen and used as a means to better protect children. It is *one* way to enable early detection of cases which otherwise may not come to the attention of helping agencies.

Both literature and practice experience, in the early education sector, has however demonstrated the variability of notifying behaviours:

- In the past, authorities have been notified when parents have admitted they didn't have enough money for food - so a child’s lunchbox was not full; or when the children were in ‘grubby clothes’.
- Decisions are strongly influenced by the professional’s own perceptions, as much as by the evidence. For example, people from disadvantaged or vastly different cultural backgrounds, can perceive the factors of neglect very differently from how other people may perceive them.
- Life experience and personal values can similarly impact an opinion. Some notifications to Child Safety are made when an educator discovers that a parent has an alcohol or drug addiction, or a severe mental health diagnosis (eg. schizophrenia). These notifications are often made without full awareness of the protective factors in place, without consideration of whether there have in

fact been inappropriate interactions between parent and child; and whether there have been concerns or otherwise about the child's demeanour or care.

Should the ECEC sector be required to become mandatory reporters, there is also a possibility that we could alienate groups that are currently under-represented in early education and over represented in child protection. For example, while 3% of Queensland children are missing out on kindergarten - an unacceptably high 23% of Aboriginal and Torres Strait Islander children are not enrolled in kindergarten. This participation rate must be improved to support improved longer term outcomes for Aboriginal and Torres Strait Islander children. Efforts to increase participation in kindergarten must not be put at risk unintentionally by other initiatives.

**C&K recommends** that any introduction of additional mandatory notifiers is supported by significant and commensurate community referral points, and on-going professional development. The potential to impact the statutory system with significant increases in reporting must also be recognised and resourced to avoid system overload.

## **8. Continue cross-jurisdictional improvement (and consistency where practicable)**

The new Queensland Act will add to the continual improvement of child protection legislation across Australia. Conversely, the current vastly different state-by-state approaches create complexity and increase risk as both families and human service workers move between jurisdictions.

Where possible, **C&K suggests** it is desirable to intentionally seek greater harmonisation across states' legislation.

## **9. Improve information exchange and systems**

Like other early childhood education and care providers, C&K is currently awaiting the implementation of the Australian Government's new '*Jobs for Families*' child care package. Part of this reform will be a new technology platform to support the Commonwealth's child care payments, and to manage information related to supporting families' access to safety net and inclusion supports.

In addition, information system linking is now occurring around the requirement for up-to-date child immunisations prior to child care benefit payments for families, and enrolment/inclusion decisions by child care providers.

**C&K recommends** integration and information exchange across government and non-government systems, wherever possible.

# C&K's Child Protection Commitment Statement



**C&K acknowledges protecting children is a fundamental responsibility for the organisation, team members, families and communities.**

## **C&K will:**

- Advocate the importance of child protection both internally and externally of C&K.
- Work collaboratively with statutory child protection agencies, early childhood health agencies, family support services and the Office for Early Childhood Education and Care.
- Ensure all team members have access to annual child protection training specific to the education and care sector.
- Provide team members with cultural awareness training to assist in developing an understanding of cross cultural child protection issues in Aboriginal and Torres Strait Islander and Culturally and Linguistically Diverse families.
- Review child protection policy documents to ensure they reflect current best practice, recommended guidelines and legislation.
- Investigate allegations of child harm within services in a timely and professional manner, according to C&K policy.
- Periodically record and report on child protection matters and incidents.
- Use child protection data to implement preventative strategies to minimise the incidents of child harm.
- Ensure the importance of child protection is highlighted in recruitment, selection and induction processes.

## **All team members will:**

- Ensure protecting children is an integral part of all decision-making.
- Use preventative and risk management strategies to minimise harm to children.
- Raise the awareness of child protection matters with C&K families and the community.
- Participate in annual child protection training and maintain an understanding of C&K policy.
- Strive to continually improve child protection prevention and management practices.
- Report any incidents of child harm according to policy and legislation requirements.
- Follow C&K policy to ensure child and family information is kept confidential.
- Work together with families and support them in their parenting role and ensure that children receive any specialist support they require.
- Respect, acknowledge and honour the diversity of children and families and ensure practices are inclusive and equitable, recognising the complex challenges that impact upon families.
- Maintain an awareness and understanding of the cross-cultural issues relating to child abuse and neglect in Aboriginal and Torres Strait Islander and Culturally and Linguistically Diverse families.
- Understand their professional, legal and moral obligations in relation to protecting children.
- Seek support and guidance from C&K to ensure best practice in relation to child protection matters.

## **Educators will:**

- Provide an education and care program that supports children's physical, emotional, social, intellectual, cultural and familial safety.
- Ensure teaching practices promote child safety at all times.
- Empower and support children who may be experiencing difficulty in their lives with sensitivity, warmth and security.
- Cater for the needs of children who require specialist intervention or have additional needs.
- Ensure practices reflect a 'strengths based model' that supports children and families and reflect the United Nations Convention on the Rights of the Child.
- Liaise and collaborate with early intervention and prevention services to provide holistic services that work towards improving outcomes for all children and families.



*Where children come first*

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<sup>i</sup> Gregory, H. 2008 Playing for keeps: C&K's first Century 1907-2007

<sup>ii</sup> Warren D and Haisken-DeNew (2013). Early bird catches the worm: The causal impact of preschool participation and teacher qualifications on Year 3 NAPLAN. Melbourne Institute Working Paper 34/13.

<sup>iii</sup> Cited in draft Productivity Commission Report into Childcare and Early Childhood Learning, July 2014. Pp.169.

<sup>iv</sup> World Bank (2007). Early child development from measurement to action. Edited by Mary Eming Young with Linda M Richardson, Washington. US.

<sup>v</sup> 2014-15 Budget Estimates, Report No. 52 Health and Community Services Committee August 2014



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