



Joint agency protocol

to reduce preventable police call-outs
to residential care services

Queensland
Family & Child
Commission

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Foreword

The Queensland Family and Child Commission (QFCC) is committed to influencing change so Queensland is a safe place where children, young people and their families thrive in supportive communities. One of my roles as Principal Commissioner of the QFCC is to listen to the voices of children and young people to advance the issues that are important to them.

Children and young people have reported they are being criminalised while living in out-of-home care, particularly while living in residential care. They spoke about their experiences of being stigmatised and labelled as ‘misbehaved children’ and how this created lasting impacts on the way they perceive themselves.

The reality for many of these children is that they are dealing with the impacts of trauma arising from previous experiences of abuse and neglect. Children living in residential care have a right to be cared for in a way that recognises the impacts of their trauma and responds in a way that helps them recover to live their fullest lives.

We know there is a strong link between children living in out-of-home care and those entering the formal justice system. It is our shared responsibility to prevent, where possible, children’s exposure to police and further contact with the criminal justice system for actions that would be managed without police involvement in a family home.

A multi-agency commitment is necessary to divert children in residential care from unnecessary contact with the criminal justice system and this is what we have achieved with the *Joint agency protocol to reduce preventable police call-outs to residential care services*. The Director-General, Department of Justice and Attorney-General, also recognises the achievement of this initiative against the Keep Communities Safe objective of the *Our Future State: Advancing Queensland’s Priorities*.

The QFCC has worked closely with the Department of Child Safety, Youth and Women (DCSYW), Queensland Police Service (QPS), the Office of the Public Guardian, Queensland Health, and non-government representatives to develop a model that will work for Queensland. This collaboration and focus will undoubtedly improve young people’s experiences of residential care.

I would especially like to express my thanks to the Director-General of the DCSYW, Commissioner of the QPS and the Public Guardian who provided their endorsement of, and ongoing commitment to, the *Joint agency protocol to reduce preventable police call-outs to residential care services*.

I would also like to acknowledge the members of the Joint Agency Protocol Reference Group and the Working Group of residential care services, who have been fundamental to the development and progression of this initiative. Most importantly, I thank the young people who shared their stories and advocated for change in this area.

This protocol will encourage ongoing consideration to the way we view young, vulnerable people in Queensland, and how we choose to support them.



Cheryl Vardon
Principal Commissioner
Queensland Child and Family Commission

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The foundation for change

Childrenⁱ living in out-of-home care have a higher likelihood of contact with police and are overrepresented in the criminal justice system. Evidence suggests children living in out-of-home care are being criminalised, particularly in residential care. These children are shown to be more likely to have contact with police or have a criminal record than those in other types of care¹ and the general community.

Children can rightfully expect to be cared for within a trauma-responsive system that does not criminalise behaviours resulting from previous experiences of neglect or abuse. Children should receive responses that do not stigmatise them, label their behaviours as criminal, or adopt a criminal response to actions that would not be criminalised in a family home.

Inconsistent policy and procedures for when to call police have been linked to increased exposure to the criminal justice system for children living in care. This includes involving police for behavioural management reasons, reporting children as missing when they are absent from placement and reporting children to police for varying levels of property damage to the residential care service.

Children living in residential care deserve to receive appropriate and similar social, emotional and behaviour support responses to children who do not live in out-of-home care. Research shows that supportive and facilitative responses, rather than punitive responses, are more effective in responding to the behaviour support needs of children.

When police are called to respond to an incident, they attend whether or not their involvement is warranted. This police presence (generally uniformed officers in marked cars) means the actions of children living in residential care are highly visible to the wider community. This visibility contributes to their unnecessary exposure to the criminal justice system² through negative community perceptions, negative police rapport, and further stigmatisation.

Government and non-government agencies have a responsibility to drive change to improve outcomes for children. Reducing the high rate of preventable police call-outs to residential care services requires all agencies and services to understand their role and take responsive action.

The research, data and lived experiences of children and young people clearly communicates a need for change. We must learn from their lived experiences, listen to their concerns about criminalisation and take action to reduce the likelihood of contact with the criminal justice system.

ⁱ Child/ren refers to a child under 18 years of age and is used in this Protocol (rather than young person) to reflect the age range of children living in residential care in Queensland.

What we know

In October and November 2017, the Queensland Family and Child Commission (QFCC) spoke with young adults about their experiences in **residential care** and **police involvement**.

'Part of the reason I was in **trouble with police** was all the missing children reports. They would see me **and pull me over.**'

'[Got charged with] **common assault** – got thrown in the watch house. [I threw a skateboard] and the same worker who I **threw the skateboard** at came to pick me up – doesn't make sense.'

'...charged me for **property damage** in regards to pushing a stool over – there was a **scratch** on the floor.'

The majority stated that when they lived in residential care **police were called unnecessarily** in certain situations.

'I've been charged with **wilful damage** and breaking and entering. I broke into the resi to get **my own stuff**. I told them what time I was going to be there. People should have been there at that time but they weren't.'

'Police **turned up** but it was a step they **needed to take.**'

Three quarters of residential care workers surveyed perceived police call-outs to residential care services as 'a bit of an issue' or 'a serious issue'.

The top three reasons for calling police: ³

1

concerns about the
safety and wellbeing
of the child

2

agreements between the
residential care services and Child
Safety Services about
**instructions or
guidance** related to
when to call police

3

the service's policy
and procedures
**requires
workers
to call police**
in response to
certain
circumstances

From a sample of **police call-outs** to residential care services: ⁴

more than **50%**
were considered
unnecessary

the majority related to
children with '**mental
health issues**'

in most cases,
children reported
'missing'
from their
placement were
not present
in the residential
care service when
they were supposed
to be (not actually
missing but absent
from placement)

Experiences of children exposed to the criminal justice system

“... some children in care remain at far **greater risk** of being drawn into the criminal justice system and getting a **criminal record** for minor offences that would never come to **official attention** if they were living at home with their parents.”⁵

A 12-year-old living in a residential care service was **arrested and charged** with wilfully and unlawfully damaging a security screen at the service.

This was the child's **first criminal charge** brought before the courts and resulted in sentencing to a reprimand.

A 16-year-old was arrested and charged with **stealing a television** belonging to the residential care facility where he lived.

The charge related to him **moving a television** from one room to another in the service.

A 15-year-old was arrested and charged with **wilfully damaging property** to the value of \$200.

The child had emptied the contents of two bottles of BBQ sauce onto the floor of the hallway and kitchen in the **residential care service** where he lived. He also sprayed the carer's car with a **fire extinguisher**. He received a three month Good Behaviour Order.

What has worked locally

One young person told the QFCC about their positive experience of having a **specific police officer** attached to the residential care house which **strengthened the relationship** between everyone at the house.

A residential care service **worked with the local Officer** in Charge, Child Protection Investigation Unit (Queensland Police Service) to **establish a proactive presence** with the service.

A residential care service **worked with the child** and Child Safety Service Centre to develop an **agreed response to sharing resources** to locate a child when they were absent.

To make sure **staff feel confident and empowered** a residential care service provided opportunities for staff to participate in reflective **learning** with colleagues and others involved.

A residential care service **focused resources and planning** into formally structuring an intensive induction program for all residential care staff. This approach is also used for **ongoing training** to meet organisational needs.

A strategy for change

The issue

Children and young people have told us they are being unnecessarily exposed to police while living in out-of-home care, particularly when living in residential care. Children, residential care services, government agencies and non-government organisations identified children are being criminalised by police being called to residential care services at times when other responses may be more appropriate. Criminalisation occurs through stigmatising children, labelling their behaviours as criminal, and adopting a criminal response to actions that would not be treated as criminal in a family home.

Our commitment

All children have a right to feel safe, protected and free from harm.

We are committed to recognising the rights of children and placing them at the heart of every decision and action we take.

We have heard the voices of children and young people with lived experience in residential care about their concerns of being criminalised while living in care. We are committed to working in partnership to prevent children from unnecessary exposure to the criminal justice system and to make sure children are cared for using appropriate trauma-responsive approaches.

Making a change

We will be courageous by leading and empowering others to make change happen. We agree to establish consistent and responsive policies, procedures and practice to address the issue of criminalisation of children living in residential care. We will do this through the *Joint agency protocol to reduce preventable police call-outs to residential care services* (the Joint agency protocol). This is a first step in a collective response to the broader issue of the criminalisation of children living in out-of-home care.

The Joint agency protocol promotes our collective responsibility to support each child's recovery from trauma and continuously strive to provide the highest quality of care. We recognise the commitment of those currently working to provide a trauma-responsive therapeutic approach to care.

What will be different

Children living in residential care will receive care that responds to trauma in ways that do not unnecessarily criminalise actions or behaviours resulting from past experiences of abuse or neglect.

Children will receive responses that do not stigmatise them, label their behaviours as criminal, or adopt a criminal response to actions that would not be considered criminal in a family home.

Residential care services and those involved in the care of children will be better connected and supported to strengthen responses and outcomes for children and provide consistency and familiar boundaries across the placement system.

Supporting frameworks and standards

Joint agency protocol objective

The Joint agency protocol aims to improve responses to children living in residential care by addressing the issues that result in the unnecessary involvement of police, and providing strategies to prevent police involvement where other responses are more appropriate.

All agencies and services involved in providing care to children living in residential care are responsible for implementing and monitoring the Joint agency protocol.

The principles, roles and responsibilities and strategies provide direction on how to respond to incidents in a more holistic way that promotes local resolution without the formal involvement of police. The Joint agency protocol complements other tools and resources available for providing care and protection for children living in residential care.

Supporting rights framework

The Joint agency protocol upholds the intent, purpose and commitment to the rights of the child as provided for in the *United Nations Convention on the Rights of the Child* (UNCRC), the *Child Protection Act 1999* and the principles in the *Youth Justice Act 1992*.

This includes ensuring:

- the safety, wellbeing and best interests of a child are paramount
- the general principles that recognise and support the rights of a child, including the Charter of Rights for a child in care, are upheld
- the cultural needs of children, particularly Aboriginal and Torres Strait Islander children are recognised, respected and met accordingly
- all children are provided with the opportunity to express their views in a way that is age and developmentally appropriate and that those views are taken into account in any decisions made in relation to the child.

The Joint agency protocol reinforces Article 39 of UNCRC, which states:

Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Supporting frameworks and standards

The Joint agency protocol is intended to complement current policy, practice frameworks and standards for the residential care services sector in Queensland.

Standards of care

Every residential care service is responsible for delivering care in line with the statement of standards in the *Child Protection Act 1999*. Standards are considered and operationalised variably across different licensed residential services and staff.

The Joint agency protocol aims to support residential care services to strengthen the way standards are met, particularly standards s122, 1(a), 1(c) and 1(g).⁶

Hope and Healing

The Joint agency protocol's principles, focus areas and strategies complement the *Hope and Healing Framework* for a trauma-informed therapeutic approach to residential care in Queensland.⁷

The Hope and Healing Framework sets out the foundation for providing care and support to children living in residential care using a therapeutic approach that recognises and responds to trauma.⁸ The Hope and Healing Framework also emphasises the importance of embedding cultural awareness and culturally informed responses at every level.⁹

Human Services Quality Framework

The *Human Services Quality Framework* (HSQF) establishes the core components of quality standards to promote human rights, social inclusion, participation and choice for children who are living in out-of-home care.¹⁰ The Human Services Quality Standards identify six standards against which all services are monitored for compliance:

1. Governance and management
2. Service access
3. Responding to individual need
4. Safety, wellbeing and rights
5. Feedback, complaints and appeals
6. Human resources.

Residential care services are required to achieve, comply with, and maintain, HSQF certification as a condition of their License to Provide a Care Service. The Joint agency protocol will be incorporated into the HSQF and Human Services Quality Standards.

Incident reporting guide for residential care services and the Incident management for residential care services

The Department of Child Safety, Youth and Women (Child Safety Services) publishes the *Incident reporting guide for residential care services* and the *Incident management for residential care services* resources, which establishes the overarching guidelines to manage and report incidents within residential care services. The Joint agency protocol complements these guidelines.

Joint agency protocol at a glance

Vision

All children living in residential care receive individualised and trauma-informed responses

The four **principles** provide direction on the foundational values needed to strengthen outcomes for children

Rights based | Culturally responsive | Trauma responsive | Shared responsibility

The two **focus areas** set the priority for where efforts should be focused to make a change

Local resolution | Consistency

The **roles and responsibilities** commit agencies and services to individually and collectively drive change

The **strategies** provide practical ways to strengthen practice through three main action areas

Strengthening planning, collaboration and capability

Supporting children during and following an incident

Supporting children during and following interactions with police

Implementation and monitoring promotes continuous improvement

Principles

The principles provide direction on the values and practice needed to strengthen positive outcomes for children living in residential care. The four principles are:

1. rights based
2. culturally responsive
3. trauma responsive
4. shared responsibility.

Rights based

Parties to this Joint agency protocol consciously focus on the rights and best interests of children.



All children have the right to feel safe, protected and free from harm. Residential care workers also have the right to feel safe and be free from harm in their workplace.

The United Nations Convention on the Rights of the Child and the Charter of Rights for children living in out-of-home care inform the child protection system in Queensland. The safety and wellbeing of children living in residential care services is paramount and must be prioritised. It is the responsibility of everyone involved in the care and protection of children¹¹ to ensure a child is aware of their rights and those rights are acknowledged and upheld.

The involvement of police, and contact with the criminal justice system, can have a negative impact on many aspects of a child's life, both during childhood and into the future. Police and other emergency services should only be called to respond to incidents where there is an immediate safety risk or a criminal complaint. If police involvement is required, follow-up support must be provided to each child involved in or present for an incident. This includes assistance to access legal services. Children living at the service may also need emotional support or legal information or advice, particularly if they may be a witness in a proceeding.

Children living in residential care have the same rights as any other child to seek assistance from the police. Where a child may be a victim of a crime and would like to involve police, residential care workers must provide support and guidance.

Culturally responsive

Parties to this Joint agency protocol consciously focus on the rights and best interests of children.



Children from culturally diverse backgrounds have the right to feel safe, protected and connected to community, family and culture.

Connection to family, community and culture improves a child's wellbeing and positive self-identity. Children who are strong in their culture and who can see their culture is valued by others are more likely to develop a positive self-image.¹² Each child should have a plan in place that includes actions to build and maintain the child's personal and cultural identity, and promote connection and belonging.

Genuine partnerships with cultural groups, communities and organisations are critical to meet the needs of children.¹³ This will also support residential care workers to be culturally proficient and consider the impacts of intergenerational trauma including from past government policies relating to Aboriginal and Torres Strait Islander peoples. This includes fear and distrust towards police and other people in authority.

Trauma responsive

Parties to the Joint agency protocol recognise the impacts of trauma on children living in residential care and are committed to delivering trauma-responsive care and support.



Children living in residential care can have complex needs often resulting from abuse or neglect, including exposure to substance abuse or domestic and family violence. For many children, the impact of these experiences may manifest in an inability to regulate behaviours appropriately or difficulties with interpersonal skills and relationships. For Aboriginal and Torres Strait Islander children, an absence of connection to culture can lead to cultural trauma and have a number of developmental impacts.

Trauma-responsive care acknowledges the role trauma plays in patterns of behaviour. Residential services must employ staff with the ability to respond to trauma in ways that meet the therapeutic needs of the child. The Hope and Healing Framework together with the principles of the Joint agency protocol will assist with this.

A child's history must be considered when deciding how to manage behaviour, rather than decisions being based on the type of incident they may be involved in.¹⁴ This includes maintaining a view of each child as an individual with their own strengths, pressures and triggers as well as considering the dynamics of all children living together and the impacts of the residential care environment. Planning for and preventing incidents from occurring will help protect children from experiences that may be re-traumatising such as contact with police.

Shared responsibility

Parties to the Joint agency protocol recognise the importance of shared responsibility and collaboration to care for and support children living in residential care.



Shared responsibility and collaboration strengthens our capacity to care for and protect children living in residential care.

The complex needs of children living in residential care means there is a need for a coordinated informed approach. Children should not be responsible for making sense of the funding and resource limitations of different agencies and services. They should also not have to re-learn placement parameters based on organisational differences. Agencies and services can work together to overcome these barriers by sharing resources, coordinating service delivery, identifying innovative solutions and leveraging professional expertise.

Shared responsibility is the most effective way to support children to recover from trauma and achieve the best life outcomes. This includes recognising a shared role in preventing the unnecessary exposure of children to intrusive systems, such as the criminal justice system.

Focus areas

The principles will be achieved through focusing efforts towards two main areas: strengthening local resolution and consistency in delivering support and care to children.

Focus area 1 – Local resolution

Local resolution aims to drive cross-sector relationships, strengthen planning and prioritise resolution without the unnecessary involvement of police.

Children living in residential care are entitled to live within the service as they would in a home-based environment. This includes the right to receive proportionate responses to their actions and behaviours through a trauma-responsive and therapeutic approach. Residential care workers must aim to manage incidents through local resolution.

Policies and procedures, including those established by Child Safety Services, should require local-level relationships across a range of service providers to support incident de-escalation and facilitate local responses. This includes building proactive and positive relationships with police through the nominated liaison points.

Local resolution is also an important part of operationalising the concept of shared responsibility to provide for care and protection to each child living in residential care.

Focus area 2 – Consistency

Consistency is a focus to drive cross-sector learning and reflection to identify and replicate good policy and practice.

Children may be cared for by multiple workers each day or live at different residential care services over time and should not be challenged with navigating and making sense of the expectations of individual services or workers. Providing a sense of stability for children by promoting consistent practice between workers and between services enriches relationships that can improve life outcomes and support healthy development.¹⁵ Children who have experienced trauma need consistent care that provides timely, proportionate and effective responses¹⁶ and promotes social integration.

Those involved in providing care to children should find opportunities to connect, share information and work together to create a shared understanding about what works best to meet the behavioural support needs of children.

Roles and responsibilities

The services and agencies involved in caring for children in residential care need to understand the roles and responsibilities of other services and agencies, and how they can work together to overcome barriers and prioritise the best interests of children.

Shared responsibilities

To promote the principle of shared responsibility under the Joint agency protocol, the services and agencies involved in providing care to children living in residential care in Queensland will:

- treat children with dignity and respect, including upholding and promoting the rights of a child as prescribed in the *Child Protection Act 1999*, the *Youth Justice Act 1992* and under the UNCRC, including involving children in decisions being made about their life
- listen to and value the lived experiences of children in residential care and drive system improvements (refer to the *Young people's perspectives of residential care, including police call-outs* information paper)
- seek to better understand trauma, its impact on children and their behaviours, and how to respond in ways that do not criminalise those behaviours
- plan for and respond to the strengths, pressures and triggers of children individually and as part of a dynamic assessment of all children living together
- promote collaborative partnerships with other services and agencies to support local resolution, while promoting consistency and shared responsibility
- involve communities to develop and maintain a child's personal and cultural identity, particularly for Aboriginal and Torres Strait Islander children
- commit to continuous improvement and high expectations through building a culture of learning, development and practice reflection
- implement policies, procedures and systems that reflect the intent of the Joint agency protocol and cease all preventable involvement of police.

Child Safety Services lead responsibilities

Child Safety Services has legislative responsibilities for licensing, funding and regulating care services in Queensland. This includes making sure services can meet the behavioural support needs of children in their care. In addition to the shared responsibilities, Child Safety Services has specific responsibilities to:

- align overarching policies, guidelines and practice direction with the Joint agency protocol, particularly in regards to direction to involve police
- work collaboratively to promote the Joint agency protocol across the sector
- monitor and audit residential care services' compliance with the Joint agency protocol through the HSQF standards
- encourage services to provide appropriate training and development for staff
- promote and adequately resource support tools for residential care services, for example after hours support such as the Foster and Kinship Carer Support Line
- work towards development of reporting and monitoring capability on critical incidents and police involvement to enable monitoring and reporting of relevant data
- make contract management staff aware of the Joint agency protocol and support its intent when providing advice about financial claims by services

- coordinate clear and consistent messages to staff and the residential care services sector about systemic themes
- promote the right of a child to participate in decision making and provide children with information about their rights
- require placements that are in the best interests of children and that consider group dynamics
- define expectations of trauma-responsive practice in resources and standards
- promote opportunities for consistent training and development for the residential care services sector.

Residential care services lead responsibilities

Residential care services deliver care, protection and support to children living in residential care. In addition to the shared responsibilities, residential care services have specific responsibilities to:

- build partnerships with agencies and services to support the principles and strategies of the Joint agency protocol, including with a nominated police liaison point
- include clear guidance in policies and procedures about involving police
- drive opportunities for joint learning and development
- promote consistent outcomes for children by establishing connections with other residential care services to share information
- collaborate with Child Safety Services to provide consistent and shared responses for children who are absent from placement, particularly if this is frequent
- develop expectations around behaviours and responses together with children, workers, and others involved in providing care for children
- explore options for insurance policies that do not require property damage to be reported to police
- participate in data collection and reporting activities.

Queensland Police Service lead responsibilities

The Queensland Police Service will respond to any complaint or call for service made by a member of the community, including children and staff of a residential care service. Police are an important part of the response to children who may have committed a crime. They are also responsible for responding to the wishes and rights of victims.

The Joint agency protocol aims to encourage the development of proactive local relationships between police, Child Safety Services and residential care services promoting safety and security for children living in residential care. The roles and responsibilities of police are outlined in Appendix 1.

Strategies

The table below includes practical strategies to translate the principles, focus areas and roles and responsibilities of the Joint agency protocol to practice. Services and agencies with lead responsibilities should coordinate the efforts of others involved in providing care to children. The strategies align with Child Safety Services' *Incident reporting guide for residential care services*.

Strategies to strengthen planning, collaboration and capability	
<p>Main considerations:</p> <ul style="list-style-type: none"> • Children should be supported to relate their actions to impacts and consequences and guided to learn from their experiences.¹⁷ • Children should receive timely and proportionate responses to provide behavioural guidance that does not criminalise the child's behaviours. • Residential care staff should have the tools, capability and capacity to prevent escalation of an incident or behaviours. <p>Resource links:</p> <ul style="list-style-type: none"> • Child Safety Services' <i>Incident reporting guide for residential care services</i> and the <i>Incident management for residential care services</i> resources • <i>Reporting missing children: Guidelines for approved carers and care services</i> • <i>Young people's perspectives of residential care including police call-outs</i> information paper • <i>The criminalisation of children living in out-of-home care in Queensland</i> information paper 	
<p>Residential care services lead responsibility</p> <p>Involve children in planning and decisions about their lives, including decisions to involve police.</p> <p>Plan and consider the interpersonal dynamics of, and relationships between, the children living at the service, including taking into account the views of young people:</p> <ul style="list-style-type: none"> • at the time of placement matching • at the time of placement • following an incident. <p>If a child is frequently absent from the service, work with the child and agencies to develop a process to quickly establish the child's location. This may also include negotiating resourcing efforts with the local Child Safety Service Centre.</p> <p>Develop expectations around behaviours and responses together with children, workers, and relevant others.</p> <p>Discuss and educate staff and children about expectations in the residential care service and agree to ways to respond if these are not met.</p> <p>Review policies and practice following a serious critical incident or a series of critical incidents in the residential care service.</p> <p>Make sure cultural support plans are in place and foster connections to culture, community and family, particularly for Aboriginal and Torres Strait Islander children.</p> <p>Identify after hours contact points to seek support in deciding the best way to respond to a child's behavioural support needs (for example, the Foster and Kinship Carer Support Line operated by the Child Safety After Hours Service Centre).</p>	<div style="text-align: center; border: 2px solid black; border-radius: 50%; padding: 10px; width: fit-content; margin: 0 auto;"> <p>Planning and information sharing</p> </div> <p>Core principle considerations</p> <p>Am I supporting a learning based culture by providing or participating in opportunities to reflect without fear of reprisal?</p> <p>Am I working with networks and services to promote supportive relationships and coordinated responses?</p> <p>Am I accessing or providing access to professional development and joint learning opportunities?</p>

Strategies to strengthen planning, collaboration and capability

Establish connections with other residential care services to share information and good practice.

Identify contact points in agencies and support services and make these available to staff (for example, a nominated police liaison point, mental health intervention services and legal support services).

Build local-level relationships across a range of service providers as a response to incidents and to assist with local resolution.

Require senior staff members to provide support to staff in deciding and delivering the response to a critical incident.

Explore options for insurance policies that do not require property damage to be reported to police.

Residential care services and Child Safety Services lead responsibility

Residential care service providers will apply the Joint agency protocol with the results reporting as part of the Department of Child Safety, Youth and Women performance management processes. This includes capturing of and reporting on data to identify local and systemic trends to support a continuous improvement approach.

Data should be maintained, accessible and reportable for systemic and local trend identification, analysis and monitoring. This includes data on:

- number, reason and origin of calls to emergency services
- contact/referrals to legal service providers
- attempts to locate children absent from placement
- post incident actions and advice to Child Safety Services
- group dynamics assessments.

Provide direction and education to residential care service workers on critical incidents and the *Reporting missing children: Guidelines for approved carers and care services*. This might be achieved through training, documentation or decision support tools.

Residential care services and Queensland Police Service lead responsibility

Residential care services establish a proactive relationship with local police and the nominated police liaison point. This will assist in promoting a positive relationship rather than a reactive, punitive one.

Strategies to strengthen planning, collaboration and capability

Shared responsibility

Make policies and procedures consistent with the Joint agency protocol and include clear guidance about involving police. Educate all staff.

Induct staff in the Joint agency protocol.

Implement approaches for reflection and shared learning:

- on a regular basis to monitor use of the Joint agency protocol
- following an incident or event.

Provide opportunities to attend joint training and professional development to services and agencies (government and non-government) who regularly work together. This includes the nominated liaison point in police and other agencies or services.

Residential care services lead responsibility

Make sure staff employed have the requisite skills and experience to work with and understand the unique issues affecting children living in residential care.

Train and support staff to manage incidents in a trauma-responsive way that does not criminalise behaviours, in alignment with the Hope and Healing Framework.

Provide professional development to staff about responding to behavioural support needs, including mental health first aid and de-escalation techniques. This can be accessed through mental health services to provide consistency in training such as through the Evolve Professional Development Coordinators.

Child Safety Services lead responsibility

Educate Child Safety Services staff to provide consistent advice to residential care services about responding to behavioural support needs and incidents in a way that does not criminalise behaviours.

Adopt commissioning and contract management approaches that support training and development of residential care staff.

**Induction
and staff
support**

Shared responsibility

Promote a learning and development culture through policies, procedures and practice.

Provide staff with multiple ways to seek support to discuss risks and professional limitations without fear of reprisal.

Participate in collective reflection about responses and approaches for individual children and consider whether they are culturally responsive.

Residential care services lead responsibility

Provide timely opportunities and encourage staff to reflect and learn from incidents to strengthen future responses. Individual and group reflection should be encouraged, including with young people.

**Learning
based
culture**

Strategies to support children during and following an incident

Main considerations:

- Children should be supported through local responses where an incident is not a 'critical incident'.
- Threat to property or injury towards others that does not constitute an immediate and significant risk of serious harm does not require involvement of the police.
- A victim of a physical injury has a right to involve police following any incident.

Resource links:

- Child Safety Services *Incident reporting guide for residential care services* and the *Incident management for residential care services* resources
- The *Reporting missing children: Guidelines for approved carers and care services*

Core principle considerations

Have I prioritised a co-ordinated local response?

Do my actions uphold the rights of the child and the worker?

Am I being culturally responsive?

Is the response and post-incident support trauma-responsive?

Have I worked with others to provide for the safety and wellbeing needs of children in the service?

Am I confident I am able to respond consistently to incidents?

Shared responsibility

Implement agreed responses to quickly establish the location of a child if a child is absent from placement.

Residential care services lead responsibility

Implement de-escalation action and, when appropriate, implement behaviour management responses that do not criminalise behaviours and are proportionate to the child's actions and situation at the time of the incident.

At the time of incident

Shared responsibility

A learning focused review of an incident or series of incidents should occur with agencies and networks involved.

Residential care services and Child Safety Services lead responsibility

Review or establish individual plans to support responses and actions for future instances. These plans should include practical strategies available to residential care workers to de-escalate a situation or actions by the child's networks and agencies.

Include agencies or networks involved with the child in reviewing a child's plan. This can include engagement with Police Liaison Officers from the Queensland Police Service and/or Aboriginal and Torres Strait Islander elders, communities or agencies to ensure plans are culturally responsive.

Support children to make contact with a legal service provider as soon as possible after the incident and make sure they are aware of their rights.

Residential care services lead responsibility

Debrief children and staff separately and in a timely manner following an incident, including considering a response for any future incidents.

Consider the group dynamics of the residential care service following the incident. This may involve an open discussion with all children living at the service. The assessment process should focus on offering stability and consistency to all children living in the home.

Consider themes arising from the incident/s and address these with staff in order to strengthen individual and organisational practice.

Following an incident

Strategies to support children during and following police involvement at a residential care service (or other emergency services)

Main considerations:

- Children should be supported to relate their actions to impacts and consequences and guided to learn from their experiences.¹⁸
- Children should receive timely access to legal support and responses that focus on their needs and reduce the risk of criminalising them.
- Children should live in a safe and supportive environment that uses a considered approach to managing group dynamics, particularly where a child is absent from placement.

Resource links:

- Child Safety Services' *Incident reporting guide for residential care services* and the *Incident management for residential care services* resources
- The *Reporting missing children: Guidelines for approved carers and care services*

Core principle considerations

Do my actions uphold the rights of the child and the worker?

Am I being culturally responsive?

Is my response and post-incident support trauma-responsive?

Have I worked with others to provide for the safety and wellbeing needs of children in the service?

Residential care services lead responsibility

Ensure the safety of all involved before the arrival of emergency services.

Shared responsibility

Provide children with information about their rights. This must include supporting a child to contact a legal service provider immediately or as soon as reasonable, unless the child expresses otherwise. It is the responsibility of the services and agencies to make sure this has occurred or will occur. For incidents outside of business hours, the Youth Legal Advice Hotline can be contacted – 1800 LAQ LAQ (1800 527 527), Monday to Friday 8am to 9pm, and Saturday 7am to 12 midday. Aboriginal and Torres Strait Islander children can also be directed to the Aboriginal and Torres Strait Islander Legal Services (ATSILS) - 1800 012 255, 24 hours, 7 days a week.

Support victims to participate in the process, including when making contact with police and legal services, and offer emotional support.

At the time of the incident

Is there benefit in a collective discussion of the incident to identify learning opportunities?

Strategies to support children during and following police involvement at a residential care service (or other emergency services)

Residential care services lead responsibility

Ensure an appropriate support person is available for a child alleged to have committed an offence. A support person cannot be a residential care worker involved in the incident.

Debrief children and staff separately and in a timely manner following an incident and support them to reflect on the incident (where appropriate). This could also include a discussion with Child Safety Services and first-responders.

Inform all workers of the agreed future responses to incidents for a particular child (or group of children) to ensure consistency.

Consider the group dynamics of the residential care service following the incident. This may involve an open discussion with all children living at the service. The assessment process should focus on offering stability and consistency to all children living in the home.

Consider themes arising from the incident/s and address these with staff in order to strengthen individual and organisational practice.

Facilitate a learning focused review of an incident or series of incidents with agencies and networks involved, including the nominated police liaison point.

Include agencies or networks involved with the child in reviewing a child's plan.

Residential care services and Child Safety Services lead responsibility

Individual plans should be reviewed following an incident and consideration be given to developing a safety plan for the child or connecting them with support services to address any social or wellbeing matters.

Following an incident

Appendix 1 – Police roles and responsibilities

1. When responding to incidents, a carer may require the involvement of emergency services such as Queensland Ambulance, Fire or Police. In an emergency, dial 000 immediately.
2. The purpose of the Queensland Police Service (QPS) is to provide timely, high quality and efficient policing services, in collaboration with communities, government and non-government partners, to make Queensland safer. Key objectives for the QPS include to stop crime, and make the community safer.
3. The QPS will collaborate with community in relation to a range of issues. If general advice is needed in relation to police involvement or management of specific issues, contact can be made in non-crisis situations with either local police or PoliceLink (131 444).
4. Prior to contacting police, consideration should be given as to whether police are the appropriate emergency service to provide a response to incidents at the residential care service.
5. Police are obliged to respond to a call for service. Police receive a significant number of calls for service from members of the community, and will prioritise all calls on the basis of urgency.
6. Police have no powers in relation to issues including:
 - behaviour management
 - returning a child to a placement, or otherwise transporting them
 - potential criminality (e.g. property damage) but where no criminal complaint will be made.
7. Officers responding to calls for service are more likely to be uniformed officers. These officers are unlikely to have had significant exposure to children who have experienced trauma. The considerations of these officers when attending a call for service will be to ensure the physical safety of all persons present, and to determine whether a criminal offence has occurred.
8. If a complaint about a criminal offence is made to police, police are obliged to respond, including by conducting an investigation. Specialist investigators may become involved in the investigation.
9. Police will consider the following factors to determine the appropriate response:
 - seriousness of the offence
 - degree of actual or threatened violence involved and any harm caused to alleged victims
 - age of the child/ren involved
 - views of the victim/s
 - any previous police contact with the child/ren
 - information provided by the residential care service about the child's personal circumstances, situation or other factors impacting on the child's behaviour (e.g. mental health, trauma, illnesses).
10. Police may determine that no further action is required in response to an incident, after discussing the incident with relevant residential care staff, the child/ren involved and any victim/s.
11. If police determine action must be taken, this can be by way of diversion (caution or referral to a restorative justice process) or commencement of criminal proceedings.
12. The residential care service is responsible for facilitating a child's access to legal advice and consulting with the child to identify and contact an appropriate support person.
13. If police determine diversion to be the most appropriate response, they will be required to formally interview the child. A child must admit to the offence/s and also consent to the caution or referral. If no admission or consent are provided, the police will commence criminal proceedings.
14. Criminal proceedings will only be pursued against a child if no alternative response is available.

Appendix 2 – Glossary

Criminalisation	Criminalisation refers to the normalisation of responses from child protection and criminal justice systems resulting in a child being exposed unnecessarily to the criminal justice system. This includes stigmatising children, labelling their behaviours as criminal, and adopting a criminal response to actions that would not be criminalised in a family home.
Criminal justice system	The criminal justice system includes the Queensland Police Service and the Department of Justice and Attorney-General, Queensland Courts Service, Youth Justices Services, Queensland Corrective Services, and Office of the Director of Public Prosecutions. ¹⁹
Out-of-home care	<p>Out-of-home care provides a safe, supportive and therapeutic environment for a child, while working towards either family reunification or an alternative permanency option.</p> <p>Out-of-home care is used for a child when an assessment has been made that the separation of a child from their family is required to ensure the child's safety.</p> <p>Out-of-home care may be provided during the investigation and assessment or ongoing intervention phases of child protection intervention.</p> <p>Residential care is one type of out-of-home care (see definition below).</p>
Residential care	<p>Residential (non-family based) care is provided to young people in a residential premises (not a carer's or young person's own home) by paid or contracted workers and/or volunteers. Residential care provides an alternative to family based care options in environments that support a child in their adolescent development.</p> <p>Children living in residential care are primarily between the age of 12 and 18, however they can be of any age up to 18 years old. Residential care services are funded to provide specific levels of worker support, though are typically expected to provide care 24 hours a day, seven days a week, including providing care to young people when not attending school, and during school holiday periods and other times.</p> <p>There are four service types that deliver residential based services:</p> <ul style="list-style-type: none"> • Residential care • Supported Independent Living • Safe Houses • Therapeutic Residential Care <p>A full description of the requirements and considerations and performance measures associated with each residential care service type is described in the <i>Investment Specifications Child Protection (Placement Services)</i> and available from: communities.qld.gov.au/gateway/funding-grants/investment-specifications</p>
Trauma	The experience of an event by a child that is emotionally painful or distressful, which often results in lasting mental and physical effects. The concept of trauma includes disrupted attachment, complicated grief and loss, and other negative developmental impacts.

Unnecessary or preventable police call-outs

An unnecessary or preventable police call-out refers to when police are called by a residential care service to respond to an incident or situation for which other, non-police responses would be more appropriate.

For example:

- calling police to respond to an absent child
- calling police to respond to minor incidents, including as a way to manage behaviour
- calling police to respond to a child who has caused property damage.

Agency**Role relevant to residential care****Child Safety Services**

Child Safety Services has a statutory obligation to respond to children in need of protection, and maintains responsibilities for the child's care, protection, support and wellbeing in that time.

Child Safety Services funds, contracts and regulates non-government organisations to provide care to a child in a residential premises by paid staff under the *Child Protection Act 1999* and the *Child Protection Regulation 2011*.²⁰

Office of the Public Guardian

The Office of the Public Guardian (OPG) is an independent statutory office which has refocused the former Child Guardian functions to provide individual advocacy for children and young people in care. The purpose of the OPG is to promote and protect the rights and interests of children and young people in visitable sites and homes, and those who are subject to a range of child protection interventions. These functions are undertaken by Community Visitors and Child Advocates.

Queensland Family and Child Commission

The Queensland Family and Child Commission (QFCC) works collaboratively to influence change so Queensland is a safe place where children, young people and their families thrive in supportive communities. The QFCC has a particular focus on promoting the safety, wellbeing and best interests of children and young people and improving the child protection system.

Queensland Police Service

The Queensland Police Service (QPS) provides timely, high quality and efficient policing services, in collaboration with communities, government and non-government partners. Key objectives for the QPS include to stop crime, and make the community safer. The QPS is obligated to respond to all complaints or calls for service.

Residential care services

Residential care is a type of non-family based out-of-home care for children who are subject to statutory intervention, including care agreements, assessment orders, or child protection orders granting custody or guardianship to the Chief Executive of Child Safety Services.ⁱⁱ Children in residential care are primarily between the age of 12 and 18, however they can be of any age up to 18 years old.

These services are licensed and funded by the Department of Child Safety, Youth and Women and delivered through non-government service providers consistent with requirements in the Investment Specifications for Placement Services.

ⁱⁱ Child Safety Services is the department with responsibility for the delivery of tertiary child protection in Queensland (currently the Department of Child Safety, Youth and Women).

Endnotes

- ¹ Shaw, J, 2016, 'Policy, Practice and Perceptions: Exploring the Criminalisation of Children's Home Residents in England', *Youth Justice*, 16(2), 147-161; Narco, 2012, *Reducing offending by looked after children*, p. 21, London: Narco.
- ² Wise, S, and Egger, S 2007, *The Looking After Children Outcomes Data Project: Final Report*, p. 128, Australian Institute of Family Studies.
- ³ Results of a GForce survey, 2016.
- ⁴ Information provided by the Queensland Police Service, 31 July 2017.
- ⁵ Fitzpatrick, C and William, P 2017, *The Neglected Needs of Care Leavers in the Criminal Justice System: Practitioners' Perspectives and the Persistence of Problem (Corporate) Parenting*, *Criminology & Criminal Justice*, 17(2), p. 177.
- ⁶ Section 122 of the Child Protection Act:
1(a) the child's dignity and rights will be respected at all times;
1(c) the child will receive emotional care that allows him or her to experience being cared about and valued and that contributes to the child's positive self-regard;
1(d) the child will receive positive guidance when necessary to help him or her to change inappropriate behaviour.
- ⁷ PeakCare Queensland, 2015, *Final Report (Stage One)*, p.39.
- ⁸ PeakCare Queensland, 2015, *Final Report (Stage One) Attachment One: Proposed Hope and Healing Framework for Residential Care*, p.1.
- ⁹ PeakCare Queensland 2015, *Final Report (Stage One)*, p.41.
- ¹⁰ Department of Communities, Child Safety and Disability Services, *Human Services Quality Standards*, p.1, accessed 7 March 2018, <https://www.communities.qld.gov.au/resources/funding/human-services-quality-framework/standards.pdf>
- ¹¹ This extends to all children living in out-of-home care.
- ¹² Bamblett, M, Long, M, Frederico, M, and Salamone, C, 2014, *Building and Aboriginal Cultural Model of Therapeutic Residential Care: The Experience of the Victorian*.
- ¹³ Queensland Government, 2017, *Our Way: A generational strategy for Aboriginal and Torres Strait Islander children and families 2017-2037*, p. 14.
- ¹⁴ Scottish Government, 2008, *These Are Our Bairns a guide for community planning partnerships on being a good corporate parent*, p.62.
- ¹⁵ Bromfield et al., 2005; Knorth, Harder, Zandberg & Kendrick, 2008; Riggs, Augustinos & Delfabbro, 2009; Schofield, 2002; Schofield & Beek, 2005, in McLoughlin, P.J, and Gonzalez, R 2014, *Healing Complex Trauma through Therapeutic Residential Care: The Lighthouse Foundation Therapeutic Family Model of Care*, Children Australia, Volume 39, Number 3, p.170
- ¹⁶ Scottish Government, 2008, *These Are Our Bairns a guide for community planning partnerships on being a good corporate parent*, p37.
- ¹⁷ Scottish Government, 2008, *These Are Our Bairns a guide for community planning partnerships on being a good corporate parent*, p.62.
- ¹⁸ Scottish Government, 2008, *These Are Our Bairns a guide for community planning partnerships on being a good corporate parent*, p.62.
- ¹⁹ Queensland Audit Office, 2016, *Criminal justice system—reliability and integration of data (Report 14: 2016–17)*, accessed 24 March 2018, <https://www.qao.qld.gov.au/reports-parliament/criminal-justice-system-reliability-and-integration-data>
- ²⁰ *Child Protection Act 1999*, Chapter 4, Part 2; *Child Protection Regulation 2011*, Part 3, Division 1.



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