Child protection services in Queensland post-Forde Inquiry

Clare Tilbury

There have been major developments in child protection services in Queensland since the 1999 Inquiry into Abuse of Children in Queensland Institutions (the 'Forde Inquiry'). This article discusses the nature of the changes that have occurred against the backdrop of a major debate in contemporary child protection research and practice – balancing forensic/legalistic and family support approaches to protecting children. Based upon an analysis of departmental annual reports, budget documents, policy statements and child protection administrative data, the article examines developments in policy directions, service provision, client trends and performance during the period. It shows that significant investment has increased the quantity of services available, but policy and program developments are yet to show an impact upon service quality and outcome indicators for children and families.

Dr Clare Tilbury
School of Human Services
Griffith University, Logan Campus
University Drive, Meadowbrook, Qld 4131
Email: c.tilbury@griffith.edu.au

The past six years has been a tumultuous time for child protection services in Queensland. Amidst ongoing media scrutiny and public criticism, between June 1999 and mid-2005 at the time of writing, changes have arisen from two independent legal inquiries, new legislation, three restructures, three changes of leadership and significant budget increases.

THE FORDE INQUIRY

In June 1999 the report of the Commission of Inquiry into Abuse of Children in Queensland Institutions (the Forde Inquiry) was tabled in Parliament. The Inquiry found that many children were maltreated in residential institutions in the past and that the conditions existed whereby maltreatment might still occur in present day out-of-home care. There were 42 recommendations made to redress past abuses, enhance youth detention centre operations, and improve contemporary child protection practices. They included a recommendation to increase the child welfare budget to bring it into line with the national average, greater regulation of out-of-home care, new quality assurance mechanisms, and expanding supports for 'at-risk' families (Commission of Inquiry into Abuse of Children in Queensland Institutions 1999). The Government undertook to implement all recommendations except for one that related to the location of a new youth detention centre.

NEW LEGISLATION

In early 2000 the *Child Protection Act 1999* was proclaimed. This Act replaced outdated legislation from 1965, which was inconsistent with both the current knowledge base about child protection and changing community values and expectations about the role of the State in protecting children from maltreatment. It introduced a range of accountability provisions, responding to concerns that previous legislation enabled government officers to intervene in family life with little oversight from courts, denying children and families information about, or rights to be involved in, decisions that affected them. The new Act provided for a range of time-limited orders so State intervention could be tailored to best meet the needs of individual children. It included legislated standards of care, a charter of rights for children in care and recognition of the special needs of Indigenous children. In 2004 the Act was amended. Among other things, the amendments enabled notifications to be made in relation to

'unborn' children, extended the regulation of care, and required children's case plans to be submitted to court when making applications for orders.

BUDGET INCREASES

In each year since 1999/2000 there have been budget increases that, cumulatively, have tripled expenditure on child protection. However, decades of low spending means that Queensland child protection spending is not expected to rise above the national average until the full effect of the budget increases announced in 2004 is achieved in 2006/07 (Beattie 2004). The disbursement of new funds is discussed in more detail later in this article.

RESTRUCTURING

During the six year period under discussion, there were three major organisational restructures of departmental functions. In 1999, the State was sub-divided into twelve regions (previously five) to encourage attention to 'place' in service development; disability services were split off to become a separate department; and child protection and youth justice functions were disconnected at most service delivery outlets as well as at the policy level. In 2002, non-government services policy development was separated from the substantive policy areas, reinforcing the significance of purchased services. In 2004, child protection functions were split off to create the Department of Child Safety, leading to a complete separation of child protection and youth justice, as well as detaching child protection from family support. This restructure was recommended by the Crime and Misconduct Commission (see below).

CRIME AND MISCONDUCT COMMISSION INQUIRY

In 2003 the Crime and Misconduct Commission (CMC) conducted an inquiry into abuse of children in foster care. The Inquiry found widespread and systematic failures to protect children and recommended the creation of a new Department of Child Safety with a singular focus on the 'safety and security of children at risk' (CMC 2004, p.xiv). It made recommendations about increasing resources, accountability, multi-disciplinary working, Indigenous services and legislative changes. The Government agreed to implement all 110 Inquiry recommendations and appointed a consultant to develop an implementation plan ('the Blueprint') that, inter alia, costed all recommendations (Forster 2004).

LEADERSHIP

During this time, there were three different Ministers accompanied by three different Directors-General. The past three elections have been held early in the year so essentially Minister Bligh served 1998, 1999 and 2000; Minister Spence served 2001, 2002 and 2003; and Minister Reynolds was appointed in February 2004. These leadership teams were all appointed in Labor State governments led by Premier Beattie.

IMPLICATIONS FOR CHILD PROTECTION

This article discusses the implications of these developments for child protection policy and practice. It attempts to provide some perspective about what has happened, and what direction child protection is taking in Queensland. In particular, consideration is given to how Queensland has addressed a significant issue in contemporary child protection – achieving a balance between forensic/legalistic and family support approaches to protecting children. Governments the world over have struggled over the last two decades with ways to deal more effectively with large numbers of child abuse and neglect reports, the need to engage more productively with families, and the limitations of relying on out-of-home care in responding to the needs of children at risk of harm. An accumulating body of research has shown that concentrating resources on risk assessment, surveillance and coercive intervention is counter-productive because it undermines the capacity of the child protection system to provide preventative and supportive responses which are better at protecting children over the long-term (Mendes 2001; Parton 1997). Further, the 'goal keeping' mode of child protection which positions statutory intervention as a last resort can lead to a worsening of family problems, which then require unplanned crisis placements (Packman, Randall & Jacques 1986).

There have been calls for a more balanced approach, broadening the range of services to include more family support and individualised, needs-led services (Waldfogel 1998). Whittaker (1991) characterises this as a paradigm shift in which the old model consists of fragmented, categorical services (investigative services, foster care, residential care, in-home services); a child rescue philosophy that relies on out-of-home care; personal psychology as the key to treatment; and structural, financial and ideological limitations on work with families. The new model consists of a service continuum from prevention to treatment; promoting parental competence through education, sustained casework and practical support; a family support philosophy; and person-in-environment theoretical perspectives. These differing models are based partly on research and partly on changing public and professional conceptions of 'the problem' of child abuse. The transnational spotlight on family support has been a significant and enduring development, so that most child protection systems now comprise elements of both 'child rescue' and 'family support' (Waldfogel 1998). But even when commitment to family support is ostensibly high in policy terms, a relative lack of funds means narrow approaches to child protection have tended to prevail in practice.

Queensland took steps in the early 1990s to respond to these findings from research, with administrative and policy

developments that moved practice in the same direction as other jurisdictions both within Australia and overseas. In 1992/93, new policy was introduced for determining what constituted a notification in order to differentiate child protection notifications from general child and family welfare intake. Advice and referral could be provided for less serious notifications, with the capacity to provide brief counselling or support when statutory intervention was not warranted. The term 'investigation' was replaced with 'initial assessment' to better define the child protection role in contrast to the investigation role of police. Later, new legislation reinforced these directions, locating protective intervention within a framework of child and family welfare. However, the principles of the *Child Protection Act 1999* – that intervention should be at the least intrusive level necessary to protect the child, and that intervention should be aimed at supporting the family to meet the child's protective needs – came under attack by the Ombudsman and later in the CMC Inquiry. There was concern that 'minimal intrusiveness' in the use of State powers had been (mis)interpreted as 'minimal intervention' and consequently children were inappropriately left in, or returned to, high-risk family situations.

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METHOD

This article is based on an analysis of departmental annual reports, budget documents, policy statements, and child protection administrative data. The documents were all available in the public domain. Policy directions, funding allocations, direct and indirect service provision, client trends and performance between 1999 and 2005 for the Queensland Government department responsible for child protection (variously named during the period: Families, Youth and Community Care Queensland; Department of Families; Department of Child Safety) are all examined. This captures the bulk of expenditure allocated for child protection in Queensland. While services provided by, for example, police, courts, legal aid, schools and health services are not discussed (their budget allocations for child protection are not available), it is recognised that they make an important contribution to child protection.

The description of changes to service delivery was undertaken through the somewhat narrow lens of the allocation of new resources. Obviously changes can also occur through the re-allocation of existing resources or the implementation of resource-neutral policy or program initiatives. However, given the size of the budget increases during the period being examined, it is reasonable to argue that the biggest changes are likely to have resulted from the injection of new funds. The analysis concentrates on the 'big ticket' items. As far as possible, resource allocations were categorised in terms of outputs, or type of service. Consideration was given to the service mix according to whether funds were allocated to government or non-government providers. It is important to note the limitation that media announcements or budget statements about where funds will be allocated is not necessarily where they are finally expended. It is not always possible from publicly available documents to confirm whether allocated funds were spent on planned initiatives. Efforts were made to ensure that funds were not 'double counted' as sometimes happens when a recurrent initiative is announced more than once in successive budgets.

The description and analysis of trends and performance was based on client and service administrative data. Administrative data analysis is useful for epidemiology-type studies about the child protection client population. It provides a 'whole-of-system' focus, contributing to an understanding of practice trends, outcomes and emerging issues. But there are limitations to administrative data: some aspects of practice are more quantifiable than others, there are gaps in the data, and some recording errors are inevitable. Queensland data does not lend itself to longitudinal analysis or measuring outcomes, placing restrictions on conclusions that can validly be drawn.

POLICY DIRECTIONS AND SERVICE PROVISION

In 1999/2000, the first major funding boost for child protection was directed towards responding to Forde Inquiry recommendations. The allocation was $10 million in the first year, rising by $10 million each year to $40 million in 2002/03. This was nearly a 50% increase in child protection spending, as the 1998/99 budget was approximately $84 million (Steering Committee for the Review of Commonwealth/State Service Provision 2003, table 15A.1). In 1999/2000, funds went to an additional 70 frontline staff, an increase in the foster care allowance, an expansion of the Official Visitor program at the Commission for Children and Young People, and $1 million to the Forde Trust Fund to assist former residents of institutions with family reunion costs, health or education expenses (Families, Youth and Community Care Queensland 1999).

In 2000/01, the second $10 million instalment went to another 77 frontline staff, a 4% increase in the foster care allowance to offset GST cost increases, more Official (now renamed 'Community') Visitors, $1.1 million to Indigenous agencies, and $1.8 million for children leaving care and those with disabilities. In total $5.5 million went to the non-government sector (Families, Youth and Community Care Queensland 2000). In 2001/02, the third $10 million instalment plus another $5.7 million was allocated. This went to another 50 frontline staff, a 10% increase in the foster care allowance, a doubling of the clothing allowance, $2.4 million for additional child protection and family support services, and another $1 million to the Forde Trust Fund (Department of Families 2001).

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Then in 2002/03 came the second major funding boost, an extra $148 million over four years plus the final $10 million instalment. These new funds were tied to *Queensland Families: Future Directions*, a policy statement heralded as launching prevention and early intervention and innovation in service delivery (Department of Families 2002). Funds of $42 million in 2002/03 were allocated to initiatives in family support, new placement options for young people, respite care, Aboriginal and Torres Strait Islander family support, and a range of departmental frontline staff positions such as Indigenous Family and Community Workers; foster care support workers, and 'reconnect' workers concentrating on family reunification. New services were to be first 'piloted' and then evaluated to determine whether funding should continue (Department of Families 2002; Queensland Government 2002). In 2003/04, the second *Future Directions* instalment of $42 million was allocated to continued 'pilots' in prevention/early intervention and 'connections-reconnections', and 'trials' for those successfully evaluated (Department of Families 2003a). By this time, the total child protection budget was reported as $159 million (Steering Committee for the Review of Commonwealth/State Service Provision 2004, table 15A.1), almost twice the 1998/99 budget.

In 2004, a series of pre-budget announcements surrounded the CMC Inquiry, totalling $201.6 million in new funds by 2006/07. The allocation for 2004/05 was $60.6 million, directed to 318 new staff in 2004-2005 (increasing to 518 new staff by 2006-2007); $3.6 million for staff training and

development; $40 million for 71 new staff and Community Visitors at the Commission for Children and Young People, $4.7 million for 23 Indigenous agencies, further increases in foster care allowances of $40 per fortnight, and new out-of-home care placements (Beattie 2004). There was $1.7 million for enhanced multidisciplinary assessment teams and $40 million to upgrade the computerised client information system (Reynolds 2004a). New program announcements included education support for children in care, therapeutic services for children with disabilities in care, and treatment programs for children with psychological and emotional problems resulting from abuse and neglect (Reynolds 2004b; Department of Child Safety 2004a). A total of $15 million in 2004/05 was allocated to the non-government sector, and another $10 million to prevention and early intervention under the *Future Directions* banner (Reynolds 2004c). The 2005/06 budget provided growth funds to continue these initiatives, with increases for staffing, training, therapeutic services, placement services, foster care allowances, information technology infrastructure, Indigenous services and other non-government services. Capital investment of $20 million was required to develop accommodation for the expanding workforce. The total operating budget of $395 million in 2005/06 was more than double what it had been just two years earlier (Department of Child Safety 2005a).

SERVICE DELIVERY TRENDS

During this time, the child protection workload was inexorably rising. The number of cases notified almost doubled (Table 1). A large proportion of initial assessments was not finalised. The rate at which children entered out-of-home care grew at a much faster pace than exits from care. The reasons for this growth are complex. It can be attributed to external factors such as population growth, economic and social pressures affecting families, media attention to child protection encouraging people to report concerns, and greater community expectations that a response will be forthcoming. But there is also a socio-political climate in which professionals are more likely to overestimate risk, since the consequences of underestimation are so severe, including disciplinary action and public condemnation (Munro 1999). Internal factors also play a part. For example, policy determines what is counted as a notification and the criteria for substantiation, and the availability of services influences intervention options. It is clear from the differential rates of notification and substantiation between and within regions, which cannot be entirely accounted for by demographic differences, that personal practice thresholds are a significant influence.

DISCUSSION

It is important to preface this discussion by acknowledging that there are limits to what can be achieved within a short period, considering the scale of the problems. In Queensland

there has been substantial investment in child protection, but these budget increases came off a very low base. There was not just low spending in child protection, but a low level of social spending overall, leading to a poor service infrastructure for housing, substance abuse, health and mental health, Indigenous services, and disability services, that all have an impact on the needs of disadvantaged children and families, and therefore on the demand for child protection services.

The new funding has certainly increased the capacity of the statutory system in terms of supply, with massive recruitment of frontline practitioners. But there have been surprisingly few role changes. For example, there has been no real policy change on responding to notifications of possible harm to a child since 1992. A consistently small number of child protection clients, about 14%, receive a

Table 1:
Child protection indicators, Queensland 1999/2000 to 2003/2004

INDICATOR	1999/00 (%)	2000/01 (%)	2001/02 (%)	2002/03 (%)	2003/04 (%)
Cases notified	19,057	22,069	27,592	31,068	35,023
Protective advice response	2,880 (15.1)	3,144 (14.2)	3,489 (12.6)	3,850 (12.4)	4,625 (13.2)
Initial assessment	16,177	18,925	24,103	27,218	30,398
Substantiated	6,919 (42.8)	8,395 (44.3)	10,036 (41.6)	12,203 (44.8)	17,473 (57.5)
Unsubstantiated	3,985 (24.6)	3,952 (20.9)	4,602 (19.1)	5,339 (19.6)	6,130 (20.2)
Assessment not finalised	5,273 (32.6)	6,578 (34.8)	9,465 (39.3)	9,676 (35.6)	6,795 (22.4)
Children admitted to out-of-home care	1,253	1,322	1,602	2,109	2,567
Children discharged from out-of-home care	N/A	1,263	971	1,119	925
Substantiations for children in out-of-home care	N/A	N/A	189	259	598
	%	%	%	%	%
Resubstantiation within 12 months	23	25	25	28	28
Children exiting care after 12 months with 3 or fewer placements	79	87	86	79	63
Indigenous children in out-of-home care placed in accordance with the Child Placement Principle at 30 June	71	67	69	67	N/A

Sources: Australian Institute of Health and Welfare 2001, 2002, 2003, 2004; Queensland Department of Families 2003b; Queensland Department of Child Safety 2004b; Steering Committee for the Review of Commonwealth/State Service Provision 2002, 2003, 2004.

'protective advice' response (information, advice and/or referral) and the remainder (in which there are concerns about significant harm) require initial assessment usually involving two child protection workers meeting with the child and family and gathering other information. There have been minor variations. In 2002/03 the policy of permitting some initial assessments to remain incomplete for workload reasons was discontinued (all notifications now require a response). Since 2004, protective advice matters are no longer counted as notifications.

In 2004, the Department purchased a series of assessment tools from the US Children's Research Center, including an actuarial risk assessment tool. These will change the nature of assessments when implemented, particularly with regard to the types of information gathered and how factors are weighed up in making judgements about harm and risk. However, there are no changes to screening thresholds or type of response foreshadowed in the Department's new practice manual. Concern about 'significant harm' will automatically trigger an investigation. The 2003 trials of differential responses to notification in 25 area offices (for example, permitting assessment by inviting the family to an in-office interview, and assisted referrals to family support agencies in some circumstances) have been discontinued.

Yet high rates of renotification, resubstantiation and unfinalised assessments (22% even in 2003/04) appear to indicate the front-end process is not operating efficiently or effectively as a triage mechanism. Failure to strike the right balance at this early stage of child protection work between assessing risk and providing support services has implications downstream as an implicit 'come back when you're worse' policy takes hold. The benefit to children of allocating more and more staff to assess the ever-increasing number of notifications is questionable when most children and families who are assessed never receive an ongoing service. Table 1 shows 57.5% of finalised initial assessments in 2003/04 were substantiated (n=17,473) with 2,567 children admitted to out-of-home care, which is the main ongoing service option. This intensifies the problem whereby resources are directed at managing immediate concerns and diverted from longer-term safety and well-being goals – an example of 'thin' rather than 'thick' application of resources (Little, Axford & Morpeth 2003). This is of particular concern in a risk-averse, post-Inquiry socio-political climate in which professionals and community members are more likely to make notifications, and the personal thresholds of child protection workers are lowered lest decisions afterwards are deemed inadequate. As Table 1 shows, Queensland

performance on several key indicators actually declined over the period of increased funding. The proportion of culturally appropriate placements was down to 67% in 2002/03, despite being around the 75% mark all through the 1990s. Performance on placement stability and safety indicators also declined. It remains to be seen whether performance against these indicators will improve with later resource injections, but to date there have been few explicit links between performance monitoring and performance improvement initiatives – a strategy employed with considerable success in Britain. For example, increased remuneration for carers is undoubtedly overdue, and may be part of the solution to improve placement choice and stability, but the research and evaluation literature on the dynamics of this issue shows that detailed attention to *which* children move frequently, and *why*, is the key to improving stability (Ward & Skuse 2001; Wulczyn, Kogan & Harden 2003).

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New funds have been allocated for services that were previously non-existent or minimal, including educational support, services for children with disabilities, and treatment programs for children with psychological and emotional problems. However, given the scale of the budget increases, allocations for such program developments are small. For example, in 2005/06, $1.5 million was allocated for family reunification, $0.16 million for sexual abuse counselling, and $22.6 million for cross-government therapeutic services. There were more funds for family support, but increases at the 'sharp end' of child protection means relative spending on family support has decreased overall. The *Future Directions* initiatives referred to earlier did not lead to any real or lasting changes, being a minor part of the overall picture. The family support sector is currently not well positioned as a vehicle for substantial change as it continues to be small in size and influence, with a narrow range of low intensity interventions likely to be of limited use for families with chronic problems (Tilbury 2005). If family support is to be an alternative pathway for families who need considerable help to ensure adequate care for children, but not necessarily court intervention, then it needs a major program overhaul and significant additional funding. It would be paradoxical if concern about abuse in out-of-home care actually led to a retreat from preventative family support.

Consistent with the CMC (2004) emphasis on process and structure, new forums for cross-government coordination and partnerships between government and non-government sectors have been established. There have been investments in monitoring and accountability through the marked increase in the number of Community Visitors, systemic monitoring powers of the Commission for Children and Young People, new computerised information systems, annual external performance reporting, a Child Deaths Review Committee, operational performance reviews, and complaints systems (Department of Child Safety 2005b). Again, without *specific* performance improvement plans, the role of these systems will be limited to retrospectively detecting mistakes and monitoring performance, rather than playing a pro-active part in improving quality and outcomes.

Expenditure in Queensland has mainly responded to recommendations from public inquiries. It is an example of change in public administration 'generated by unexpected events and crises rather than planned government initiatives' (Prasser 2004, p.100). It cannot be said about either the Forde Inquiry or the CMC Inquiry that their recommendations constituted a comprehensive direction for child protection based upon world's best evidence about the way forward. Evidence was interpreted within a legal framework, rather than as findings from research about services or interventions most likely to achieve the desired result. The Department has signalled a desire to address this, appointing a research advisory group and establishing a research and evidence-based practice agenda. It remains a challenge for the future to fashion the multitude of recommendations into a clearly articulated, strategic direction that is both supported by the evidence base and comprehensive across the child protection process, including family support. In other words, a holistic strategy that is not just about isolated parts of the process, such as risk assessment or case management or placement, but is integrated and acknowledges the interdependence of these processes; a strategy that speaks to all stakeholders in the system, giving a sense of cohesiveness to policy, program development and practice.

CONCLUSION

This article is an attempt to stocktake developments in child protection in Queensland over six years of rapid change. Of course it is easier to point out problems in child protection service delivery than it is to 'fix' them. Child protection is a complex and contested policy environment. There are no ready-made solutions, and the findings from research and practice must be adjusted to unique historical, social, political, demographic and geographic operating environments. But there are many indicators of the need for a balanced and comprehensive strategy to achieve real reform, which avoids the pitfalls of the 'pendulum swing'

between child rescue and family support. It remains to be seen where Queensland stands and what its unique version of a child-focused system will look like, especially from the perspective of children and families. As the new Department starts to put 'the meat on the bones' of the CMC recommendations with its vastly increased budget, we will find out how goals like 'the needs of children being the number one priority', 'adhering to best practice standards', 'supporting staff' and 'being open and accountable' (CMC 2004, p.136) are translated into practices that have a positive effect on the services received by children in need of protection, and their families. While changes in legislation, structures or resource allocation may be necessary, they are not sufficient to achieve better outcomes. In order to improve children's well being, what needs to change is what is done for children, whether by their families or by services (Little et al. 2003). A sustained and serious focus on the quality and effectiveness of the transactions between children, their families, and service providers is necessary. This means addressing the range of services available, how children and families are engaged and treated, how accessible services are, and whether services are operating in a way likely to produce the desired changes. ❖

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