



Performance Audit:  
Tackling Child Abuse  
May 2020



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Report by the Auditor General  
May 2020

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## List of Abbreviations

CMS	Case Management System
CPS	Child Protection Services
CSS	Child Safety Services
DPM	Director Responsible for the Protection of Minors
FSWS	Foundation for Social Welfare Services
MOU	Memorandum of Understanding
NAO	National Audit Office
NSSS	National School Support Services
NGO	Non-Governmental Organisation



# Executive Summary

## Why This Study?

The 2015 Performance Audit: Tackling Domestic Violence showed that children who witness this social problem are often also subjected to abuse themselves. As the 2015 study focused solely on abuse on adults, this report now addresses abuse on children. Apart from the obvious repercussions generated by the occurrence of child abuse, this Office also considers the ripple effect this has on the wider social sphere and the public purse through the generated demand for a plethora of associated investigative and support services.

## What NAO Recommends

NAO encourages CPS to continue its efforts in attracting additional professionals to its ranks, after it conducts an internal exercise to ensure that no inefficiencies prevail. In so doing, the cited main contributor of the prevailing waiting list would be addressed. This Office strongly recommends that all possibilities are weighed so that sufficient placements for children on care order are secured, even to the extent of considering a capital investment. CSS is encouraged to see to its data keeping system, particularly to address its current fragmentation and cumbersomeness. NAO finally urges CPS to spearhead the push towards the enactment of Chapter 602 so that its associated benefits, including the commencement of operations of the Children's House, are reaped at the earliest.

## NAO's Key Observations

This review centred on Child Protection Services (CPS) as the primary auditee (being a body within the Foundation for Social Welfare Services – FSWS - tasked with investigating cases of child abuse), and the Child Safety Services (CSS) as one of the former's primary sources of referrals (being a body within the Ministry for Education and Employment). During this study, NAO positively noted that a good working relationship prevails between these two entities, and that a clearly and comprehensively written agreement exists between the two. While the audit team observed that this agreement is expired, both parties are still adhering to it, with an upcoming agreement being intended to involve additional stakeholders.

This analysis yet showed that, while CSS is sufficiently manned, CPS has a long-standing understaffing issue, even if this has lessened as at time of writing of this report. With seven social worker positions remaining vacant, this was cited as the primary reason for the prevalence of a waiting list for CPS's services. Specifically, while this had decreased from the 170 pending cases as at June 2019, NAO noted that 138 cases were still posted to this list as at March 2020.

A gap was also noted in CSS's services, specifically during the summer holiday period. While this Office acknowledges that this period presents unavoidable access challenges due to the students' non-obligatory attendance to schools, it noted that CSS staff are engaged through contracts with conditions similar to those offered to teachers. This means that these personnel are not required to be physically present at school during the summer period and only do so on a voluntary basis.

Of central consideration, this study found that there are insufficient placements for children on care orders. FSWS primarily relies on third party accommodations to house its clients, which arrangements range from fostering (being the preferred option) to agreements with NGOs or Church owned homes. This placement supply is however consistently lower than the generated demand, which results in some children, who would require out of home accommodation, having to reside in an abusive or neglectful environment for longer than strictly necessary.

While NAO positively observed the satisfactory level of quality with which CPS retains its documentation, even if full digitisation is still in progress, it observed shortcomings in CSS's data-keeping. Specifically, the audit team saw that CSS officials keep individual and uncentralised data on their assigned cases in formats which differ from one another. On the other hand, cases that are referred to CPS are listed in a central CSS database which has been active since the service's inception in 1999. Throughout the years this database has experienced inconsistent inputting and has become cumbersome to manage.

As a final note, this Office looks forward to the enactment of Chapter 602 of the Laws of Malta which, even if CPS asserts may bring about some operational risks, will put the latter in a much stronger position to carry out its mandate. This law will also give legal basis to the commencement of operations of the Children's House which, while providing a more child friendly environment, is intended to bring all stakeholders together to perform a single intervention on a child abuse victim, thereby avoiding unnecessary re-traumatisation through multiple sessions.



# Chapter 1

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## Introduction

**This introductory chapter contextualises the audited area and gives a brief overview of the two entities under review. It further presents the study’s overall scope, objectives, adopted methodology and limitations. These are followed by a synopsis outlining the report’s structure.**

### **1.1. Why this study?**

**1.1.1.** In 2015, the National Audit Office (NAO) published a performance report entitled “Tackling Domestic Violence” through which it emerged that children residing in an environment in which domestic violence prevails, are often also subjected to abuse themselves. Considering the complexity of both domestic abuse on adults as well as abuse on children, the audit team at the time decided that the 2015 study should focus solely on the former, with child abuse being afforded a separate audit at a later stage.

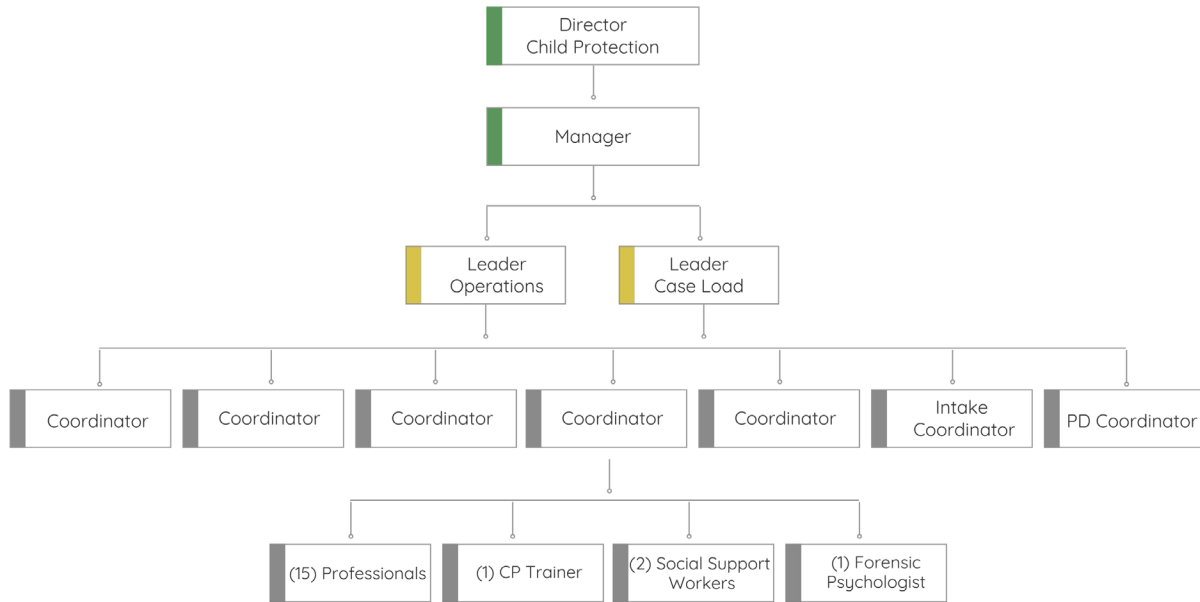
**1.1.2.** Apart from the obvious repercussions generated by the occurrence of child abuse, this Office also considers the ripple effect this has on the wider social sphere and the public purse through the generated demand for a plethora of associated investigative and support services. To this end NAO decided to carry out a performance review to assess how the Child Protection Services (CPS - being the primary stakeholders in tackling child abuse) and the Child Safety Services (CSS - being one of the former’s primary source of referrals) address this social concern.

### **1.2. Background Information**

#### **Child Protection Services**

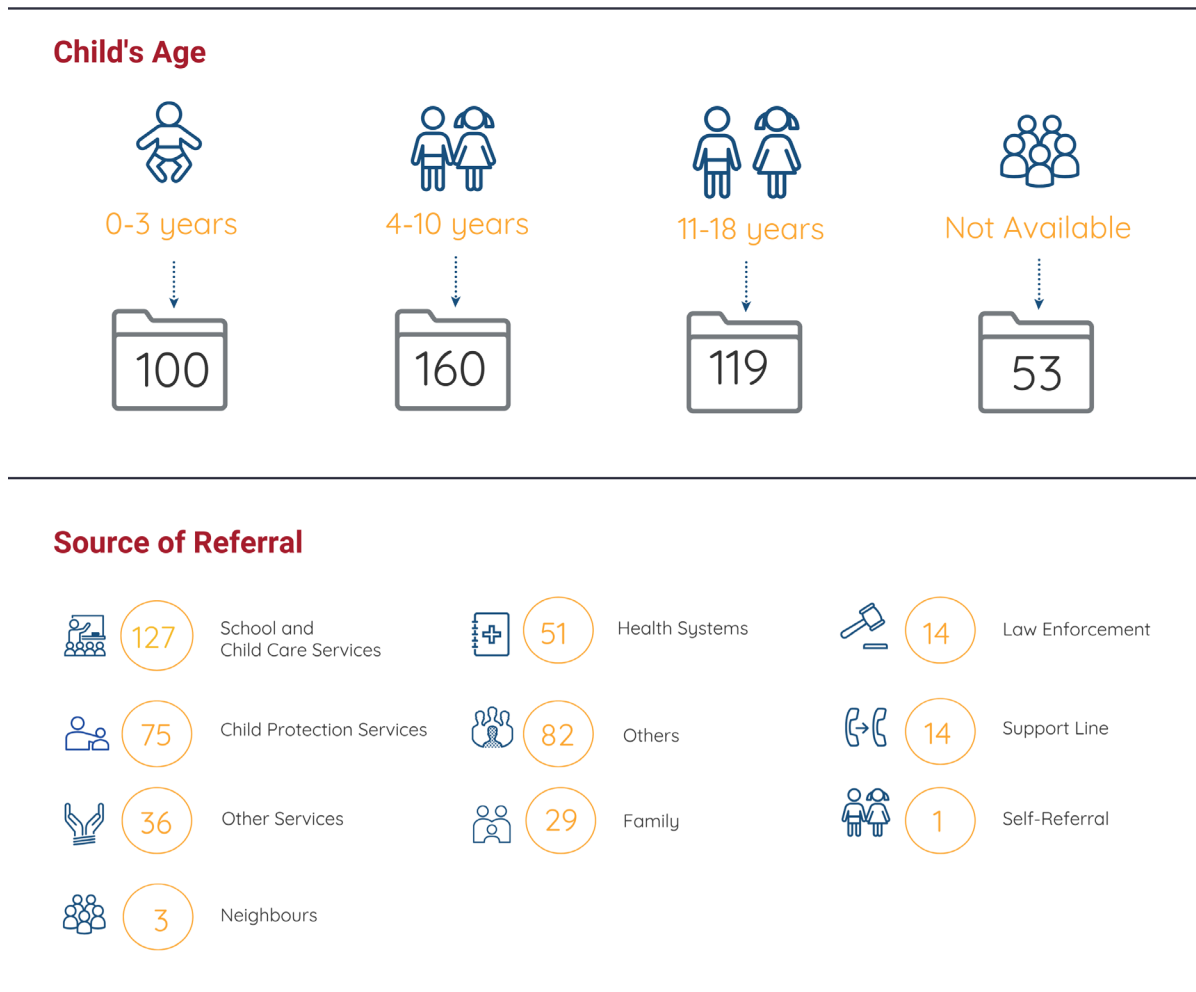
**1.2.1.** As at time of writing of this report, CPS was recognised as a standalone agency which falls under the Foundation for Social Welfare Services (FSWS), which in turn falls under the remit of the Ministry for the Family, Children’s Rights and Social Solidarity. Figure 1 below presents CPS’s organisation structure as at March 2020. This setup came to effect in January 2020, as previously CPS was part of Aġenzija Appoġġ. While this separation is discussed in more detail in section 2.1, NAO highlights that this audit was conducted over a span in which CPS was both part of Aġenzija Appoġġ as well as a standalone agency.

Figure 1: CPS's Organisation Structure

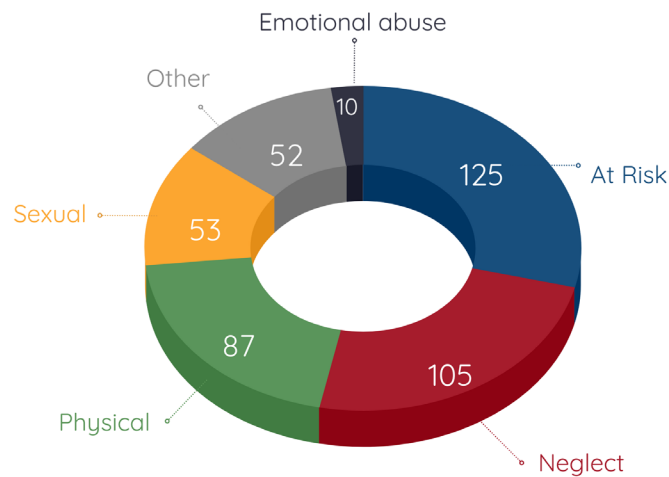


- 1.2.2. CPS deals with cases of suspected child abuse and/or severe neglect of the same, as well as cases in which a child is deemed to be at risk of significant harm. In order for CPS to deal with such cases, it investigates referrals received from various sources which among others include schools, the Police, medical doctors, Supportline 179, as well as the general public. Once such referrals are received, CPS launches a forensic investigation to ascertain whether the child/ren in question require any assistance and, in the worst cases, whether they require removal from their respective homes through a care order. It is important to emphasize that this forensic process is the primary aim of CPS, with any therapeutic or homing services which the involved children may require being delivered by other units/agencies within FSWS. Notwithstanding, CPS still offers long-term follow-ups to their clients if the situation so merits, and once a case reaches its investigative conclusion, this Agency liaises with other bodies so that their clients may receive the necessary support, such as therapy and accommodation.
- 1.2.3. CPS defines child abuse as any pattern of exercise or the commission of an act which brings harm or fear to any person under eighteen years of age. Neglect, or the lack of care or of an intervention which would have otherwise provided protection or support can also be classified as abuse. For the purpose of this study, this is the definition that NAO will adopt to define child abuse.
- 1.2.4. While official statistics on the magnitude of this problem on a local level were not available, the Directorate forwarded NAO with a list of cases which it was actively following as at March 2020. To provide some context, Figure 2 hereunder presents some information from the aggregation of these cases.

Figure 2: Information extracted from CPS's open cases as at March 2020



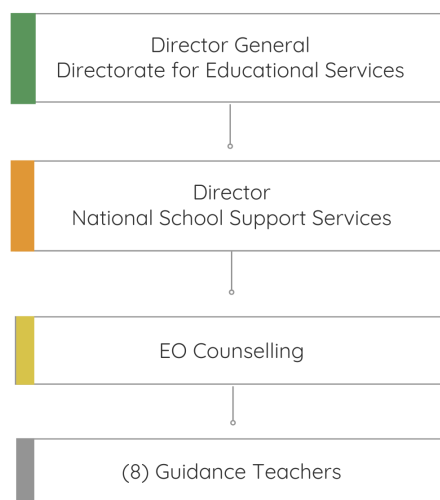
### Type of Abuse



## Child Safety Services

1.2.5. While this Office considers CPS as the primary auditee for this audit exercise, it also conducted an overview on the involvement of the CSS, counting it as one of CPS’s primary sources of referrals. CSS falls under the Education Psycho-Social Services, which in turn falls under the National School Support Services (NSSS). All of these are included in the Ministry for Education and Employment’s portfolio. Figure 3 below lays out CSS’s organisation structure as at February 2020.

Figure 3: CSS’s Organisation Structure



1.2.6. Unlike CPS, CSS does not engage in a forensic process, but rather offers services (including therapeutic ones) catering for the needs of children who are suspected of, or are actually experiencing abuse. This is done in an environment which is both safe and familiar to its clients (that is, the child’s school). Amongst others, CSS offers individual counselling to victims of abuse and contribute towards care plans as may be assigned to any of its clients. Pivotal for the audit’s scope however, CSS liaises with CPS on suspected cases of child abuse and offers the latter with significant visibility on children attending public schools who may be at risk.

### 1.3. Audit scope and objectives

1.3.1. This audit was principally directed towards CPS and its efforts to tackle child abuse. It is important however to highlight that the technical merits of cases as well as any related legal or therapeutic aspects remained firmly out of scope, with the audit team focusing on the performance of administrative aspects which support this central role. Along with this review, NAO also delved in related administrative considerations emanating from CSS operations and reported them accordingly.

- 1.3.2. NAO acknowledges that other public entities are involved in the address of this social problem. While some of these are mentioned in this report, these remain largely out of scope for the sake of this analysis.
- 1.3.3. Unless otherwise stated in this report, presented findings and observations are as at March 2020.
- 1.3.4. It is also worth noting that the audit team's review on this subject matter was slightly broader than what is reported in this report. NAO however considered certain aspects of its analysis as particularly sensitive and, for ethical reasons, opted not to include them in the published report. This being said, areas which have been left out of this published report were still discussed with auditee. It is also important to point out that these omitted areas are in line with the overall conclusion of this published report.
- 1.3.5. The objective of this audit was to assess the performance various administrative aspects within CPS and CSS which support their central function of tackling child abuse.

## **1.4. Methodology**

- 1.4.1. At the outset, the audit team conducted preliminary research by delving into local and foreign reports and publications to better understand this subject area. Media articles and annual reports of involved entities were also reviewed, together with relevant legislation and directives. At the initial stages of this exercise, the audit team also carried out a meeting with the Commissioner for Children to better contextualise the audit area.
- 1.4.2. After gathering insight on the main issues at hand and following preliminary meetings with the auditee, the audit team was able to determine the main audit question through an issue-analysis process. This laid out the path that the audit team pursued for the successful conclusion of this exercise.
- 1.4.3. Throughout its review, the audit team principally adopted qualitative analysis. A series of semi-structured interviews were held with management as well as front line workers of both CPS and CSS. NAO is pleased to report that all of these meetings were productive, with the audit team being well received at every occasion. Through these meetings, this Office generated lists of required documentation which, after receipt from auditees was analysed to address this audit's considerations.
- 1.4.4. The audit team also carried out a number of observation visits to get a better understanding of the issue at hand, as well as for verification purposes. These visits included: a walkaround in the Children's House (discussed in Chapter 3) to assess progress; witnessing proceedings of child abuse cases at the Courts of Law in Valletta; observing juvenile court proceedings in Sta. Venera; observing a number of supervised access visits (with clients' permission)

at Appoġġ offices; attending a case conference (with clients' permission) at Appoġġ offices leading to the issuance of a care order; and observing CPS personnel in managing internal documentation. The audit team appreciates the collaboration extended by the involved entities.

1.4.5. The findings of this study, together with this Office's observations and recommendations were presented to the audited entity for its feedback prior to the publication of this report.

1.4.6. The NAO conducted this performance audit in accordance with the Standard for Performance Auditing, ISSAI 3000.

## 1.5. Limitations

1.5.1. In conducting this review, some limitations did present themselves to the audit team. Amongst others was the fact that this audit was carried out in what can be referred to as a transition period for CPS, mainly brought about by the impending enactment of Chapter 602 of the Laws of Malta (discussed further in subsequent parts of this report). Apart from some uncertainty that this brought about, the audit team also had to manage the situation that, as already explained, CPS went from forming part of a broader agency to being itself established as a standalone agency in preparation for the introduction of this law. This meant that the audit team had to realign a part of its analysis to better fit the new setup.

1.5.2. Also worth noting, and as discussed further in Chapter 2, the audit team endeavoured to hold a meeting with personnel from the Ministry for Education and Employment who, amongst others, are assigned to hold sessions with children during the summer period. Notwithstanding multiple attempts to organise this meeting through the CSS, the audit team was informed that these personnel were at the time pursuing industrial action and could not meet with the audit team. This led to their involvement to be scoped out from this analysis.

## 1.6. Report Structure

1.6.1. **Chapter 1** – This introductory chapter contextualises the audited area and gives a brief overview of the two entities under review. It further presents the study's overall scope, objectives, adopted methodology and limitations. These are followed by a synopsis outlining the report's structure.

1.6.2. **Chapter 2** – This section lays out considerations emanating from a review on the manner by which CPS and CSS tackle child abuse. As highlighted in the audit's scope, this review did not delve into the technical merits of cases, but mainly analysed administrative factors which support these services.

**1.6.3. Chapter 3** – This section presents considerations highlighted by CPS with respect to the upcoming enactment of Chapter 602 of the laws of Malta. While NAO refrains from evaluating the merits of the proposed law per se, it here outlines feedback from CPS on its eventual introduction, and NAO’s comments thereon. This Chapter also gives a brief overview of the ‘Children’s House’ project that is yet to be launched.

**1.6.4. Concluding Remark**

# Chapter 2

## An Overview on CPS and CSS

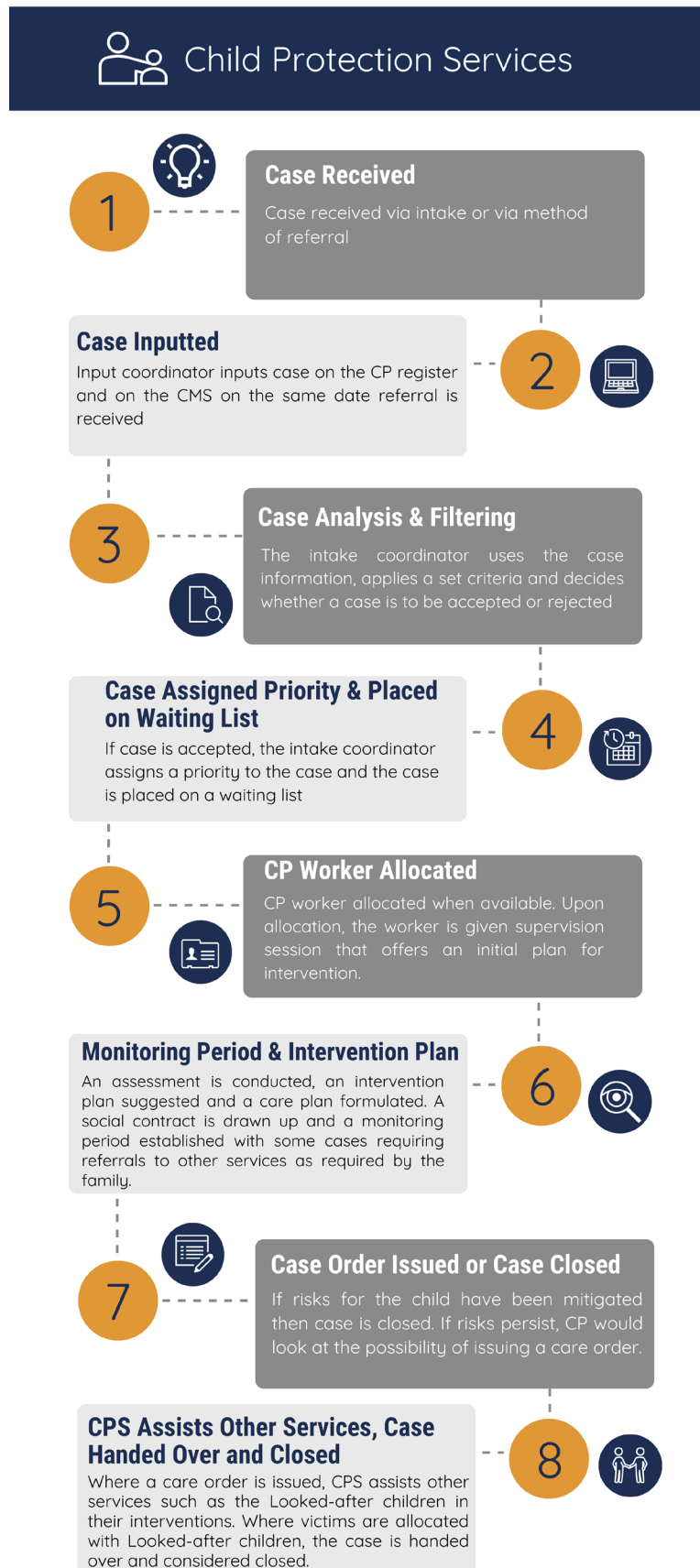
This section lays out considerations emanating from a review on the manner by which CPS and CSS tackle child abuse. As highlighted in the audit's scope, this review did not delve into the technical merits of cases, but mainly analysed administrative factors which support these services.

### 2.1. CPS has undergone recent major organisational changes – internal case path remains unchanged

- 2.1.1. Throughout the progression of this audit, NAO was informed that a major change in the legislation that regulates CPS's operations was underway. While this new proposed law will be discussed in further detail in Chapter 3, this section is intended to clarify CPS's organisational set up as at time of writing of this report.
- 2.1.2. Up till December 2019, CPS was a service nested under the Appogg Agency. This changed in January 2020 as, in preparation for the eventual introduction of Chapter 602 of the laws of Malta, CPS was established as a separate agency with Director CPS as its head. Even though this new agency now has its own allocated budget and a separate operational plan, it still falls squarely within the FSWS portfolio and still has to follow policies and general missions as set by the Foundation. Nonetheless, through the aforementioned expected change in legislation, NAO is informed that Director CPS will be entrusted with greater autonomy than currently conferred.
- 2.1.3. While acknowledging these significant organisational changes, this Office however observes that the CPS administrative processes by which a case is handled internally remain largely unchanged. While during meetings and correspondence Director CPS highlighted a number of expected operational changes that will need to be implemented through the enactment of the new law (such as different operational timeframes, assignment of responsibilities etc), the path that a case has to follow internally within CPS (that is, from receipt of referral, through allocation and interventions, up to its closure and handing over) remains similar to that adopted previously. Figure 4 lays out this path for context.



Figure 4: Case path within CPS



## NAO Observation

- 2.1.4. NAO commends the pro-active decision to embark on an early organisational re-structuring process to be in line with what Chapter 602 will eventually require. This would ensure that, when the new law comes into force, CPS would be better positioned to shoulder its new responsibilities with minimal time wastage.

## 2.2. An MOU between CPS and CSS stands, though expired

### MOU written clearly and comprehensively

- 2.2.1. As already mentioned in previous parts of this report, the Education Department is a primary stakeholder insofar as receipt of referrals by CPS is concerned. In view of this, the audit team was informed that CPS and CSS signed a memorandum of understanding (MOU) so that there would be set criteria with which to proceed in cases wherein present, suspected or potential child abuse and/or neglect towards children is observed. Inter alia, this MOU outlines definitions of different types of abuse as well as specifies the roles of each of the two entities in tackling suspected cases. This Office observed how these set remits are primarily dependent on the type and severity of the reported/suspected abuse.
- 2.2.2. Following a review of this agreement, NAO satisfactorily concludes that this document is written in a manner which is both clear and comprehensive, thereby adequately serving its purpose.

### MOU expired but still adopted – new MOU to involve additional stakeholders

- 2.2.3. In its review, the audit team observed that the forwarded agreement is not dated. While endeavouring to establish when this MOU was signed, NAO received two pieces of supporting documentation (one each from CSS and FSWS) which are somewhat in conflict. Specifically, CSS forwarded the audit team with an email trail which shows communication between Appogg and NSSS proposing two specific dates in June 2016 for the endorsement of this agreement. On the other hand, CEO FSWS furnished this Office with a copy of an electronic schedule which notes a meeting set for the purpose of signing an MOU with CSS on the 27th of July 2016. To this end, NAO assumes that this MOU was signed either in June or July 2016.
- 2.2.4. The audit team nonetheless observed that the forwarded MOU specifically states that it has an effective period of three years. This means that, irrespective of the slight discrepancy presented by the aforementioned two potential signing dates, this agreement was expired as at time of writing of this report. When queried about this, both CSS and CPS however informed NAO that, though expired, the understanding between them as laid out in the MOU is still being adopted in practice. Director CPS further explained that efforts are underway

to formalise another MOU, but on this occasion additional stakeholders (such as the Police Force and the Courts of Law) are invited to partake in the agreement. Director CPS however stated that the process of formalising this agreement is still ongoing and not without its difficulties.

### CPS Coordinators deployed in colleges to facilitate MOU implementation

2.2.5. During meetings with CPS, the audit team was informed that, in order to facilitate the implementation of the abovementioned MOU, the Unit is deploying six coordinators to hold monthly meetings with local colleges<sup>1</sup> and discuss any suspected case of child abuse. These meetings, which occurrence was confirmed both by the CPS and CSS, serve so that these two entities review these cases and determine which could be tackled at CSS level, and which would require CPS intervention. CPS director asserted that this system was a significant contributor to the alleviation of the unit's waiting list (discussed further in section 2.4) as it is reducing the incidence of cases which do not require CPS intervention being officially referred to the unit.

### NAO Observation

2.2.6. NAO positively notes the establishment of a clear and comprehensive MOU between CPS and CSS and that human resources have been dedicated to its implementation. While acknowledging that this agreement is still being adopted by the involved stakeholders, NAO though remains slightly concerned that this has formally expired. This Office envisages avoidable risks, even if remote, of misunderstandings occurring that could otherwise be avoided with an agreement which is formally *in vigore*. NAO further acknowledges the intention of additional stakeholders being invited to partake in this agreement, as this will further ensure a common and united approach by which child abuse is tackled.

### 2.3. CSS is sufficiently manned, but CPS has a long-standing understaffing issue

2.3.1. During meetings with CSS's management, NAO was informed that the former has sufficient human resources at its disposal. In fact, CSS management highlighted that this unit is almost at full capacity and that it did not feel the need to issue call for application within the last two years.

2.3.2. The initial stages of NAO's fieldwork however showed that Appoġġ was severely understaffed, with the latter's management quoting a shortage of sixteen social workers. It is however to be noted that, as at time of writing of this report, though a human resource shortage still prevailed within CPS, this had decreased to seven vacant positions from the unit's 42 strong complement.

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<sup>2</sup> For clarity's sake, the term college refers to the local college network, in which each college includes a set of public schools.

2.3.3. When queried about the reason for this long-standing shortage, the Agency asserted that this is mainly due to an overall shortage in the country's supply of social workers. NAO observes that the Agency has to compete with other entities (both public and private) for these professionals and from a yearly graduate pool which the Agency asserts is insufficient to satisfy the aggregate demand. Appoġġ however highlighted that in order to mitigate this phenomenon, it is endeavouring in bolstering its human resource complement in other areas (such as counsellors and social support workers) intended to support their social workers and therefore alleviate the workload.

## NAO Observation

2.3.4. NAO positively notes that CSS feels it has sufficient human resources to operate adequately and that the CPS's shortage has recently decreased. This Office however still remains somewhat concerned with the residual human resource shortage at CPS, primarily as this could be a direct contributor to the unit's prevailing waiting list (discussed in more detail in section 2.4).

## 2.4. A waiting list prevails for CPS's services

2.4.1. During its analysis NAO observed that a waiting list prevails for cases referred for CPS's services. Specifically, a case is determined as being on the waiting list if, after receipt of a referral, it could not immediately and formally be allocated to a social worker. As at time of writing of this report, this list stood at 138 referred children.

2.4.2. As already mentioned, Director CPS cited lack of sufficient human resources when asked to explain what factors contribute to the prevalence of such a list. In addition, this official also stated that it is not uncommon that individuals who suspect the occurrence of child abuse, tend to prefer to err on the side of caution and report a suspected case even if it would not strictly warrant CPS intervention. CPS director asserted that each and every referred case has to be investigated, even if at a preliminary level to determine whether it merits the department's attention or otherwise. NAO notes that this practice, apart from artificially inflating CPS's waiting list in the cases in which referrals would not require CPS intervention, creates additional workload on CPS's workforce and compounds the adverse effects of an already stretched HR complement.

2.4.3. This Office notes that the above-mentioned total number of cases on CPS's waiting list as at time of writing of this report is less than the 170 cases as registered in June 2019. As already stated in section 2.2.5 above, Director CPS asserted that this is mainly due to the work carried out by the coordinators who liaise with colleges to discuss and filter suspected cases of abuse. CEO FSWS also highlighted that the 170 cases posted on this list in June 2019 was already a reduced number from several hundreds that prevailed previously. Specifically, NAO was informed that in August 2018, a newly appointed managerial team developed a project to address three primary issues. These included the reduction of the waiting list

together with the address of vacancy issues and the enhancement of service through new forensic techniques.

- 2.4.4. Director CPS nonetheless additionally highlighted that, despite the implementation of this system and the recent bolstering of CPS human resources, the reduction of the waiting list is expected to reach a plateau. Specifically, NAO was informed that every social worker is assigned with a set number of direct contact hours with clients (which on average amount to 15 hours per week), with the remaining weekly hours being dedicated towards administrative work, transportation and mandatory supervision. Director CPS asserted that, in view of this, if CPS is bolstered with the seven remaining social workers to reach its currently designed full complement and the set number of client contact hours are allocated to these new officers, the total number of contact hours at CPS's disposal could still be insufficient to fully eliminate the prevailing waiting list.
- 2.4.5. As part of its assessment and in view of concerns on human resource shortage, NAO carried out an analysis to determine whether CPS's social workers are being deployed at full capacity or otherwise, particularly insofar as the direct contact hours with clients are concerned. While this Office was not in a position to determine whether the allocated number of contact hours were all actually being conducted by CPS's social workers or otherwise, through its calculations the audit team however saw that, as an aggregate complement, CPS social workers can be considered as fully allocated. This conclusion stems from the fact that, when one sets-off the total available direct contact hours with what each social worker is actually assigned, only a negligible 2.45% of under-allocation is registered.
- 2.4.6. Seeing that the CPS complement is being fully allocated and that, according to the unit's organisational structure, only a small number of vacant positions prevail, NAO was informed that options are being considered for the full CPS organisational complement to be increased, principally so that the prevailing waiting list could be better addressed.

## NAO Observation

- 2.4.7. While NAO acknowledges that the CPS waiting list has somewhat decreased since June 2019, it remains concerned about the significant number of cases still posted to it as at time of writing. Considering the social impact that cases of child abuse naturally carry with them, having a waiting list means that these sensitive situations are allowed to prevail for a longer period of time than strictly necessary.

## 2.5. A CSS service gap during the summer scholastic holiday period is noted

- 2.5.1. During meetings with CSS, NAO was informed that a service gap prevails to its clients. Specifically, it was highlighted that this unit can hold sessions with children easily only during the scholastic period, but not during the summer scholastic holidays. This consideration stems from two main reasons. The first of these relates to the fact that school attendance

during the summer holiday period (such as summer school) is not obligatory and children attend only on a voluntary basis. This however means that, even if a child is being followed during the scholastic year and an appointment is set up for a session during the summer period, it remains up to the child's parents or guardians to take them to the session. This consideration, the audit team however observes, becomes especially delicate if it is the parents/guardians themselves who are the suspected source of abuse.

- 2.5.2. Secondly, this Office was also informed that CSS guidance teachers are engaged with the NSSS through a contract of employment which features terms and conditions as those conventionally offered to teachers. This therefore means that, according to this contract, these employees are not required to call in at work during most of the summer holidays period, and only do so on a voluntary basis. CSS management however further highlighted that each college has a psycho-social team which, amongst others, includes officials who are assigned to follow-up on CSS cases during the summer period. While attempting to arrange a meeting with these officials through the CSS, NAO was however informed that these were undertaking industrial action and could not hold a meeting with the audit team at the time. NAO attempted to set this meeting multiple times, but the union directive remained in force throughout this audit's fieldwork.

## NAO Observation

- 2.5.3. NAO acknowledges the somewhat unavoidable difficulties of accessibility posed by the fact that students are not required to attend school during the summer holidays. It however remains concerned that significant HR related issues prevail when it comes to the address of such cases during the summer period, making the possibility of a continued service even more improbable.

## 2.6. Insufficient available placements to home children on care orders

- 2.6.1. Throughout this review, it became manifestly clear that the lack of sufficient homing facilities for children on care orders (referred to as looked-after children) is a primary concern for both the CSS and CPS. During meetings with the latter, NAO was informed that Agenzija Tfal (another Agency within FSWS which, amongst others, is entrusted with finding out-of-home placements for children under a care order and with which CPS naturally liaises in such instances), does not own residences to accommodate its clients. Instead, the Agency primarily relies on the supply of such accommodation from third parties, particularly through fostering, non-Governmental organisations (NGO) and the Church.
- 2.6.2. While this Office was informed that these arrangements with third parties are preferable as they avoid duplications in systems and structures, the number of children requiring out of home accommodation is greater than the placements available. This puts CPS in a very difficult situation, particularly in the event that it would be reasonably certain that a child is being subjected to abuse, but the entity would not be in a position to pursue a care order as

it would not have anywhere to house its client. During its fieldwork, the audit team in fact witnessed this limitation affecting CPS's operations. Specifically, the audit team observed CPS proceedings in a case in which the latter believed that the children in question, while not in a situation which could be considered as an emergency, should be removed from their home for their wellbeing. Given that no placements were readily available at that time, Director CPS had no option but to postpone the children's removal from home by a month so that a solution could be found.

- 2.6.3. As a side note, NAO here takes the opportunity to commend CPS for the very professional manner by which this observed intervention was carried out. While the audit team only witnessed one such intervention, review of minutes of a number of other similar episodes indicated that the same systematic approach was adopted by this entity.
- 2.6.4. Apart from the overall general lack of the above mentioned available residential placements, CPS highlighted other issues which complicate this issue. Namely, the audit team was informed that, while fostering is considered as the first preferred option for placements, babies or very young children are usually favoured over older children through this homing system, resulting in even less options to place the latter. In addition, CPS also highlighted the unfortunate reality of 'placement breakdowns'. These would be looked-after children who would be homed in a private or Church owned accommodation but who would exhibit exceedingly challenging behaviour. As a result, these children (who would generally fall in the older age brackets) would be dismissed from these accommodations and returned to the Agency for the latter to find alternate arrangements. When queried on how pronounced this problem is, the Agency replied that, while still prevailing, this had decreased in recent years. Specifically, NAO was informed that relationships with these institutions have recently improved and better dialogue now prevails. In addition, it was also highlighted that in cases of children with challenging behaviour, the Foundation is also offering the services of support workers to these third-party institutions in the attempt of avoiding a placement breakdown.
- 2.6.5. As already stated however, some cases still do fall through the system which would result in them not having anywhere to stay. Having no permanent residential units, the Foundation rents eight apartments, and supplies them with human resources and materials as required, to accommodate such placement breakdowns.

### NAO Observation

- 2.6.6. NAO shares CSS's and CPS's expressed concerns about the insufficient number of available placements to house children who would have to be removed from their home through a care order. Such a situation exposes unnecessary risks to the victims by having to reside in an abusive and/or inadequate environment for a longer period than strictly necessary. This Office also acknowledges the difficulties posed by the occurrence of placement breakdowns, and commends the Foundation's efforts to mitigate this phenomenon through the rental of premises and the provision of resources for their operation.



## 2.7. NAO satisfactorily notes the quality of CPS's documentation - full digitisation is still in progress

- 2.7.1. As part of this study, NAO assessed the manner by which CPS retains its documentation. To this end, the audit team selected an indicative sample of case files and carried out a review to determine completeness and clarity of the documentation within. Upon completion of this exercise the audit team deemed that CPS's documentation-keeping is of a satisfactory level, and therefore NAO did not feel the need to expand its review any further.
- 2.7.2. This Office however observed that CPS was still in the process of fully digitising its records onto an electronic Case Management System (CMS). This meant that a good part of their files were still only kept in hard copy format. This being said, NAO was informed that any new cases are being digitally inputted from the start through this CMS, while the unit is endeavouring to digitally transpose as many of the already opened cases as possible unto this same system. The audit team can confirm that this digitisation process was indeed initiated, as it observed CPS staff operating this CMS, and that a number of the reviewed files were in fact processed through this digital tool.

### NAO Observation

- 2.7.3. This Office commends CPS's apparent efforts to maintain its documentation in a complete and clear manner. This practice greatly minimises risks of any loss or inaccurate/incomplete information during the processing of each case. NAO also positively notes CPS's push towards digitising its information, even if this process is not as yet complete.

## 2.8. CSS's data-keeping is fragmented and cumbersome

- 2.8.1. During its analysis, the audit team observed that CSS retains its data through two distinct datasets. The first of these is a centralised database at CSS offices in which cases of child abuse that were referred to CPS are recorded. During meetings with CSS's guidance teachers, NAO was however informed that this database cannot be remotely accessed and/or edited, which means that these officials, though deployed at the various local colleges, have to physically call in at CSS offices to update this information tool. In addition, CSS officials also asserted that this database has been active since the inception of the service in 1999. As a consequence, it has grown to a proportion that has become difficult to manage and, throughout the years, has experienced inconsistencies in its inputting. CSS officials have asserted that, in view of this, they are seeking to adopt a more professional database to record this information, but meetings with the Ministry's information management unit in this regard are still to take place.
- 2.8.2. Secondly, NAO observed that CSS guidance teachers retain their own individual data on the cases they are assigned to follow (that is, those cases which, according to the aforementioned MOU, are not officially referred to CPS). During a meeting with these officials, this Office was however informed that each guidance teacher has his/her own personal database in



this respect saved only on their individual laptop computers. This means that no copies of these individualised databases can be found centrally at CSS offices. Furthermore, a review by the audit team of these databases revealed that these are not kept in a standardised format, with each guidance teacher adopting his/her own approach to this record keeping tool.

## NAO Observation

2.8.3. NAO considers CSS data-keeping system as somewhat inefficient and exposed to easily avoidable risks. Specifically, this Office notes that these considerations could lead to unnecessary loss of direct contact time with clients (particularly due to the lack of remote connectivity in the case of the central database), security risks (mainly in the case of the individualised databases) and inconsistent inputting throughout. It is NAO's opinion that these considerations, especially when aggregated, could negatively impact the level of service being supplied to CSS's vulnerable clients.

## 2.9. Recommendations

2.9.1. While NAO once again commends both CPS and CSS on their continued adherence with the MOU even if this is expired, it recommends that the drafting and endorsement of a new MOU is expedited so as to further consolidate this already successful working relationship between these two entities, while also securing the involvement of other stakeholders.

2.9.2. Though NAO acknowledges that CPS has been active in mitigating its human resource shortage, it still encourages the Agency to endeavour in eliminating this shortage entirely, particularly in view of the possible contribution it makes to the unit's waiting list. This Office however first suggests that CPS should ensure that no avoidable inefficiencies prevail in its operations and that any opportunities for increased efficiency are taken, therefore ascertaining that the quoted number of vacant positions are actually required. If, following such an exercise, these vacancies are confirmed, NAO encourages CPS to continue its efforts in attracting additional professionals to its ranks.

2.9.3. Should the full implementation of the immediately preceding recommendation still not be sufficient to address the prevailing waiting list, this Office recommends that CPS should consider expanding the organisation so that additional social workers and/or supporting grades could be recruited. This Office however emphasises that additional positions should be created sustainably to address demand in the long term and not merely to eliminate the waiting list at any one point in time. This would ensure that engaged resources would not eventually be rendered underutilised, or worst, redundant.

- 2.9.4. While NAO once again recognises the somewhat unavoidable difficulties CSS faces during the summer holidays to obtain accessibility to their clients, it still recommends that this entity ensures that it has the necessary human resources deployed to cover this period. Notwithstanding, given the aforementioned challenges in accessibility, CSS is to take care that deployed resources are done so sustainably and that they are not underutilised. This Office however acknowledges that in order for CSS to implement this recommendation, significant HR related challenges would have to be overcome.
- 2.9.5. NAO considers of primary importance that there should be sufficient availability of adequate accommodation for children who, for their wellbeing, require a care order. While this Office acknowledges that the sourcing of this resource is a significant challenge, it urges the Foundation to persist in its efforts to acquire more of these placements. Particularly, this Office encourages that this entity leads and expands communication with fostering entities with the aim of achieving more from this placement opportunity. Seeing however that this, though the most favoured option, remains highly up to considerations outside the Foundation's control, NAO urges the latter to weigh all other possibilities to address this issue. These could range from liaising with the Housing Authority to secure any adequate premises which are already available, to considering a capital investment to acquire premises which could be used to accommodate these clients.
- 2.9.6. While NAO once again positively notes CPS's efforts in retaining clear and complete documentation, it encourages the Agency to expedite the full digitisation of these records for an even more efficient and effective system.
- 2.9.7. NAO strongly urges CSS to revamp its data-keeping system, particularly in terms of connectivity and consistency. This would mitigate prevailing risks of data-loss and inconsistent inputting, while relinquishing guidance teachers from having to physically call at CSS offices to update the central database, thereby possibly increasing the available contact hours with clients.

# Chapter 3

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## Upcoming Changes

This section presents considerations highlighted by CPS with respect to the upcoming enactment of Chapter 602 of the laws of Malta. While NAO refrains from evaluating the merits of the proposed law per se, it here outlines feedback from CPS on its eventual introduction, and NAO comments thereon. This Chapter also gives a brief overview of the ‘Children’s House’ project that is yet to be launched.

### **3.1. The upcoming enactment of Chapter 602 of the laws of Malta is received by CPS with mixed reactions**

New law calls for a Director Responsible for the Protection of Minors – recognises a separate legal entity and assigns roles and responsibilities.

3.1.1. As already mentioned in previous parts of this report, while till December 2019 CPS was a department under the broader Appogg Agency, it has been set up as a separate entity in January 2020 in preparation to the enactment of Chapter 602.

3.1.2. During meetings with NAO, Director CPS highlighted that, as at time of writing of this report, there was no law which specifically and comprehensively governed CPS’s operations. A review of Chapter 602 on the other hand reveals that this proposed law will formally recognise a Director Responsible for the Protection of Minors (DPM) and provides for the engagement of other officers to assist the DPM. This proposed law also lays out the DPM’s functions, which inter alia will include to:

- a. act in the best interests of the minor at risk, even if such minor is not a citizen of Malta;
- b. ascertain the views and wishes of the minor at risk;
- c. collaborate with all those involved in the protection of the minor at risk;
- d. investigate whether any action taken in relation to the minor at risk is appropriate;
- e. provide guidance to the parents and family of the minor at risk; and
- f. from time to time issue guidelines as to what may be deemed as significant harm or a risk of significant harm.

3.1.3. NAO enquired what were the views of Director CPS to this proposed change, with the latter asserting that, though there were initial apprehensions on the separation of CPS from a broader agency, the January 2020 re-structuring has proved successful and therefore, no major challenges are envisaged in this regard upon the enactment of the new law.

## The upcoming proposed changes in legislation will set a time limit to DPM's investigations

- 3.1.4. During meetings with CPS, the audit team was informed that when Chapter 602 is enacted, it is going to impose tighter deadlines and timeframes for the Agency to conclude a case. Specifically, NAO observed that this draft law specifies that an investigation needs to be completed within sixty days, with the DPM being able to extend this period with an additional thirty days. NAO notes that, at present, there is no law which regulates CPS in this respect.
- 3.1.5. When queried how this could impact CPS's operations, Director CPS asserted that honouring this proposed timeframe does not come without its difficulties. Particularly, Director CPS highlighted that a CPS investigation also depends on the involvement of external stakeholders (for example the police force) who have their own resourcing issues, methodologies and procedures. NAO was informed that these factors, amongst others, could prove a challenge in the efforts to conclude an investigation in the cited period.

## CPS perceives elevated risks to their clients during the execution of a care order with the proposed changes in legislation

- 3.1.6. Director CPS explained that Chapter 602 will transfer the onus of issuing care orders from the Minister to the judicial system. This, NAO was informed, was done so that, in such instances, the element of due process to all involved is further reinforced. Director CPS asserted that, in many ways, this is positive, because it introduces further checks on the work of CPS's professionals other than those already in place within the Agency itself.
- 3.1.7. Given that this function will be transferred to the judiciary, new legal principles and mechanisms will however have to be observed, which will effect the manner through which CPS operates. Specifically, Director CPS asserted that, with the system in place as at time of writing of this report, an interim care order can be sought from the incumbent Minister when a child is deemed to reside in an environment which is not deemed adequately safe. CPS channel this request through CEO FSWS, who in turn communicates directly with the Minister for this order to be issued. Once the interim care order is secured, CPS is able to formulate a safety plan for the removal of the child from home. This plan generally involves a set of social workers going to collect the child from school without giving prior notice to the parents/guardians, particularly in cases in which the latter are the alleged perpetrators. At the same time another group of social workers would call at the respective police station to summon and inform the parents of the situation. Director CPS asserted that such a system generally allows for these sensitive operations to unfold smoothly and without unnecessary complications or risks. NAO is additionally informed that, after the completion of this process, CPS would then have 21 days in which further investigations can be conducted so that the interim order could be replaced with an effective care order.

- 3.1.8. Director CPS highlighted that, with the introduction of the new law, children will only be removed from home through a care order after the presiding Magistrate would have heard the arguments of both CPS's social workers as well as those of the alleged perpetrators. This means that CPS will have to present its case, and by implication its intention, while the child/ren in question would still be residing at home. This becomes particularly sensitive when it is the parents or guardians themselves who are the suspected source of abuse. Director CPS asserted that, with such a system, there is elevated risk that suspected perpetrators could take impulsive decisions, to the child/ren's detriment, till this process runs its course.
- 3.1.9. NAO however observes that the above-mentioned concerns should principally apply to cases of suspected abuse which, while considered as sufficiently severe to merit the removal of a child from home, they would not be considered as an emergency. This observation stems from the fact that, for the more urgent cases, Chapter 602 provides for the possibility of the issuance of an emergency order, which can be affected by the DPM and without this official requiring any authorisation. This draft law proceeds to specifically state that such a measure is only to be availed-of if the DPM has reasonable information which leads him to be convinced that the minor is suffering significant harm. This Office notes that Chapter 602 proceeds to state that, following the execution of such an order, this Official would be bound to file an application to the duty Magistrate, who would then proceed to validate or rescind the order in question.

### Chapter 602 will bestow greater legal power on DPM than currently afforded to CPS

- 3.1.10. This Office positively notes that Chapter 602 will bestow upon DPM certain powers and rights which, up till time of writing of this report, were not acknowledged by law in favour of CPS. Amongst others, this proposed legislation will formally recognise DPM's right to request and be entitled to receive information as reasonably required for ongoing investigations, while it will also enhance DPM's accessibility to alleged victims at investigation stage.
- 3.1.11. During meetings with the audit team, Director CPS also positively highlighted that the new law will also allow for the possibility for children involved in certain cases of child abuse to be freed up for adoption. Specifically, the audit team was informed that there are cases in which the parents/guardians would be the source of abuse and that these would not be exhibiting any potential to change and, therefore, the possibility of children being once again entrusted in their care would be, at best, remote. With the current system, however, the parents/guardians, even if being the source of abuse, still need to endorse the decision for their children to become eligible for adoption, and is not uncommon for this to become a stumbling block. In view of this, Chapter 602 provides the option for a Court of Law, upon an application by the Agency or any other person having an interest, to free up a child in such a situation for adoption, even without the consent of his/her parents.

## NAO Observation

3.1.12. This Office notes CPS's mixed reactions to the upcoming changes which will come into force once Chapter 602 is enacted, and acknowledges both the perceived associated opportunities and risks as highlighted by Director CPS.

### 3.2. Significant progress in the Children's House project - launch is stalled

3.3.1. Chapter 602 also recognises the concept of a Children's House. During meetings with the audit team, Director CPS explained that these premises are to serve as the location in which all services involved in the address of a child abuse case (which among others include CPS, the police, the health system etc) will converge to perform one joint intervention that gathers all the information needed for the forensic process. Director CPS asserted that having one combined intervention prevents avoidable secondary traumatisation that is implicit in the process of having a child go through the narration of a highly distressing incident multiple times to meet the investigative, caring and therapeutic requirements stemming from the involvement of different stakeholders. The Children's House will also make it possible for this intervention to be carried out in premises which offer an adequately child-friendly environment.

3.3.2. In addition, and of pivotal importance, the Children's House is also intended to offer more adequate premises in which cases of child abuse may be heard by the judiciary, rather than victims being required to give testimony in Court at Valletta (which could be a negatively overwhelming experience to minors). Through this system, children would be called in at the Children's House and, while being accompanied by a social worker throughout, access the premises through a secondary door (to avoid any possible contact with the alleged perpetrator) and proceed to a specially designed room. Video conferencing equipment would then be used to connect to another room in which the member of the judiciary, alleged perpetrator, lawyers and other involved stakeholders would participate in the proceedings. Security measures are in place so that accessibility between these two rooms is physically restrictive.

3.3.3. In order to verify the progress on this project, the audit team conducted a site visit to the Children's House. During this visit, NAO positively observed the very advanced stage that this project is in. The audit team saw that the premises finishings are complete and that various equipment (such as medical, video conferencing related, small comforts for children, etc) is also in place. To this end, NAO finds CPS's assertion that the Children's House can be operational with minimal remaining work as credible.

- 3.3.4. During meetings with CPS, NAO was though informed that challenges are being encountered for these premises to commence operations. Director CPS pointed out that, in theory, this facility could commence operations even before the enactment of Chapter 602, as technically there is nothing preventing the use of such a concept in tackling cases of child abuse. The audit team was however informed that CPS is still liaising with the other involved stakeholders to find solutions on certain logistical and technical complications that are presenting themselves. The audit team yet notes that Chapter 602, upon its enactment, will legally require cases of child abuse to be heard in the designated Children's House.

### NAO Observation

- 3.3.5. NAO considers the Children's House system as a most significant improvement over the current system, perceiving it as a much more client-centric approach in an area of utmost sensitivity. To this end, this Office commends the efforts and investment made so far that led to the physical materialisation of this concept. NAO is however concerned about the logistical and technical setbacks being encountered, which are delaying the commencement of operations of this project.

### 3.3. Recommendations

- 3.3.6. NAO considers CPS as the primary stakeholder insofar as tackling child abuse is concerned, and that it is best positioned to form informed opinions on the matter. To this end, it recommends that this entity renews its efforts and, through the appropriate channels, exert the necessary pressure so that what it deems as adverse changes which will be brought about through the enactment of Chapter 602, are avoided or mitigated.
- 3.3.7. While sufficient time should be allowed for the immediately preceding recommendation to be implemented, this has to be balanced with the need to expedite the enactment of Chapter 602. This so that the significant benefits which this new law provides for, not least of which being the legal basis to the Children's House, are reaped at the earliest. Notwithstanding, NAO strongly suggests that CPS ramps up its efforts in leading the necessary negotiations with other involved stakeholders so that any encountered challenges are ironed out before this new law comes into force. This would ensure a smooth transition of operations under a new legal framework to the obvious benefit of CPS's clients.

# Concluding Remark

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NAO appreciates the very sensitive environment in which CPS operates. The nature of abuse being tackled can be emotionally draining and significantly challenging for involved front liners. While this Office got an overall good impression of CPS's operations through this study, it however notes that the abovementioned challenges are considerably compounded with certain shortcomings outlined in this report, not least of which being CPS's staff shortage (which results in a prevalent waiting list) and the chronic limitation of insufficient placement options for minors who would require out of home accommodation. NAO is strongly of the opinion that, particularly in case of the latter, this should not be a reality as it potentially puts abused and/or neglected minors at risk for a longer period than strictly necessary.

Nonetheless, this Office positively notes the efforts being undertaken towards the betterment of the provided service. Of note, NAO commends the proactive decision of setting up CPS as a standalone agency in preparation for the enactment of Chapter 602 of the laws of Malta, the good working relationship between CPS and CSS to the obvious benefit to their clients, and the advanced stage of preparedness insofar as the Children's House is concerned, even if it is as yet not operational.

While this Office once again acknowledges certain apprehensions which CPS may have on the upcoming enactment of Chapter 602, it fully agrees with the Agency that this new law is more client-centric than the current system and a decisive milestone in the fight against child abuse. To this end, NAO considers its enactment as of primary importance and of significant urgency. Recognising that certain logistical and technical challenges need to be resolved first to obtain total preparedness for this enactment, NAO strongly recommends that every effort should be made in this respect so that this process is not delayed unnecessarily.



## 2019 - 2020 (to date) Reports issued by NAO

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April 2019 Annual Report & Financial Statements 2018 - Works and Activities

### NAO Audit Reports

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