



Children in Care
Collective

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Updating membership of the Children in Care Collective

Stretch-A-Family, a non-profit agency that offered foster and residential care to vulnerable children and young people in the inner west and greater Sydney areas, was one of the initial members of the Children in Care Collective. The agency has ceased to operate out-of-home care services and accordingly its membership of the Collective. The Collective acknowledges the work and good will of staff and clients of Stretch-A-Family as they transition.

The Collective views academic and specialist practitioner input as essential to achieving its goals and is delighted that the Australian Centre for Child Protection (ACCP), University of South Australia, has formalised its membership of the Collective. Associate Professor Tim Moore has long informally participated in the work of the Collective and we are pleased that he will continue as the representative of the ACCP.

Working with Aboriginal and Torres Strait Islander children and families

One of the policy priorities of the Collective is to identify strategies to increase the number of Aboriginal children placed with Aboriginal community-controlled organisations. We focused on this priority this year through discussions with guest speakers at the Collective's bi-monthly meetings.

To our February meeting, we invited representatives from the Aboriginal Strategy, Coordination and Evaluation unit in the Department of Communities and Justice (DCJ), the unit leading the implementation of those recommendations from the *Family is Culture* report that have been accepted by NSW Government.

The report was the outcome of an independent review into Aboriginal out-of-home care in New South Wales, chaired by Professor Megan Davis, and was published in October 2019. Professor Davis's covering letter to the then Minister for Families and Communities noted her hope that '... this Final Report will assist you in addressing the issues that are unique to Aboriginal and Torres Strait Islander children and young people in out-of-home care and their families, including reducing entries into care, increasing exits from into care and proper implementation of the Aboriginal Child Placement Principle'. The report can be accessed on the '*Family is Culture*' website at <https://www.familyisculture.nsw.gov.au/>

The A/Manager, Aboriginal Outcomes, gave a presentation about the systems-level work that is happening in DCJ to make the child protection system in New South Wales more responsive to the needs of Aboriginal children, families and communities. This work includes improvements to policy and practice in relation to:



- the process for decisions on self-determination including Aboriginal family and community representatives
- the early identification of a child as Aboriginal, to ensure proper decisions about out-of-home care placements
- ensuring that an Aboriginal person is always included in decisions about de-identifying a child as Aboriginal
- the need for better understanding of inter-generational trauma
- compliance with the Aboriginal Child Placement Principles.

The Aboriginal Case Management Policy, developed with AbSec, is being implemented gradually and the Caseworker Development Program is being redesigned to include a more detailed focus on working with Aboriginal families.

The presentation generated many questions by Collective members, and these questions have been referred back to the Director of the Unit for more detailed answers.

Richard Weston, the newly appointed Deputy Children's Guardian for Aboriginal Children and

Young People in New South Wales, came to our April meeting so we were able to continue the discussion about how the Collective can most usefully contribute to the work that is being done with Aboriginal children, families and communities.

Richard spoke about the *Family is Culture* report, noting that no additional funding has been allocated for the implementation of recommendations. The Office of the Children's Guardian (OCG) is keen to maintain an ongoing role in this work and is reviewing its own work with Aboriginal Community Controlled Organisations (ACCOs) with a focus on capacity building.

Richard spoke about the Aboriginal Child Placement Principles as providing good architecture for better work with Aboriginal families and communities. He noted that the placement principle is used but that much could change if the other four principles (prevention, partnership, participation and connection) were applied consistently and well.

The Collective affirmed to both presenters its commitment and willingness to work towards lessening the over-representation of Aboriginal children and young people in out-of-home care and improving outcomes for those children in care.

Working towards improving outcomes for young people leaving care

The Children in Care Collective is a signatory to the Home Stretch campaign to extend the age of leaving care to 21. The proposed reform comprises three key strategies:

1. Young people in care, in consultation with their foster parents, given an option to voluntarily remain in their care until age 21,
2. A personal case worker/mentor to help link them with education, training and job opportunities and to support their health and well-being.
3. Safe, secure and supported independent living for young people leaving care, especially those exiting residential care, who cannot or choose not to take the voluntary extension of foster care supports.

The Collective wrote to Minister Ward in March, stating its position that

... it is time for the NSW Government to amend its policy on leaving care to save taxpayer's money but more importantly so that

we, as a community, can be confident that these young people who have already experienced too much hardship and trauma are supported to securely and gradually transition into independence.

The response on behalf of the Minister, while agreeing that young people leaving care are 'one of the most vulnerable groups in society', defended the adequacy of existing resources and supports, noting that individually assessed and tailored supports ensure everyone receives the help and support they need to thrive.

In order to add contemporary evidence to our submission for increased resources and support for young people leaving care, the Collective undertook a small qualitative review of existing or recent plans for care-leavers. The aim was to establish a clear picture of what is available and where the gaps are. A report on the outcomes of this review is being completed and will be uploaded to the webpage when it is finalised.

Administrative and legal burdens impacting on out-of-home care agency performance

The Collective has been involved in work to improve a number of issues that impact on out-of-home care agencies, particularly: excessive administrative burdens imposed by DCJ; difficulties in finding sufficient and affordable insurance cover; and the implications of some recent SafeWork reports.

1. Representatives of the Collective met with the Secretary, Department of Communities and Justice and other senior departmental officers, to discuss how to jointly remove duplication so as to permit both the Department and NGOs to bring greater focus to the needs of children and spend money on the child rather than on administrative tasks that are not child-focussed. It is readily acknowledged that administrative tasks, like data collection and accurate record-keeping, are essential to the safety and wellbeing of children and that our desire is to work collaboratively with the Department to improve current processes and systems. Issues covered included:

- Information required separately by both Commissioning & Planning and the CFDU instead of to a central portal
- The need to complete DCJ panel reports/high needs complex care review meetings each month, even though all relevant information can be found in the Case Plan uploaded on ChildStory
- The lack of data available from ChildStory to assist service providers to monitor performance and compliance with KPIs, e.g., placement and case plans. There is limited visibility of movements and case plan review/updates which can be used by way of comparison with internal records to identify where ChildStory updates are



required.

- The need for close involvement of non-government agencies (NGOs) in any changes being made to ChildStory to ensure the needs of NGOs are being met.

It was a positive meeting with the Secretary being very receptive to recommendations from the Collective about how to jointly approach specific problems.

2. The insurance difficulties faced by out-of-home care agencies are of extreme concern. Some agencies are currently unable to obtain insurance cover or their premiums have significantly increased or cover a small range of risks, such as no longer covering historical sexual abuse claims. The issue has been subject to action in Victoria and South Australia and, within New South Wales has been taken up with DCJ by ACWA, with the Collective's support.

Before departing from the role of acting Minister for Families, Communities and Disabil-

ity Services, Attorney-General Mark Speakman wrote to ACWA indicating his concern about the potential impact of this issue on the viability of the out-of-home care sector in New South Wales. He indicated that DCJ is currently considering how it can best support the whole child and family sector in this area.

3. There is concern at how to best achieve the desired outcomes of both work safety and the therapeutic needs of children in residential care settings. The Department of Health and Human Services in Victoria has set up a taskforce with WorkSafe, to consider this issue and they are seeking NGO participation in their deliberations. ACWA is approaching the Minister in New South Wales to suggest a similar approach and the Collective has volunteered its participation if this goes ahead.
4. The Children in Care Collective joined with ACWA to meet with the President of the Children's Court to talk about outstanding issues between the Court and NGOs – especially in the light of the President's comments

at a recent law conference about the conduct of NGOs, who are not parties to Children's Court proceedings, but play a significant role in carrying out orders that might be made.

In response to advice about the difficulties faced by NGOs from not being parties to the court proceedings, such as not necessarily receiving copies of all relevant documents filed in court, and DCJ's need for approval from the Court to share some of these documents, the Judge indicated that he would consider whether a practice note was needed, which clarified when documents could without further court approval be released to NGOs. Commensurate with this change, there might also be a greater expectation on an NGO to assist carrying out the planning that was undertaken as part of the Court process.

ACWA will work with DCJ to produce a ready reckoner and a checklist of those interactions between an NGO and DCJ and the Court as to the role of the NGO in care proceedings to assist in these deliberations. The Collective will assist ACWA in this work.

Submissions to inquiries and reports

Advocate for Children and Young People in New South Wales

In response to an invitation from DCJ, the Collective made a submission to the review of the ongoing suitability of the objectives of the *Advocate for Children and Young People Act 2014* and what might need to be changed to ensure the NSW Advocate can operate effectively.

Its submission affirmed the Collective's support of the role and work of the Advocate in New South Wales in giving voice to the views and

concerns of children and young people. The Collective's only concern is the very limited information published on the response of government and non-government agencies to the insights and recommendations of the Advocate: no information is reported that validates the purpose of consulting with children and young people.

Raising the age of criminal responsibility

As in all Australian jurisdictions, the minimum age of criminal responsibility is 10 years, meaning that a child as young as 10 can be arrested, searched, charged with a criminal offence, remanded in custody and sentenced to detention. In 2019, the UN Committee on the Rights of the Child recommended countries raise the minimum age to what is described as an internationally acceptable minimum of at least 14 years.

The Tasmanian Commissioner for Children and Young People sought views on what raising the minimum age might mean for Tasmania, in order to provide advice to the Tasmanian Government.

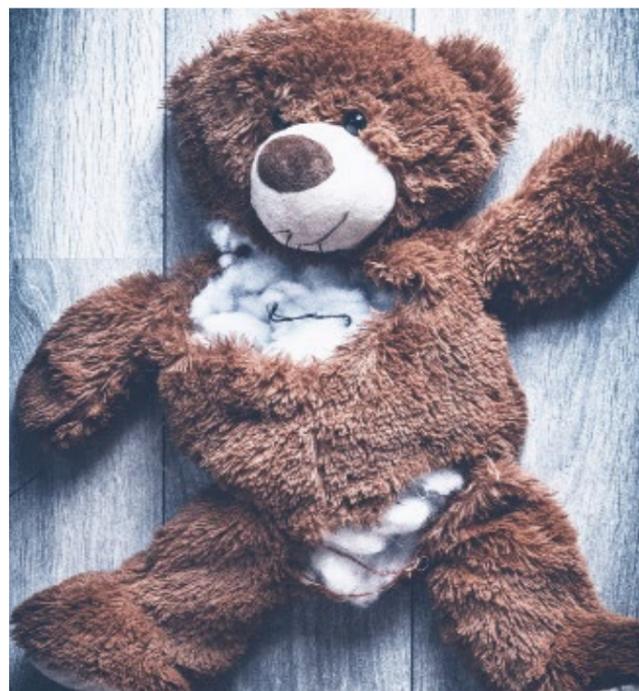
The Collective welcomed the opportunity to

contribute to this discussion, not least because its work focuses on children with complex needs in out-of-home care and all too often these children and young people are over-represented in the juvenile justice systems of all states and territories in Australia. In summary, the Collective submitted that there is overwhelming evidence to indicate that the best way to treat offending by children is through a properly resourced public health style response that addresses underlying need and disadvantage – and that the availability of additional funding for the development of this response could be one consequence of raising the minimum age and avoiding the cost of children under the age of 14 years becoming enmeshed in the criminal justice system.

National Strategy to Prevent Child Sexual Abuse

The National Office for Child Safety provided an opportunity to provide feedback on the *National Strategy to Prevent Child Sexual Abuse Final Development Consultation Paper, April 2021*. The Collective's submission noted its full endorsement of the vision, objective and proposed values for the National Strategy as set out in the Consultation Paper. They are all clearly in line with the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse and are reflective of a practical and evidence-based approach to the issues.

The Collective noted that Value Four refers to embedding cultural safety into practice with Aboriginal and Torres Strait Islander people, which is clearly essential, but that the values do not specify the importance of cultural safety for all people of cultural and linguistic diverse populations. The Collective proposed that a clear state-



ment to this effect could be incorporated into Value Three which refers to the importance of children's voices and experience.

The submission also confirmed the Collective's support for the identified priority themes. Because of its focus on children with complex needs in out-of-home care, many of whom have been victims of sexual and other forms of abuse and some of whom exhibit harmful sexual behaviours, the Collective is particularly aware of the difficulties in the current structure of support services for victims/survivors and for children exhibiting harmful sexual behaviours. The Collective emphasised the importance of increasing services and improving coordinated multiagency

work, including specialist services, and ensuring their collaboration with out-of-home care service providers as well as families. There is of course also a pressing need for improving access to therapeutic and support services outside metropolitan regions.

The Collective's full submissions can be accessed on its website on the Advocacy page at <http://childrenincarecollective.com.au/joint-positions/>

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- CareSouth
- Key Assets
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- Australian Centre for Child Protection (ACCP) - University of South Australia