

INQUIRY INTO CHILD PROTECTION

Organisation: Anglicare Sydney

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Submission to the NSW Legislative Council Inquiry into Child Protection

Prepared by:

Anglicare Sydney

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1. INTRODUCTION

- a) Anglicare Diocese of Sydney ('Anglicare Sydney') is the community care arm of the Anglican Diocese of Sydney. Anglicare Sydney operates a wide range of community services and programs across the Sydney Metropolitan and Illawarra regions of NSW; it embodies the Christian commitment to care for all people in need, as comes from Jesus' command to love your neighbour as yourself.¹
- b) Our range of services includes: counselling and family support services; community education for families; youth services; foster care and adoption services; mental health recovery services (PHaMs); disability respite; emergency relief for people in crisis; migrant and refugee services; aged care both through nursing homes and community services; opportunity shops providing low-cost clothing; emergency management services in times of disaster; and chaplains in hospitals, prisons, mental health facilities and juvenile justice institutions.
- c) Anglicare Sydney's child, youth and family support services include two Family Relationship Centres (FRC's) in Nowra and Parramatta; a foster care service; an adoption service for children including those with special needs; adolescent residential care; youth support services. We have been providing foster care and group home care since the 1980's.
- d) **Purpose of this submission:** The following submission responds to the invitation to make submissions to the NSW Legislative Council's Inquiry into Child Protection. The submission outlines our general observations followed by our response to each of the Terms of Reference for the Inquiry. The submission draws upon Anglicare Sydney's lengthy experience as a provider of child, youth and family services, including out-of-home care (OOHC) and adoptions.

2. GENERAL OBSERVATIONS

- e) **Proper funding and access to resources are key:** A central focus of the Legislative Council's Inquiry is on whether the constituent parts of the Child Protection system in NSW have sufficient funding and resourcing. Anglicare Sydney welcomes such an Inquiry; it is not only important to have the right standards, processes and practices in place but also the funding, resources and commitment to ensure that these are rigorously and consistently applied.
- f) In NSW, there are already high standards expected of agencies providing OOHC in the areas of recruitment, training and supervision of caseworkers and the assessment and training of carers. Implementation of safeguards along the entire chain of service is necessary to maximise the safety of children: agency accreditation and procedures, recruitment of carers and staff, education, training, supervision, monitoring, regular home visiting and checks. This requires not only high-quality standards, processes and practices to be in place but also the sufficient funding of both regulatory bodies and agencies, and access to necessary resources.

¹ The Gospel of Matthew, chapter 22 verse 39

- g) It needs to be recognised that it may be more difficult for agencies in rural and remote areas to provide a full spectrum of service, since they have less access to complementary, specialised providers than agencies in metropolitan areas. A lack of support roles within smaller agencies may also make it more difficult to fully deliver on all service aspects.
- h) **Design of the Child Protection system in NSW:** A recent discussion paper released by the Royal Commission into Institutional Responses to Child Sexual Abuse² outlines the key elements of a regulatory and oversight system which should be adopted by jurisdictions across Australia. The architecture of the current system in NSW already embodies the key elements of this recommended system, including:
- Accreditation of OOHC agencies (Office of the Children’s Guardian)
 - Monitoring the response of agencies to suspected cases of abuse (NSW Ombudsman)
 - National Police Criminal Record Checks
 - Working with Children checks (Office of the Children’s Guardian)
 - KiDS database which details any notifications (NSW Dept of Family and Community Services)
 - Carers’ Register (Office of the Children’s Guardian).
- i) Proper funding and resourcing of the different parts of the system are crucial to the effective working of the whole system. Departments and agencies must be adequately funded by Government to deliver the level of oversight, management and practice required to play an effective role in what is already a well-designed system from a national viewpoint.
- j) **The impact of other systems on child protection issues:** Anglicare Sydney’s view is that the effectiveness of the Child Protection system will be enhanced or hindered by the effectiveness of other social services. Optimising child protection requires not only the proper resourcing of the Child Protection system but also the proper resourcing of other systems which also address underlying social factors that lead to child neglect and abuse. The Australian Institute of Family Studies has observed that:

“The factors most commonly associated with the occurrence of child abuse and neglect, and identified in families involved with child protection services, are domestic violence, parental substance abuse and parental mental health problems (Cleaver, Nicholson, Tarr, & Cleaver, 2007; Cleaver, Unell, & Aldgate, 1999; Scott, 2009). The significance of parental substance misuse, mental health problems and domestic violence is made clear in the National Framework for Protecting Australia’s Children, which states ‘A particular focus is sustained on key risk factors of mental

² Royal Commission into Institutional Responses to Child Sexual Abuse (2016) *Consultation Paper: Institutional Responses to Child Sexual Abuse in Out-of-Home Care*.

*health, domestic violence and drug and alcohol abuse' (Council of Australian Governments, 2009, p. 21)."*³

k) Addressing the factors that fuel child abuse and neglect will require a coordinated, concerted approach by Federal and State Governments, involving departments and agencies apart from those in the Child Protection system. Yet there are longstanding concerns regarding the adequacy of Federal funding of mental health services. Data recently released by Mental Illness Fellowship Australia suggests that Australia spends far less on mental health as a proportion of overall health budget, compared with other OECD countries.⁴ There has been controversy recently regarding the continuation of funding for *Headspace* mental services, requiring intervention by the Prime Minister, Hon. Malcolm Turnbull, to confirm the Government's ongoing commitment to funding this service.⁵ Major reform is also on the way for mental health services under the National Disability Insurance Scheme. Under-funding of or disruption to the mental health system would reasonably be expected to have flow-on effects on the Child Protection system, in view of the link between parental mental health and child abuse and neglect.

l) **The impact of the broader social environment:** The Australian Institute of Family Studies has observed that:

*"Families in which parents present with these problems [mental health, substance abuse and domestic violence] are often situated within a wider context of exclusion and disadvantage (e.g., housing instability, poverty, low education, social isolation and neighbourhood disadvantage). Parents may also be struggling to come to terms with their own experiences of trauma and victimisation. These types of problems are complex, often inter-related, and chronic in nature and rarely occur in isolation."*⁶

m) Anglicare Sydney has undertaken its own research into these issues, drawing attention to disadvantage risk factors through its *State of Sydney* reports⁷ and to the plight of low income earners in Sydney's private rental market.⁸ People who access Anglicare's Emergency Relief centres are more likely to be unemployed, single parents, Aboriginal or a recent migrant. It is clear that people on low incomes, especially those reliant upon Government benefits, are unable to find affordable and appropriate rental accommodation in Sydney without entering into rental stress. High proportions of income spent on rent means there are insufficient funds remaining for food, education costs, paying for utilities and having

³ Australian Institute of Family Studies (2010) *Issues for the safety and wellbeing of children in families with multiple and complex problems: the co-occurrence of domestic violence, parental substance misuse, and mental health problems*, NCPC Issues No. 33, December 2010.

⁴ "Australia lagging on funding for mental health services, says Mental Illness Fellowship" ABC News, 10th May 2015, sighted at <http://www.abc.net.au/2015-05-10/australia-lagging-on-spend-on-mental-health/>

⁵ "Malcolm Turnbull steps in over Headspace funding furor", *PM with Mark Colvin*, ABC Radio National, 21 June 2016, and Headspace Media Statement from CEO Chris Tanti, 27th June 2016, sighted at <http://headspace.org.au/news/medis-statement>

⁶ Australian Institute of Family Studies, *op cit*.

⁷ For example: King, S, Kemp, B, Bellamy, J & Paleologos, Z (2014) *Locked Out: Deep & Persistent Disadvantage in Sydney*, 2014 State of Sydney report, Anglicare, Parramatta.

⁸ Kemp, B, Paleologos, Z, King, S, & Bellamy, J (2016) *Rental Affordability Snapshot 2016: Greater Sydney & the Illawarra*, Anglicare, Parramatta.

savings to cope with emergency expenditures. Anglicare's research has found the incidence of food insecurity to be very high among people accessing emergency relief. Our view is that part of the solution for reducing the engagement of families with the Child Protection system lies in addressing disadvantage in the broader social environment, which creates or exacerbates factors that lead to child abuse and neglect.

3. RESPONSE TO THE TERMS OF REFERENCE

3.1 The capacity and effectiveness of systems, procedures and practices to notify, investigate and assess reports of children and young people at risk of harm

- n) Anglicare Sydney is generally satisfied with the procedures to notify of risk of harm to children and young people. We consider that e-reporting has advanced mandatory reporting. The decision-making tree (for mandatory reporting) has also been a useful resource.
- o) The ability of agencies to make 16A requests has been essential in determining risks posed to children; information received from the Police and other agencies is necessary in assessing the level of risk that a birth parent may pose and informs decisions regarding resuming contact with a child and how visits should occur.
- p) **More resources needed for restoration:** For some children and young people there is the realistic prospect of being restored to their birth family. This prospect should be closely investigated during the Interim Order phase, with evidence being collected to test the suitability of restoration. However there is usually only one FACS worker who works on both the child's needs and risk of harm, and with the birth parents. Anglicare Sydney's view is that more resources need to be invested in casework to provide the maximum prospect of a successful restoration during this phase. Our view is that restoration must be given the maximum chance of succeeding, to reduce the risk of the child returning into the Child Protection system, after a further period of instability or inadequate care and at a later developmental age.
- q) Restoration is important work that needs to be undertaken during the Interim Order phase for a child. Anglicare Sydney's view is that restoration should not be actively considered after Final Orders Parental Responsibility Allocated to the Minister to 18, or where orders are made with a view to adoption or guardianship, since this can lead to instability for the child and disruption of a permanent foster care or guardianship care placement. A reconsideration of restoration after then can lead to associated emotional and psychological upheaval to the developing attachment relationships with the primary care givers.
- r) Further resources are also needed for parenting programs, groups and supervised casework support, as part of improving the prospects of successful restoration. However under current levels of funding there are risks that supports will not be in place for the length of time actually needed to achieve a good outcome. Another risk is that there will be insufficient places across the agencies which provide such restoration programs. For instance Anglicare Sydney's Lisgar service is funded to provide 12 places per annum for

restoration support and another 12 places for family preservation. The service seeks to stay involved with parents until a good outcome is achieved – which could be 12 months or longer. Such a service can only really be strengthened through the provision of further funding to employ more staff.

- s) The provision of psychosocial education programs is needed if restoration is to be a more viable option and successful for children in the long term. For instance, *My Kids and Me* is a seven-week course for parents whose children have been placed in care either permanently or where restoration is part of the case plan. It was developed by CatholicCare Sydney and CatholicCare Wollongong and has been evaluated by the Centre for Child Protection, University of South Australia.
- t) Restoration services and supports are not just for children who are subject to Court orders. Young people in their adolescent years may choose to return to their birth parents. It should be noted that restoration services should still be involved in non-Court-ordered restoration due to the choice of the child. In such instances the role of the restoration service is to make the child as safe as possible and the model of support is the same.

3.2 The adequacy and reliability of the safety, risk and risk assessment tools used at Community Service Centres

- u) Anglicare Sydney believes that the practice and risk assessment tools being used at Community Service Centres (CSC) need to be improved. In our experience, there have been instances where a ROSH determined a child's situation to be unsafe; then the child was subsequently assessed through the CSC as being safe for restoration. These conflicting assessments can result in children being left in unsatisfactory family situations for much longer than necessary. It is not clear to Anglicare Sydney how decisions are made by CSC staff that a restoration is suitable or viable when developing a Care Plan. A restoration assessment tool to determine parenting capacity and risks to a child would be a useful practice development.
- v) Anglicare Sydney is also concerned about how such restorations are being monitored by the Department and whether birth parents are being adequately supported and supervised. As discussed earlier, it is very important that such restorations be given every chance to succeed, otherwise children can suffer even more damage as they are again removed from their birth family.

3.3 The amount and allocation of funding and resources to the Department of Family and Community Services for the employment of casework specialists, caseworkers and other frontline personnel and all other associated costs for the provision of services for children at risk of harm, and children in out of home care

- w) Anglicare Sydney is generally not in a position to comment on the adequacy of funding and resources for the Department.
- x) However we do have concerns about inconsistency in decision-making by FACS workers, which may be a reflection of a lack of funding and resources available for training and supervision. Decisions in relation to cases can vary depending upon the perspectives of

individual workers regarding adoption. It appears to us that there is a divide between child protection workers and regional adoption caseworkers around the practice of adoption; individual RAC workers impose their own standards on the process (in decision-making, practice expectations, determining requirements for adoptions to proceed). Decisions do not always appear to us to be guided by relevant adoption legislation or policies. There also appears to be insufficient FACS policies and guidelines for adoptions from foster care, which can impede the progress of such adoptions.

3.4 The amount and allocation of funding and resources to non-government organisations for the employment of casework specialists, caseworkers and other frontline personnel and all other associated costs for the provision of services for children at risk of harm, and children in out of home care

- y) **The supply of foster carers:** There is a shortage of carers needed to meet the demand for foster care placements. FACS classify children being referred to agencies according to the Child Assessment Tool. A child can be classified as GFC (General Foster Care), Care Plus 2 or Intensive Foster Care. The agency then tries to match carers with children. However it is often difficult to find suitable placements for the higher classifications. In addition, children over 5 years of age, Aboriginal children and special needs children will be harder to place.
- z) Anglicare Sydney believes that more funding should be provided by Government to agencies for the purpose of increasing the pool of carers available to each agency. This increase to the pool of potential carers would also increase the capacity of agencies to provide crisis care for immediate placements, outside the service budget, and for intensive foster care.
- aa) **Crisis care:** At present there is little excess capacity in the system for agencies to provide crisis care. Alternatively children and young people may be placed in motels or with FACS carers where possible; unfortunately it is likely that some remain in unsafe family situations. Anglicare's carers are often called upon to provide crisis care in this way. There needs to be more incentive provided for agencies to increase this capacity. Once more potential carers for short term and long term care have been assessed and brought on board, then agencies can provide an effective crisis response with a planned next placement. The demand for crisis placements is an immediate need at point of entry into the care system, but the 'next placement' options are also very limited when the child requires a short term placement, especially if the child has additional developmental or behavioural needs, or is part of a sibling group, is aged over 5 years or is Aboriginal.
- bb) Once a final Court order has been made for Parental Responsibility to the Minister to 18, long term foster care is needed. However the Court won't grant final orders until placement is certain. Children in such circumstances often have more immediate needs, more behavioural issues and more educational deficits. It is very difficult for agencies to recruit carers in such a situation. In order to properly support such carers, agencies need to be able to provide 24 hour wraparound for intensive foster carers. There is a need for funding for clinical specialists to assist such children in addition to casework support.
- cc) **Foster care to adoption process:** More secure funding is needed for the casework required for the foster care to adoption process. At present the costs associated with providing such

casework is prohibitive for smaller agencies. The issue is that agencies must pay for both the usual level of ongoing casework and for the parallel adoption casework. In addition there is a need for agency caseworkers to be skilled up and become part of an expert team in order to carry on adoption casework.

- dd) At present, the Government provides funding for assessment/approval and then once orders are made. However Anglicare Sydney's experience is that there are often delays and short-term changes to the rules regarding payment to agencies. In contrast to this current situation, there needs to be more funding to recognise the additional and specialised work involved in adoption casework, as well as an improvement in the reliability of payment. At present, the system provides significant disincentives to agencies from taking on the additional casework involved in adoption.
- ee) **After-Care Services:** Whilst the Carer Allowance ends once the young person turns 18 years of age, it is clear that ending support at this age does not reflect the broader experience of families in our society. Young people in foster care, just like other young people, require care and support upwards of 25 years of age. Previously after-care services provided such support but were not well funded and now no longer appear as part of the tender process for care services. It appears that agencies are now expected to do such work within their existing funding.
- ff) Rather than being a service needed once a young person leaves care, after-care needs to be started well before they leave care. Young people need assistance in finding somewhere to live and in setting up a house before they can leave home. Often it is caseworkers who provide informal but limited after-care for the young person who has left care. Yet it has been known for some time that such young people are at greater risk of homelessness.⁹
- gg) Anglicare Sydney's view is that the transition out of foster care into independent living needs to receive much greater attention and funding by Government, through some combination of the funding of after-care services, extension of the payment of the Carer Allowance and a recalibration of the completion of care beyond 18 years of age, in keeping with broader societal expectations.
- hh) **Education supports:** Anglicare Sydney believes that there is a need for the provision of supports within the education system to promote better educational outcomes for children and young people in the OOHC system. At present some transitional funding is provided to assist children and young people moving into a new school (eg in the first 6 weeks). However our view is that some of these children also need ongoing behavioural and classroom supports. There is evidence of children and young people in OOHC not being engaged in full-

⁹ Cashmore, J. and Paxman, M. (1996) *Wards Leaving Care: A Longitudinal Study*, NSW Department of Community Services, Sydney. Maunders D, Liddell, M, Liddell, M and Green, S (1997) *Young People Leaving Care and Protection: A Report to the National Youth Affairs Research Scheme*.

time education and of young children being unable to manage the classroom or playground environment without additional help.¹⁰

3.5 The support, training, safety, monitoring and auditing of carers including foster carers and relative/kin carers

- ii) As mentioned previously, there is a shortage of carers at present needed to meet the demand for placements. Fostering NSW supports recruitment of carers but there still appears to be a significant gap in the different types of carers available. Anglicare Sydney believes that, as a matter of urgency, funding is needed to promote and better support the carer role and to attract people willing to offer themselves as foster carers.
- jj) **Carers' Register:** The Carers' Register has been in place in NSW since 2014. Our experience has been that the Carers' Register has provided improved monitoring and carer accountability. Expectations of carers are also clearer due to explicit screening requirements and code of conduct. Coupled with information sharing protocols between agencies, the Carers' Register is a powerful tool because agencies are no longer dependent upon self-reporting by prospective carers. Flags by an agency on the Carers' Register for substantiated reportable conduct or removal of carer authorisation, enables other agencies to make enquiries with the reporting agency as part of assessment of potential applicants.
- kk) It should be noted, however, that systems such as the Carers' Register will only be effective where agencies are prepared to devote additional administration resources to ensure that such a Register is kept up-to-date and comprehensive.

3.6 The structure of oversight and interaction in place between the Office of the Children's Guardian, Department of Family and Community Services, and non-government organisations regarding the provision of services for children and young people at risk of harm or in out of home care

- ll) In NSW there are independent oversight bodies (Office of the Children's Guardian and NSW Ombudsman) and a range of important checking mechanisms including National Police Criminal Record Check, Working with Children Check, KiDS database, Carers' Register and legislation governing the sharing of information between relevant agencies. The strengths of this combination of oversight bodies and checking mechanisms are that they are centralised, are sufficiently resourced, are complementary, provide a picture of the history of prospective carers and allow inter-agency cooperation through the sharing of information. This last aspect is important for the swift removal of children in abuse situations.
- mm) Anglicare Sydney's view is that the independence of the Office of the Children's Guardian and NSW Ombudsman from the Department and all service providers is central to the effectiveness of this system, since both government and non-government agencies are open to scrutiny by these independent bodies.

¹⁰ "Education crucial for children and young people in care", ACWA News, June 2016.

3.7 Specific initiatives and outcomes for at risk Aboriginal and Torres Strait Islander children and young people

nn) Anglicare Sydney notes that the numbers and rates of involvement of Aboriginal and Torres Strait Islanders in the Child Protection system are still alarmingly high. Consequently it is difficult to fulfil Aboriginal placement principles when there are so few suitable carers available. As noted earlier it is likely that effectively addressing the wider socio-economic issues which affect Aboriginal people will be necessary to change levels of engagement with the Child Protection system.

3.8 The amount and allocation of funding and resources to universal supports and to intensive, targeted prevention and early intervention programs to prevent and reduce risk of harm to children and young people

oo) As mentioned earlier in this submission, our view is that social exclusion and disadvantage help to create or exacerbate social factors that have been found to be drivers of child abuse and neglect. Therefore, it is important that there be a substantial investment of resources in early intervention or preventative programs, designed to keep people out of the Child Protection system, such as through improvements to parenting skills and household management. In this respect the *Brighter Futures* program provided such early intervention in NSW. Until recently Anglicare Sydney funded a program (Carramar) that provided accommodation and/or intensive parenting assistance to young single mothers in danger of homelessness, again with a view to keeping them out of the Child Protection system wherever possible. While such programs must be well targeted and often require intense working with families in order to be effective, Anglicare Sydney's view is that the cost of such programs must be more clearly weighed against the long-term costs, both socially and financially, of children and young people entering the Child Protection system. In this respect there is a body of evidence of the cost effectiveness of such early intervention programs.¹¹¹²

3.9 Any other related matter

pp) We have no further matters to raise.

4. CONCLUSION

qq) Anglicare Sydney appreciates the opportunity of participating in the consultation process and trusts that this submission will be of assistance to this Inquiry.

Grant Millard

CEO Anglicare Sydney

PO Box 427 PARRAMATTA 2124

T: 02 9895 8000

¹¹ Moore, T.G. and McDonald, M. (2013). *Acting Early, Changing Lives: How prevention and early action saves money and improves wellbeing*. Prepared for The Benevolent Society. Parkville, Victoria: Centre for Community Child Health at The Murdoch Childrens Research Institute and The Royal Children's Hospital.

¹² Social Policy Research Centre (SPRC) (2010). *The Evaluation of Brighter Futures, NSW Community Services' Early Intervention Program: Final Report*, Report 13/10, September 2010.