

INQUIRY INTO CHILD PROTECTION

Organisation: YFoundations
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Yfoundations Submission to the NSW Legislative Council Inquiry into Child Protection

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Summary

This submission was produced in consultation with young people with experience of the child protection system, and with youth Specialist Homelessness Services (SHSs) across NSW. The youth SHS sector has a unique perspective as assistance is provided to both young people who are in the child protection system and young people who have exited from it. Research shows the child protection and youth homelessness cohorts have significant overlap. Also many youth SHSs are also designated agencies that provide statutory out of home care (OOHC) services. These consultations identified five key issues in child protection:

The risk of significant harm threshold:

Unaccompanied homeless children in SHSs are not always meeting the risk of significant harm threshold and being allocated a response. This hinders SHSs in providing for the children's best interests.

Innovative models of foster care:

Caring relationships between children in the child protection system and their carers and caseworkers are essential. However, these relationships are being impeded by various factors including traditional notions of the need for "professional distance". Other models of foster care utilising concepts such as "professional proximity" should be explored.

Better parenting:

Enhancing parenting skills can have a significant positive effect on families, but public attitudes to parenting hinder improvement. A public campaign to reframe attitudes and provide information to increase effective parenting.

Increase and coordinate early intervention resources:

Existing early intervention resources need to be better coordinated to target at-risk young people earlier. Resources will also need to be increased in many communities. A State-wide roll out of the Community of Schools and Services ("Geelong Project") approach would facilitate better coordination and identify need.

Better approaches to leaving care:

Skills for independence are critical to avoid young people who exit care transitioning into homelessness. However, leaving care plans are often inadequate or non-existent. And some skills are more easily obtained post-care when there is a practical application. An engaging post-care independence skills resource for young people is needed.

List of Recommendations

To address the issues identified a number of recommendations are stated through this submission. A list of these recommendations is as follows:

1. Revise the risk of significant harm assessment so that all unaccompanied homeless children will be allocated for a response by FACS.
2. Review assessment procedures, and the resources allocated to them, to ensure that assessment occur in a sufficiently timely manner to minimise barriers to obtaining the best outcomes for homeless children.
3. Increase both the resources and efficiency of FACS to allow allocation for a response to every child who is at risk of significant harm.
4. Reform practice in the foster care system to avoid discouraging close relations between young people and their caseworkers and carers by re-evaluating the concept of “professional distance” and its appropriateness in the OOHC context.
5. Trial alternative models of foster care, such as the Professional Individualised Care model, and the Professional Foster Care model.
6. Design and implement a public campaign to reframe attitudes to parenting and provide information to increase effective parenting.
7. Progressively implement a state-wide roll-out of the Community of Schools and Services (“Geelong Project”) approach to coordinate existing early intervention resources and identify the need for additional resources in communities.
8. Increase efforts to ensure that all children in the child protection system have a leaving care plan.
9. Increase the resources of caseworkers and/or carers to actively provide skills for independence.
10. Provide after-care independence skill training for care leavers, such as an online resource with engaging video content.

About Yfoundations

Yfoundations' mission is to create a future without youth homelessness. We are the NSW peak body on youth homelessness and represent young people at risk of, or experiencing, homelessness, as well as the services who provide direct support to them.

Since its formation in 1979 this organisation has called for reform and improvement to broader systemic responses to youth homelessness and young people at risk of homelessness. Yfoundations provides advocacy and policy responses on issues relevant to young people affected by homelessness and issues relevant to service providers.

Our aim is to promote, protect and build on existing good practice and excellence in addressing youth homelessness. We also strive to ensure that youth homelessness remains a priority in public policy on: homelessness, youth affairs, youth justice, education, child protection, employment, health/wellbeing, and housing. Our vision is to ensure that all young people have access to appropriate and permanent housing options that reflect their individual need.

In pursuit of these goals, we have identified five 'foundations' for the positive growth and development of a young person and the process of ending youth homelessness:

- Home & Place
- Safety & Stability
- Health & Wellness
- Connections & Participation
- Education & Employment

These foundations place youth homelessness in a broader context, recognising that it interrelates with a range of issues, and that ending youth homelessness will require coordination across silos. They provide a framework for reaching out to other service areas to explore collaborative and integrated solutions. We believe it is vital that each young person has the opportunity within each domain to thrive. More information about these foundations is available on Yfoundations' website.¹

¹ <http://yfoundations.org.au/explore-and-learn/publications/the-foundations/>

Introduction

As part of the research for this submission Yfoundations consulted with young people who had been, or were currently, in contact with the child protection system, and with youth-focussed Specialist Homelessness Services (SHSs) across NSW. The youth SHS sector has a unique perspective on the child protection system because they assist both young people who are in the child protection system and young people who have exited from it. The following statistics illustrate the extent to which the child protection and youth homelessness cohorts overlap:

- In 2014-15 in NSW, 519 children currently on a care and protection order accessed SHSs² (this is almost as many as the 549 children as living in residential OOHC)³.
- A large national survey of young people experiencing homelessness found that 63% reported previously being placed in some form of OOHC.⁴
- A large national survey of young people exiting out of home care found that 34.7% experienced homelessness within the first year of leaving OOHC.⁵

In addition a number of the youth SHSs are also designated agencies that provide statutory OOHC services and so have a dual perspective.

Our consultation raised the following five issues:

- The risk of significant harm threshold
- Innovative models of foster care
- Better parenting
- Increase and coordinate existing early intervention resources
- Better approaches to leaving care

Some of these issues cut across more than one term of the terms of reference for this inquiry. They are detailed below and the terms they relate to are stated.

² AIHW Specialist Homelessness Services Collection Data Cubes

³ <http://www.aihw.gov.au/publication-detail/?id=60129554728>

⁴ <https://www.salvationarmy.org.au/Global/Who%20we%20are/publications/2015/Youth%20Homelessness%20Report/The%20Cost%20of%20Youth%20Homelessness.pdf>

⁵ http://create.org.au/wp-content/uploads/2014/12/05.-CREATE-Report-Card_Transitioning-From-Care-Tracking-Progress_November-2009.pdf

The risk of significant harm threshold

This section of the report relates to terms of reference (a) and (b).

A long-standing issue of concern for the youth SHS sector is unaccompanied children under the age of sixteen who are accommodated by SHSs without the support of the child protection system. It is Yfoundations' view that any unaccompanied child who is homeless should have the support and involvement of the child protection system.

The NSW Government's 'Keep Them Safe' (KTS) Action Plan gave an increased role of non-government organisations to provide support to children that do not reach the risk of significant threshold. The increased threshold has been implemented since 2010, with the stated purpose of allowing FACS to focus on the most serious cases and to allow for the more effective use of 'precious resources'.⁶

Yfoundations is concerned that a proportion of children who experience homelessness are not being identified as meeting the threshold or, if they are identified as being at significant risk, that they are not being prioritised by FACS despite numerous attempts by SHS providers to obtain the involvement of the Department. This is in spite of persistent homelessness being identified as an 'adverse outcome' by FACS, to be avoided through 'early intervention and prevention' and FACS policy directing that children experiencing homelessness should be subject to mandatory reporting.⁷ Whilst we believe that all children and young people who are homeless are at risk of significant harm, we are especially concerned about unaccompanied children.

The *Unaccompanied Children and Young People 12-15 Years Accessing Specialist Homelessness Services Policy* (2015) specifically states that not all children and young people who attend SHS unaccompanied who are subject to mandatory reporting will receive a desired response from FACS:

*Not all reports made to the Child Protection Helpline get allocated for a response by FACS. Also, competing priorities, such as case complexity and vulnerability, may mean that a report will not be allocated for a period of time, or be closed.*⁸

The policy also states that:

*The SHS... must be confident that it has the facilities and staff to provide a safe shelter. This includes consideration of risk of harm from other persons as well as possible self-harm. A child/young person should not remain in an unsafe environment and, if safety cannot be achieved, the SHS must make this information known to the Child Protection Helpline in its report.*⁹

However, it does not propose solutions in instances where the report is not allocated a response, but the SHS cannot provide safe shelter (and where there are no alternative

⁶ http://www.keepthemsafe.nsw.gov.au/resources/frequently_asked_questions

⁷ http://www.housing.nsw.gov.au/__data/assets/file/0011/369515/Unaccompanied-Children-and-Young-People-12-15-Years-Accessing-SHS-Policy....pdf

⁸ Ibid

⁹ Ibid

accommodation providers and/or transport to an alternative provider available). In this situation 'games of chicken' can occur where SHS providers and FACS both pressure each other to take responsibility – this is clearly not in the best interests of the vulnerable child.

Homelessness is not only an outcome, it is a primary indicator of further risk of significant harm. There should be an assumption that any unaccompanied child receiving accommodation from the SHS system would meet the threshold. Cases where children are homeless should be assisted by FACS as a matter of priority.

Recommendation 1: Revise the risk of significant harm assessment so that all unaccompanied homeless children will be allocated for a response by FACS.

The SHS system recognises that it can play an important role in supporting children and young people who are experiencing homelessness, but there are some very serious issues which arise when sufficient support is not provided by FACS. Services that take on children have a duty of care towards them, but a parent retains legal responsibility of the child or young person, unless parental responsibility has been allocated to the Minister.¹⁰ Services may be unable to contact disengaged parents, the child may hinder attempts to contact them, or the parents may oppose actions proposed by the SHS which are believed to be in the best interests of the child, for example, the prescription of antidepressants. The situation is legally murky and highly problematic for the SHS, which essentially is forced to try to obtain best outcomes for the child or young person with their hands tied.

Recommendation 2: Review assessment procedures, and the resources allocated to them, to ensure that assessment occur in a sufficiently timely manner to minimise barriers to obtaining the best outcomes for homeless children.

Being identified as at risk of significant harm is the precursor to a young person being under the protection of the Minister. At the point that the young person comes under the guardianship of the State, the role of the SHS provider becomes much simpler. SHS services can and do still play a critical role in assisting these people, but when issues of authority are resolved, it is easier to obtain vital and essential services for these young people, and a FACS case manager is assigned.

FACS has acknowledged that there have been severe deficiencies in the state government's protection of vulnerable young people, particularly between the ages of 9 to 14 years.¹¹ The fact that children who do not have a home are not guaranteed case management by FACS is an indication that there are still huge problems in how the State Government safeguards the interests of children at risk. There needs to be additional resourcing of FACS to ensure that all children who are assessed as at risk of significant harm are given the appropriate care and assistance. We also echo the concerns of the NSW Ombudsman that there are

¹⁰ Ibid

¹¹ http://www.community.nsw.gov.au/__data/assets/pdf_file/0009/335736/tab_f_vulnerable_teens_review.doc.pdf

internal issues around staffing, data management, and efficiency within Community Services that we believe need addressing.¹²

Recommendation 3: Increase both the resources and efficiency of FACS to allow allocation for a response to every child who is at risk of significant harm.

It is simply not acceptable for the NSW Government to place the responsibility of primary case management the complex needs of homeless children and young people on SHS, which often do not have the power to obtain best outcomes for them.

¹² https://www.ombo.nsw.gov.au/__data/assets/pdf_file/0004/15691/Review-of-the-NSW-child-protection-system-Are-things-improving-SRP-April-2014.pdf

Innovative models of foster care

This section of the report relates to terms of reference (d) and (e).

One comment made by some of the young people consulted for this submission was that it appeared that sometimes their case-worker was changed because their relationship was deemed by the case-worker's superiors to be too close. From the young people's perspective a genuinely caring relationship with their caseworker was highly beneficial, and they were very critical of an approach of discouraging such relationships.

These comments echo a debate in the social work literature about the concept of "professional distance". While this is a key concept in many social and health professions, in social work the concept has frequently been criticised.¹³ And it has been suggested that the concept should be replaced by a difference approach, such as "professional proximity".¹⁴

Similar issues have been raised in regards to foster carers; that there is a tension between the need for carers to have genuine emotional relationship with the child in their care, but at the same time maintain a "professional distance".¹⁵

While some young people reported the benefits of having a close relationship with their caseworker, others described the frustration and confusion of having little or no relationships with their caseworker. Infrequent contact and high rates of turnover made any real relationship impossible. One young person reported having found out subsequently that their caseworker had changed a number of times during a period of no contact. For young people in rural areas their case worker can often be based in another town that is sufficiently far away to make face-to-face contact impractical, providing a further impediment to forming the sort of caring relationship valued by young people.

Recommendation 4: Reform practice in the foster care system to avoid discouraging close relations between young people and their caseworkers and carers by re-evaluating the concept of "professional distance" and its appropriateness in the OOHC context.

The issue of professional distance and other barriers to caring relationships between caseworkers and children indicate that other models of foster care should be investigated. Two such models are the Professional Individualised Care (PIC) model, and the Professional Foster Care (PFC) model.

The PIC model has been widely used in Germany and has delivered impressive outcomes there.¹⁶ It performs significantly better than other forms of OOHC. The strength of the model is that it utilises a concept of "professional nearness" and children are matched to a carer.

¹³ <http://mcnellie.com/525/readings/greenetal.pdf>

¹⁴ <http://onlinelibrary.wiley.com/doi/10.1111/j.1365-2206.2012.00843.x/abstract>

¹⁵ https://childprotectioninquiry.nt.gov.au/__data/assets/pdf_file/0020/242462/CHAPTER_9_Out_of_home_care.pdf

<https://digital.library.adelaide.edu.au/dspace/bitstream/2440/63528/8/02whole.pdf>

¹⁶ <http://mypic.org.au/resources/Policy-Context-for-OOHC-in-NSW.pdf>

The model provides a potential alternative to residential care that gives a more family-like setting while being no more expensive. And if results in Australia are similar to Germany it will provide significantly better outcomes.

The PFC model is less well defined. There have been a number of different programs designed, in Australia and overseas, that could be described as PFC.¹⁷ However, legal barriers to implementing the scheme, such as not having an easily applicable award, have been barriers to implementation. Given the looser definition of this model it is important to keep clear the key features. The level of qualification required is high. And the remuneration provides enough after expenses to be the equivalent of the salary that a highly qualified individual could obtain. Unless these key features are maintained the model can become one of simply giving extra training to existing foster carers. While providing additional training to existing foster carers may well have some benefits, it should not be conflated with implementing a PFC model.

These two models represent promising prospects, but since the needs of young people are diverse, so a range of available models is required. These models should not replace existing models of OOHC; they should be trialled to determine if they are more appropriate for some young people and added to the child protection system if so. Nor should they be the only innovative models explored. In general what is needed is the exploration of other models of intensive foster care that prepare young people for independent living. Models should consider factors such as age, behavioural issues, time in care, etc.

Many referrals to Residential OOHC from Foster Care occur at placement breakdown – either at the start of adolescence (at around ages 11-12), or to SHS or OOHC services as the young person becomes more independent (usual at ages 16-17). Many have had several placements and have been so traumatised that their complex behaviours, trauma, and histories mean the likelihood of further placement is low. Both the experience of services and the research show that what is needed is alternative foster care models that prepare adolescents and young people to move towards independent living, but still value placement stability and reconciliation with family where possible.¹⁸

The disconnect and failure of the system for many young people moving from foster care, leaving care and after care needs to be recognised. The child protection system needs to better prepare the young people it works with.

Recommendation 5: Trial alternative models of foster care, such as the Professional Individualised Care model, and the Professional Foster Care model.

¹⁷ https://www.dss.gov.au/sites/default/files/documents/08_2014/professional_foster_care_final_report.pdf

¹⁸ https://www.huduser.gov/portal/youth_foster_care.html

Better parenting

This section of the report relates to term of reference (h).

When considering the universal supports needed to help prevent children entering the child protection system, it is important to keep in mind the key role of parenting ability. Family breakdown sits at the heart of causes for child protection intervention. Increased knowledge of good parenting techniques and better skills in parenting could have a significant impact on many families that would otherwise struggle to hold together. Both young people and SHS services point out the need for more effective parenting, but are not optimistic about achieving this.

This pessimism is perhaps understandable when we consider research on public perceptions of parenting. A recent report looking at perceptions of parenting found that overwhelmingly the general public believe that good parenting “comes naturally”.¹⁹ This view is problematic in the child protection sphere since it does not provide any possibility for improving as a parent. On this view, parenting programs are a misguided notion and may interfere with natural parenting ability.

However, this report also gave a number of suggestions for reframing public attitudes to parenting. These included promoting parenting as a set of skills, and describing parenting programs as a resource that parents use, with the government as a partner with whom parents can engage with for support.

Investment in a public campaign to reframe attitudes to parenting and provide information to increase effective parenting should be considered. The success of campaigns such as the “Slip! Slop! Slap!” shows how effective this approach can be.²⁰ However, the campaign would have to be carefully designed to ensure effectiveness. Existing research such as the perceptions of parenting report,²¹ and ARACY's social marketing strategy to encourage positive parenting could be drawn on.²² However, further research and testing would be required.

Recommendation 6: Design and implement a public campaign to reframe attitudes to parenting and provide information to increase effective parenting.

¹⁹ http://www.parentingrc.org.au/images/Publications/Perceptions_of_Parenting_FrameWorks_Report_2016_web-lr.pdf

²⁰ <http://www.sunsmart.com.au/downloads/about-sunsmart/sunsmart-20-years-on.pdf>

²¹ http://www.parentingrc.org.au/images/Publications/Perceptions_of_Parenting_FrameWorks_Report_2016_web-lr.pdf

²² <https://www.aracy.org.au/projects/engaging-families-in-the-early-childhood-development-story>

Increase and coordinate early intervention resources

This section of the report relates to term of reference (h).

It's important to note that resources devoted to early intervention should not, initially, come at the expense of current services that intervene at a later point. Clearly it takes some time for effective early intervention to reduce the workload of services downstream. This means that a double investment is required initially.

It is also important to note that effective early intervention is not simply about the level of resources, but how they are organised. In many areas there are already a number of services available that could be coordinated better to apply the right skills at the right time to young people who are at risk. One model for doing this is the Community of Schools and Services (CoSS) approach.

The CoSS approach is gaining momentum as a place-based model for early intervention with at-risk young people. Originally implemented in Geelong ("the Geelong Project"²³) it is now being adapted to NSW contexts. Based upon a strong research and evidence based approach, CoSS projects are joint initiatives between schools and local agencies that assist young people who need support to better engage with school or who are experiencing difficulties in their lives. The projects use population screening, a flexible practice framework, youth-focused and family-centred case management, and longitudinal follow-up and support, to reduce homelessness and achieve sustainable education and lifetime outcomes. The outcomes of the Geelong Project have been excellent, with all at-risk young people remaining engaged with school.²⁴ There are currently two sites operating in NSW ("the Northern Beaches Project"²⁵ and "the Ryde Project"²⁶) with more in the process of being established.

A critical benefit is that services do not have to wait until a young person is referred to them, but are able to work with the young person before problems become entrenched. As part of the approach a survey is conducted of all young people in the area (run mostly through the schools) to identify those at risk. Levels of risk are established and those at high to medium risk are engaged with support services. This enables much earlier intervention than would otherwise be possible. In some cases the survey identifies children at risk before even teachers, who are generally the first to detect young people in difficulty.

Another benefit is potentially closer coordination between services and schools allowing better use of existing resources across schools, the community sector and all areas of government. Implementing this idea might involve a progressive roll-out eventually covering every community in the state.

²³ <http://www.thegeelongproject.com.au/>

²⁴ <http://www.thegeelongproject.com.au/wp-content/uploads/2013/09/The-Geelong-Project-FAHCSIA1.pdf>

²⁵ <http://www.thenorthernbeachesproject.com.au/>

²⁶ <http://therydeproject.com.au/>

It is important that such a roll-out aligns with existing communities. The CoSS projects to date have been implemented in areas with a community identity and this may well have an impact on getting relevant organisations involved, as the a sense of community ownership is engendered. Also, pre-existing communities will already have informal, as well as formal, networks that can be built on in the development of the organisational relationships that are critical to the CoSS approach. For this reason the roll-out cannot be to regional or district groups and may need to cross administrative and jurisdictional boundaries. This means local sensitivity to community identities will be necessary, number of students and schools will vary between projects, and some community roll-outs will require inter-district and even inter-state cooperation.

Although the experience of the Geelong project is that much of the needed resources are already present and can be utilised, there was still a need to increase resources. The extent to which extra resources are needed in each community will no undoubtedly vary. An advantage of the CoSS approach is that the survey identifying risk gives data on the level of need that is comparable across areas and can be used to inform decisions on resourcing.

Recommendation 7: Progressively implement a state-wide roll-out of the Community of Schools and Services (“Geelong Project”) approach to coordinate existing early intervention resources and identify the need for additional resources in communities.

Better approaches to leaving care

This section of the report relates to term of reference (i).

A strong criticism of foster care by young people was the lack of preparation for leaving care. Some reported only being given a factsheet with a long checklist (over 100 items) of skills for independent living.²⁷ Yfoundations has also been informed by member services that many people leaving OOHC are not financially or socially and emotionally prepared to live independently. This aligns with research on the issue that, in spite of the guidelines around leaving care, a significant number of young people leave care without a plan. In the CREATE Report Card 2011, only 18% of the sample in NSW had a plan.²⁸

Recommendation 8: Increase efforts to ensure that all children in the child protection system have a leaving care plan.

It is important that young people are assisted to develop independent living skills before they leave care, so that they are prepared for their transition to independent living. Care plans should include reasonable steps to prepare the young person for the transition from OOHC. Levels of support vary according to individual needs, including additional support for those with behaviour or substance abuse problems. The likelihood of these young people accessing required housing assistance, without leaving care planning, is very low. Without adequate planning and preparation prior to exiting care a young person is likely to transition into homelessness, such as inappropriate or unsafe vulnerable couch surfing options, leaving them at increased risk of experiencing drug and alcohol misuse issues including drug dealing/running and other criminal activities or sexual exploitation.

Recommendation 9: Increase the resources of caseworkers and/or carers to actively provide skills for independence.

A further point made by young people was that developing the skills months before they were actually needed in preparation for independence was difficult. It was much easier, where possible, to get assistance with learning the skills as they were needed to give a practical application to the learning. This suggests the need for some form of after-care independence skill training that young people can access as needed. Information is given on services that can assist with various issues. However, young people are often reluctant to engage with services, especially those exiting care, who often wish to assert their new independence from the government and communities services. Perhaps an online resource could be developed with engaging video content that demonstrates necessary independence skills and encourages young people to view the services that can assist them as a resource that they can choose to utilise.

Recommendation 10: Provide after-care independence skill training for care leavers, such as an online resource with engaging video content.

²⁷ http://www.community.nsw.gov.au/__data/assets/pdf_file/0011/319367/leavingcare_checklist.pdf

²⁸ <http://create.org.au/wp-content/uploads/2014/12/2011-CRE065-F-CREATE-Report-Card-2011-Web-File-webR.pdf>