

INQUIRY INTO CHILD PROTECTION

Organisation: Office of the Advocate for Children and Young People
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The Hon. Mr Greg Donnelly, MLC
Chair, Legislative Council General Purpose Standing Committee No. 2
Parliament House
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Sydney NSW 2000

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Dear Mr Donnelly,

Thank you for the invitation to provide a submission to the Legislative Council General Purpose Standing Committee No. 2 *Inquiry into Child Protection*.

About ACYP

As the Committee is aware, the Office of the Advocate for Children and Young People (ACYP) has a range of functions in relation to the safety, welfare and wellbeing of children and young people under the *Advocate for Children and Young People Act 2014*.

These functions include, but are not limited to:

- a) advocating for and promoting the safety, welfare and well-being of children and young people,
- b) promoting the participation of children and young people in the making of decisions that affect their lives and encouraging government and non-government agencies to seek the participation of children and young people appropriate to their age and maturity,
- c) making recommendations to government and non-government agencies on legislation, reports, policies, practices, procedures and services affecting children and young people,
- d) conducting, promoting and monitoring research into issues affecting children and young people,
- e) promoting the provision of information and advice to assist children and young people,
- f) preparing, in consultation with the Minister, a 3-year strategic plan for children and young people in the State

About this submission

ACYP supports the reforms to the child protection system since the Wood Inquiry, including Keep Them Safe and Safe Home for Life, the oversight arrangements for the provision of services for children and young people at risk of harm or in out of home care, and the ongoing efforts of the Department of Family and Community Services (FACS), the Office of the Children's Guardian, the NSW Ombudsman, and other agencies to help ensure a responsive and high quality child protection and out of home care system.

We also commend the submission of the Aboriginal Child, Family and Community Care State Secretariat to the Committee, which details their vision and plan for Aboriginal self determination and a service system in which Aboriginal community controlled organisations are resourced and empowered to keep Aboriginal children and young people safe in their communities.

ACYP's consultations affirmed the critical importance of respect and connection to culture among Aboriginal children and young people and we support a redoubling of efforts to ensure consistent implementation of the Aboriginal Child Placement Principles.

Our submission focusses on how a deeper and more structured approach to cultural change (at a system and practice level) in child protection and out of home care can lead to better outcomes for children and young people.

This approach is reflected more broadly in the NSW Strategic Plan for Children and Young People (the Plan) which was recently endorsed by all NSW Government agencies and released on 26 July 2016.

The Plan was developed following extensive consultations with over 4,000 children and young people across NSW of diverse ages, backgrounds and life experiences, including children and young people who had experience of the child protection system and out of home care.

Regardless of age or background, children and young people were clear that they wanted to be safe, connected, respected, healthy and well, with opportunities to thrive and have their voice heard in their communities – and this is reflected in the Plan's goals and themes.

Work is now underway to embed the Plan's objectives in the design, implementation and monitoring of services for children and young people delivered or funded by the NSW Government, including child protection and out of home care.

Improving outcomes and managing risks by engaging users in service design, implementation and monitoring

The benefits of involving service users in the design, implementation and monitoring of services and systems are well-recognised.

The children and young people in out of home care we spoke to said they wanted workers who are aware of the importance of involving children and young people in decision-making and knowing how to work respectfully with them to get the best outcomes. They specifically mentioned being kept informed about the decisions and actions being taken on their behalf and the reasons for these.

These wishes are properly recognised as rights and entitlements under the *Children and Young Persons (Care and Protection) Act 1998*, the *Adoption Act 2000* and relevant regulations, the Child Safe Standards for Permanent Care, and the Charter of Rights for Children and Young People in Out-of-Home Care in NSW. They are also reflected in the policies, practices and communications of the agencies involved in child protection, and specifically in the accreditation and monitoring of out of home care services.

However, it is clear from feedback from children and young people that there are opportunities to deepen and systematise the culture and practice of services so that these rights and entitlements are consistently realised across the system.

Practice change

Integrating the objectives of empowering children and young people to be involved in the decisions that affect them and treating them with respect into the daily practice of the child protection and out of home care systems is likely to have a range of benefits for children and young people, and for services.

These include a sustained focus on building trusting and supportive relationships between children and young people, carers, staff and management, and on ensuring open lines of communication and information flow. This in turn can lead to:

- Early identification of problems and early intervention
- Better informed solutions to problems and ownership of solutions
- Services that are effectively tailored to children and young people and therefore better outcomes
- Early disclosure of risks of harm
- Children and young people being comfortable to provide feedback and make complaints
- Increased competence, resilience and sense of responsibility among children and young people
- Improved behaviours
- Improved safety and reduced agency risk and compliance burden

- Reduced costs of delivering services
- Reduced demand for additional services and supports.

The Interim Report of the Royal Commission into Institutional Responses to Child Sexual Abuse, for example, noted the link between safety and empowering children and young people to be involved in decisions, observing that 'children's knowledge and experience is different to adults and can make a unique contribution to developing institutions that will be safe for them.'¹

There are other domains too where children and young people can contribute to the development of services to meet their needs.

One of the new initiatives in the Plan is the development of a Young Quality Assessors program. This will involve recruiting and training young people to assess the services they use and provide feedback on the accessibility and effectiveness of services.

The program could be adaptable to the child protection and out of home care systems and could provide a complementary lens through which government can evaluate the use of funding targeted to improving outcomes for children and young people. It could also provide agencies with specialised recommendations to make their service more attractive and effective for their client base.

System change

Respecting and empowering children and young people in decision making also means involving them in service design and being open to reshaping services in ways that meet their needs and developing new offerings where necessary.

Innovative cross-agency work of this kind is already underway. For example, in the North Wyong area Government departments have come together to shape services in new ways to better respond to the needs of children and young people. Family and Community Services, Education, Health and other Departments have been working together to ensure that the experiences, ideas and knowledge of children and young people have been at the centre of thinking around this service re-design. Young people across seven schools in the Wyong area have been consulted about the issues they are facing and what solutions they think would work, and further consultations are planned.

Looking at the child protection and out of home care system more specifically, there are models from other jurisdictions that could be examined for their potential to contribute to a more responsive, holistic and effective approach to the care and protection of children and young people.

¹ Commonwealth of Australia. (2014). *Interim Report Vol.1, Royal Commission into Institutional Responses to Child Sexual Abuse*. Retrieved from: <https://www.childabuseroyalcommission.gov.au/getattachment/7014dd2f-3832-465e-9345-6e3f94dd40eb/Volume-1>. Page 148.

Some of the models that ACYP has researched are outlined below.

- **Safe houses** offer transitional housing and supported pathways out of circumstances such as family violence or homelessness. This model of flexible housing is particularly beneficial where awareness is high that a bed is available should an emergency occur and is an important safety net, particularly for young people at risk of harm. Safe houses could be situated in close proximity to community and family, without placing the young person at risk of harm.
- **Foyer models** are learning and student accommodation centres for young people who are homeless or at risk of becoming homeless. They are designed for young people with the capacity to engage in education and training, but who are prevented from participating due to structural, institutional and/or personal barriers. This model can be co-located and structurally linked with vocational education and training campuses and other mainstream educational settings. This model of service can also be used to link young people to health, employment, and wellbeing supports, and opportunities for social participation.
- **Residential school models** combine living on a school campus with the provision of intensive support. Responsibility for the care of each child is shared between the school and carers or parents in a family based environment. This type of model may cater for children subject to child protection orders and also children accepted through a voluntary referral mechanism.

Improving outcomes by promoting connections to people and places

Children and young people express a strong desire to belong and connect with people and places on and offline.

Through forming positive relationships with each other and with adults, children and young people build valuable networks that contribute to resilience in the face of adversity and provide access to information and opportunities.

Children and young people who are doing it tough often mention that it is their connections with people in the community that makes the biggest difference to their lives, whether these were sports coaches, art teachers or PCYC volunteers. These connections had helped give them a sense of normality and connection with the wider community.

Many also told us that they want to be more connected to their community but that it is sometimes difficult to find information about opportunities to connect with local activities, events, services, and places.

Work is currently underway with NSW Government departments to develop Our Local, a mobile-compatible website to connect children and young people with local and state-wide services, events, activities, information, facilities, and volunteering and employment opportunities.

Conclusion

ACYP will continue to work with Government and non-government agencies to complement their efforts in ensuring responsive and high quality services and supports for children and young people, including the child protection, out of home care and universal service systems.

ACYP has a range of tools and materials to support agencies engage children and young people and can also provide agencies with tailored technical advice and services in this area. Further information is available on our website, www.acyp.nsw.gov.au.

A copy of the Strategic Plan for Children and Young People is attached at **Tab A**.

I trust this information is of assistance to the Committee. Should you require further information please do not hesitate to contact me on (02) 9248 0976.

Yours sincerely

Andrew Johnson
Advocate for Children and Young People