



1 August 2014

Mr Anthony Beasley
Secretary to the Committee
C/- Parliament House
GPO Box 572
Adelaide SA 5001

Dear Mr Beasley

CAFWA-SA response to the Select Committee 'Statutory Child Protection and Care in SA'

The Child and Family Welfare Association of South Australia [CAFWA-SA] is pleased to assist the Select Committee with its considerations based on its extensive involvement with the South Australian child protection system over many years. The CAFWA-SA response outlines a number of key recommendations, which are discussed in further detail within the submission. In summary, CAFWA-SA recommends that:

1. *The formulation of Terms of Reference for a Royal Commission or any other enquiry held into Child Protection in SA requires the involvement of, and input by, all key stakeholders.*
2. *A strong partnering approach is developed between government and non-government organisations within a well-planned and collaborative framework – e.g. a Ministerial Advisory Council.*
3. *An urgent review be undertaken to clearly define the legal responsibilities of partners in Out of Home Care service agreements and provide clearly articulated measurable outputs and outcomes for partners.*
4. *Marketing of foster care be a centralised responsibility across the NGO sector, with recruitment and registration of foster carers be provided by registered foster care agencies.*
5. *Rates for general foster care to be increased to ensure that standard rates cover the direct costs providing family-based care and give adequate compensation for the demanding responsibilities carried out by foster carers.*
6. *Case management of children (U18 years) in care be the responsibility of non-government service providers, whilst partnering with government agencies regarding 'guardianship' responsibilities and related decision making.*
7. *Targeted sector training and development [across Families SA and non-government service providers] be contracted out to overcome distrust and misconceptions, and improve measurable services outcomes for children and families.*

Introductory remarks

The Select Committee of the Legislative Council, set up to inquire into and report on statutory child protection and care in South Australia, provides a good opportunity for the not-for-profit organisations working in the field of child protection to provide information and advice to Parliament. It also allows opportunities for change to be recommended in order to achieve better outcomes for the most vulnerable children and young people in our society and to look at the role of the child protection system.

The Child and Family Welfare Association of South Australia [CAFWA-SA] is the South Australian peak body representing non-government, not-for-profit, community organisations providing services for children, young people and families, – especially in relation to various forms of Out of Home Care (including Foster Care, Residential Care, Family Support, Early Intervention and Family Reunification Services).

CAFWA SA and its members have for many years been engaged as service providers and partners in the child protection sector and we are acutely aware of sector complexities and challenges. It is not difficult to criticise the current systems and practices, however CAFWA-SA is committed to a constructive dialogue and continues to actively promote a partnership approach across the government and non-government sector. Our considered position is that blaming parts of the child protection system is unproductive and incorrect as there is a collective responsibility to provide the best and most effective responses to children and families in need.

Following the recent allegations about sexual abuse by a Families SA staff member involving preschool-aged children in residential care, questions about the adequacy of the South Australian child protection system are being raised widely with arguments for a complete overhaul of the whole child protection being put forward. CAFWA-SA agrees that broad ranging improvements can only occur if there is a focus on the whole child protection sector, both government and non-government organisations.

The South Australian Government is presently considering a Royal Commission and commentary to date indicates the possibility of a complete review of the approach to child protection in this State. CAFWA-SA has argued for quite some time that there are different ways of dealing with child protection as there are multiple ways of approaching child safety issues in our community.

The South Australian approach during the last 30 years has been to continuously increase the statutory focus on protecting children with most resources going towards the investigation of individual child abuse and neglect notifications and the consequent cost of looking after children on various court orders. Increased numbers of children are taken into State care, and we are in the shameful situation that per 1,000 of the population, children of Aboriginal descent are 10 times more likely to be on care and protection orders than children of a non-Aboriginal background (See the chart below with data provided through the Office of the Guardian for Children and Young People, June 2013.)

Children on Care and Protection orders in SA, per 1,000 of population



The development of effective preventative approaches to assist families and children to cope and respond to the multitude of challenges to be met in a fast changing social and technological environment has sadly been lacking in South Australia.

Figures from the Australian Productivity Commission - Addendum 2 'Expenditure on child protection, out-of-home care and intensive family services' [report from the Office of the Guardian for Children and Young People, July 2013] show that South Australia spent the least per child* on child protection services of all Australian states in 2011-12, about 70% of the Australian Average.

** The 'per child' rate is the rate for all children, not limited to those who receive services.*

Society has changed dramatically over the last 30 years; however our approach to making children safe has not changed. In South Australia we have pursued the policy line that the State is the appropriate instrument to investigate and 'protect'. Opportunities for sincere collaboration and effective partnership approaches with the not-for-profit sector in order to create a broad based child safe environment in South Australia have been few.

There are lessons to be learned from other jurisdictions in Australia, however there are no indications that this has been pursued seriously. We now have a child protection system that is described by most observers and analysts as being in crisis. There is also the serious risk that we continue to respond to individual issues reaching the front pages of newspapers, rather adopting a critical and collaborative approach to what is required to create a child safe environment – in the community, in organisations and within families.

It is not an easy task to develop such a collaborative approach, however CAFWA-SA would argue that in order to get whole of sector improvements there is a need to engage all stakeholders urgently!

Recommendation 1: *The formulation of Terms of Reference for a Royal Commission or any other enquiry held into Child Protection in SA requires the involvement of, and input by, all key stakeholders.*

Response to the Select Committee

This Select Committee has a strong focus on foster care - how it is managed and how it operates. Foster care is central to the operation of our statutory child protection system and the information gathered, and conclusions reached by the Select Committee, will assist the broad-ranging investigations presently being considered by the Government. This written response to the Select Committee takes into account that further investigations are being contemplated and is dealing with only some of the issues to be addressed.

The CAFWA-SA Strategic Direction 2013-2017 highlights the need for sector development and is committed to maximising opportunities for integration and collaboration across the sector, both government and non-government organisations (NGOs), to achieve better outcomes for children, young people and families.

The media regularly contains high profile stories attacking the child protection sector for being too slow in removing a child from the birth family and for being too fast in removing a child from a foster family. Often these stories are a direct attack on Families SA, however the attacks should be seen as attacks on the entire child protection sector as it is implied that somehow staff and agencies should be able to prevent all abuse and that child protection agencies should not interfere in loving middle class families.

Where prior to the early 1990s the South Australian Government provided all support services to children and young people in care, many services are now contracted out and provided by various NGOs.

The NGOs providing a range of Out of Home Care services are well placed to play a balanced and mature role in the planning and design of services and it is CAFWA's assertion that a collaborative engagement with the sector is crucial and fundamental to a successful reshaping of services and processes.

Although a child or young person may be under the care of the Minister, it does not mean that child stops having his or her own family or community connections and aspirations like any other child in our community. Recognising each child's unique place in this world and creating opportunities for his or her potential to be fully explored and to be turned into personal achievements, is the responsibility of the whole community.

Some 100 young people leave guardianship care each year and many of them continue to be vulnerable. Various service responses are required by a range of organisations, many outside the governance of Families SA, to adequately assist these young people during this transition. The establishment of a formalised and well governed collaborative framework, underpinned by a strength based partnering model, is critical to achieving the outcomes required.

Such a partnering framework can be overseen at a Ministerial level and is reflective of a relevant partnering model and principles, including:

- Child safety, family centred and whole of community focussed with clarity of expected outcomes for partners involved;
- Well defined and documented roles and responsibilities of the respective partners;
- Alignment of partners at an integrated level through solution based, measurable strategies and activities that evolve around clearly agreed purpose and targets;
- The capacity to influence and advise on systemic practices as much as responses to the individual through resourced supports;
- Clear timelines for milestones and evaluation processes.

Recommendation 2: *A strong partnering approach is developed between government and non-government organisations within a well-planned and collaborative framework – e.g. a Ministerial Advisory Council.*

Service agreements

Although the recruitment, assessment, training and support for family based foster care is contracted out to various not-for-profit organisations - registered foster carers are ultimately accountable to the Minister being legally responsible for the registration or de-registration of every foster carer.

Contracts, called Service Agreements, between DECD [Families SA] and the various NGO service providers are ambiguous about where the legal responsibility rests in relation to the actions of foster carers or the children in their care. Despite many presentations to Families SA, various contentious contractual issues are unresolved. This is an ongoing problem for CAFWA members as they are unable to define their risks and consequently unable to properly manage the risks for individual foster carers and their organisation.

This ambiguity about who is responsible - DECD [Families SA] or the individual NGO - is a contentious issue that starts with the Service Agreements and consequently flows through to many practice issues.

Recommendation 3: *An urgent review be undertaken to clearly define the legal responsibilities of partners in Out of Home Care service agreements and to provide clearly articulated measurable outputs and outcomes for partners.*

Recruitment, registration and retention of foster carers

Existing care arrangements are confusing due to the constant overlapping of responsibilities and roles of foster care agencies and Families SA. [Addendum 1 provides a quick overview of the assessment process and some of the issues being encountered]. This frequently results in time consuming and costly delays in decision making and the temptation to shift blame, particularly when serious concerns emerge, for example the abuse of children by registered foster carers.

There is presently no centralised approach to the recruitment of new foster carers, with aspects of the process undertaken by Families SA and/or the various NGO service providers. Double handling of initial recruitment efforts can be overcome by creating a centralised approach to marketing/recruitment and the assessment of carers. CAFWA-SA, representing all not-for-profit service providers, can be engaged to act on behalf of the sector to develop a strong marketing

campaign and put in place a well designed recruitment strategy connecting interested applicants with the various opportunities in different foster care programs managed by CAFWA members.

Aligning centralised marketing and recruitment with the consequent assessment, registration and support of foster carers by NGOs will separate the role of funder/regulator and provider more clearly. This will result in greater clarification regarding the function of government as a funding and regulatory body, and the role of non-government registered foster care agencies in recruiting, registering and supporting foster carers. Importantly, distinguishing these roles will simplify the processes and responsibilities associated with all aspects of service delivery associated with foster carers across the State. Further, this clearer understanding of roles from the perspective of families, carers, children and key stakeholders will have a positive impact on the retention of foster carers as most foster carers are frequently frustrated by the complexity and unpredictability of the decision making processes.

NGOs would be expected to apply the same discipline and exercise the same responsibility for recruitment, selection and registration of foster carers as with staff and volunteers, whilst also building on the experiences, tools and practices developed by Families SA. Implementation of this recommendation will likely require a re-examination of the legislative requirements currently in place; however the realignment would make such an alteration warranted.

Recommendation 4: *Marketing of foster care to be a centralised responsibility across the NGO sector, with recruitment and registration of foster carers to be provided by registered foster care agencies.*

Management of foster care

Foster care management is complex and based on service agreements that do not define specific outcomes or standards to be met. The reference in Service Agreements to policy and practice standards are seen as a theoretical commitment with many of the standards not being met by Families SA in the daily practice of providing care and support to children in State care.

The management of child protection programs and of children in care is demanding for both carers and workers, and needs a highly flexible approach based on what is best for the child. At the moment, some critical decisions are based on the type of program a child is placed in, for example therapeutic foster care or general family based foster care. There is clearly a need for innovative, specialised therapeutic programs that provide different models of care, and the funding for these programs needs to be different if indeed the expectations of carers are different to those in general foster care.

However, foster care subsidies for general foster care are low and do often not cover the cost of a child with complex needs. CAFWA-SA strongly recommends a substantial increase in the standard rate for general foster care.

All carer complimentary subsidies should be based on the child's needs assessment [CAT assessment] and the payment of complementary subsidies should not be based on individual decision making by staff in District Centres. These payments should follow the child and require predictable outcomes based on well-defined principles and clear guidelines.

Recommendation 5: *Rates for general foster care be increased to ensure that standard rates cover the direct costs providing family-based care and give adequate compensation for the demanding responsibilities carried out by foster carers.*

Case management of longer term placements

As stated previously, the overlap and confusion that arise from one organisation/agency providing case management and another supporting the day to day living needs of children in foster care leads to unnecessary conflicts. This is particularly challenging when considering the constant decision making foster carers face with respect to the daily care needs of children and the impact these may have on longer term planning.

Aligning case management responsibilities with the same organisation/agency that oversees day to day support needs brings clarity for all stakeholders, increases system efficiencies and improves the effectiveness of informed decision making. The recommendation applies to children under long term orders only (Guardianship to 18 years of age), as the ongoing legal dynamics of shorter term orders suggest that Families SA remains in the best position to case manage children and families under these orders.

The proposition of case management by foster care agencies does not alter the critical Guardianship role the Minister has, or the way these guardianship responsibilities are applied by Families SA. Rather, it better separates what is considered 'parental decision making' from legal guardianship concerns and reduces duplication of effort. To effectively implement this, a more detailed undertaking of explaining these differentials would be necessary, but a measured approach through partnership discussions and evaluations could clarify these roles.

Recommendation 6: *Case management of children (U18 years) in care to be the responsibility of non government service providers, whilst partnering with government agencies regarding 'guardianship' responsibilities and related decision making.*

Family Preservation and Reunification

South Australia has long been lacking in funding to provide effective services to prevent children coming into State care. Existing family preservation and reunification services are few and under pressure. There are examples of effective services being previously provided by NGOs but with DECD [Families SA] funding being discontinued, these are no longer available. These programs prevented children coming into State care, allowed children to move from residential care to family-based care, or were successful in the reunification of children with the birth family.

There is an urgent need for ongoing partnership between Families SA and non government service providers, - not only to design and develop programs, but also for existing services to focus on building professional trust and respect within a care team approach.

An immediate impact would be created through the development of joint training programs for staff across the sector in order to break down barriers and misconceptions. CAFWA-SA would be willing to act as an honest broker and, with appropriate funding in place, would be able to provide such training and development for the sector.

Recommendation 7: *Targeted sector training and development [across Families SA and non-government service providers] be contracted out to overcome distrust and misconceptions, and to improve measurable services outcomes for children and families.*

CAFWA-SA values the opportunity provided by the Select Committee to assist and make specific recommendations on some key issues. As previously stated, child protection is a complex, multilayered and emotive area as it deals with some of the most vulnerable and damaged children in our society. We submit our reflections and recommendations with a strong commitment to a partnership approach across the government and non government sector. It is obvious that we have only touched on some of the critical issues in this submission; however CAFWA-SA would welcome the opportunity to provide oral evidence to support the work of the Select Committee in order to give more insight.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Albert Barelds', with a stylized flourish at the end.

Albert Barelds

Executive Director

Child and Family Welfare Association-SA

Addendum 1 – Assessment of foster care applicants

Addendum 2 – Expenditure on child protection, out-of-home care and intensive family services

ADDENDUM 1

Assessment of foster care applicants

Process for applicants [the Families SA prescribed standard is a maximum of 5 months]*

Information session	Registration of interest	Complete application	Mandatory checks	Assessment and training	FamSA/CARU approval	Outcome
<ul style="list-style-type: none"> ▪ By FamSA or NGO ▪ Information pack given to applicant 	<ul style="list-style-type: none"> ▪ To be done with the NGO 	<ul style="list-style-type: none"> ▪ Information exchange re role and expectations ▪ Applicant signs application 	<ul style="list-style-type: none"> ▪ Verification of ID ▪ Personal references ▪ Criminal and background check via CARU and DCSI Screening Unit 	<ul style="list-style-type: none"> ▪ Mandatory 'Step by Step' assessment process ▪ Mandatory training ▪ Internal quality assurance panel [some foster care agencies only] 	<ul style="list-style-type: none"> ▪ Assessment recommendations considered by CARU in FamSA 	<ul style="list-style-type: none"> ▪ Final decision communicated to applicant
	Delay can occur due to available resources	Applicant may delay completion	Can take up to 5 months - mainly due to DCSI	Can take up to 5 months – mainly due to lack of NGO resources or applicant issues	Anywhere from 4 weeks to 5 months – mainly due to lack of resources in CARU. Average about 10 weeks	

* This process applies for the general foster care and respite programs but varies [extra steps] for specialist programs [eg. therapeutic foster care].

Some of the issues:

- Delays are mainly due to slow DCSI and Families SA processes as a result of double handling or lack of resources;
- Although consistency in assessment procedures is appropriate, the required 'Step by Step' process is seen as restrictive, repetitive and 'tick box' based;
- Some foster care agencies have one extra step in the process by formalising the assessment outcome through an internal quality assurance panel;
- Urgent consideration should be given to NGOs approving their own foster carers based on clear expectations set by DECD[FamSA] – see [Recommendation 4](#);
- Kinship care and relative care [managed by FamSA] use a more lenient assessment process, however it appears to lead to more frequent care concerns and high numbers of Aboriginal children going into general foster care [going against the Aboriginal Placement Principles].