CHILD AND FAMILY FOCUS SA

Child and Family Focus SA Submission:

Draft Children and Young People (Safety and Support) Bill 2024

September 2024

Acknowledgement of Country

We acknowledge the traditional lands of the Kaurna people and acknowledge the Kaurna people as the custodians of the Adelaide region and the Greater Adelaide Plains. We pay our respects to Kaurna Elders past, present and emerging.

We acknowledge the traditional custodians of land beyond Adelaide and the Adelaide Plains, and pay our respects to all Aboriginal Elders past, present and emerging.

We acknowledge and pay our respects to the cultural authority of our Aboriginal and Torres Strait Islander colleagues and are grateful for the cultural expertise that they represent.

The role of Child and Family Focus – SA

CAFFSA is the South Australian peak body and industry association for child safety and child protection, representing the needs of South Australian children, young people, families, and the non-government, not-for-profit organizations who support them.

Background to this submission

CAFFSA held consultation with members to inform this submission, including a sector consultation via CAFFSA's Policy and Advocacy Committee, a collaborative meeting with a range of partners via SACOSS and input to our response by our Lived Experience Consultant.

The proposed changes in the draft Bill were also considered in the context of the CAFFSA's comprehensive submission (CAFFSA-Submission-to-the-CYPSA-Review-2022-FINAL-FOR-SUBMISSION.pdf (childandfamily-sa.org.au) during the initial consultation on the Act. Practice issues regarding current and future implementation have also been identified.

CAFFSA also acknowledges support for the submissions of our member agencies, SACOSS and the Aboriginal Legal Rights Movement.

Recommendations

1.1 The paramount principle for all decisions should be the best interests of the child.

1.2 Specific reference to enhanced resourcing and provision of prevention and early intervention activities across the government and NFP sectors needs to be inserted to ensure factors impacting on a family's ability to provide for their child are addressed.

1.3 The legislation be shaped around a clear statement that the goal is for children to remain living safely with family whenever possible and that active efforts should be made to achieve this goal.

1.4 Reunification be legislated as the goal for all children, to the point of active efforts, unless there is clear evidence that reunification is not in the best interests of children. The likelihood of reunification should not determine other decisions, and instead case management should continue to uphold.

1.5 There be mandated regular reviews of reunification viability for children under long-term guardianship orders.

1.6 Family Group Conferencing (FGC) be a mandatory step, to the level of active efforts, prior to the court finalising any orders, following a similar model to the Family Law Court system.

1.7 All families have the right to request a Family Group Conference at all points of significant decision-making. It should be explicit that the decision not to hold an FGC be subject to internal review and be a reviewable decision.

1.8 Contact arrangements be explicitly determined based on the rights of the child, particularly the right to maintain important relationships.

1.9 Siblings must be kept together wherever possible, including through the provision of required financial support, and that all siblings should be managed by the same DCP office regardless of placement.

1.10 Commissioner Lawrie's recommendations, as expressed in *the Holding On to Our Future* report, be more fully embedded in legislation.

1.11 The legislation be amended to incorporate the specific recommendations made by the Aboriginal Legal Right's Movement to the draft Bill.

1.12 NGOs be included as required consultation partners for the state strategy.

It is acknowledged that legislation is not the best vehicle for ensuring that important practise issues are codified. Having said this, the following issues must be considered in the development and implementation of the State Strategy to ensure the principles of the legislation are enacted:

2.1 That mapping of the sector be undertaken as part of the state strategy, inclusive of client cohorts, service provision, and workforce.

2.2 Innovative statutory practice models be considered to better support the management of high risk and complex cases where children are not removed. This is particularly important given the increased threshold that places greater risk management onto the NGO sector.

2.3 There be greater provision for parents and guardians to understand their rights to terminate a voluntary care agreement and for voluntary care agreements not to be used when a court order for removal is more appropriate.

2.4 Work should be undertaken to determine the reliability and validity of current prescribed assessments in South Australia, inclusive of mental health, drug and alcohol, and parenting capacity, with the goal of better integrating evidence and ascribing a culturally appropriate framework.

Greater focus on keeping children with family when safe to do so

CAFFSA congratulates the Minister for the focus of the draft legislation and supports the legislation holding a child-centred approach by prioritising early intervention, family preservation, and reunification with long-term removal being an option of last resort rather than a central function of legislation. There are a number of key matters within the draft that, with amendment, can strengthen this intent. Specific reference to enhanced resourcing and provision of prevention and early intervention activities across the government and NFP sectors needs to be inserted to ensure factors impacting on a family's ability to provide for their child are addressed. Specified and

monitored alignment of the activity of relevant government departments and relevant NFPs to ensure their activities address factors that impact a family's ability to provide for their child, such as domestic and family violence, substance misuse, mental health issues, and poverty, is vital, particularly if the reference to 'Support' in the title of the legislation is intended to extend to birth families.

Best interests as the paramount principle

The legislation still states that safety is considered paramount with best interests as a secondary principle. The principles of best interests and safety are fundamentally connected and cannot be separated in the context of child protection. Safety is already a component of a child's best interests; any decision made with the intention of serving a child's best interests must inherently prioritize their safety. To suggest that these principles can be considered independently implies the possibility of making decisions that may be deemed in a child's best interests while neglecting their safety.

It is recommended that the bests interests of the child be the paramount principle for all decision-making, in-line with other Australian jurisdictions.

Safety within family wherever possible

The focus of the Bill is on the removal of children and support of foster carers. This focus emphasises the tertiary components of the child protection system but not the overall goal of the family support system which is to enhance safety within families. The consultation report on the CYPS Act 2017 identifies the following quote:

> "We believe that whenever it is safe to do so, the best outcome for children and young people is to live with their families. As a result, early intervention, family preservation and reunification should be central to the legislation." – Non-government organisation.

Despite the acknowledgement of the above comment in the consultation report, these elements are not central to the Bill and the focus remains on child removal. The clear prioritisation of family preservation and trauma-informed approaches in decision-making processes is important. Children's cultural connections, psychological needs, and rights to remain with family should not be secondary to immediate safety concerns unless there is evident risk.

It is recommended that the legislation be shaped around a clear statement that the goal is for children to remain living safely with family whenever possible and that active efforts should be made to achieve this goal.

Reunification is only mentioned with regard to determining whether reunification is likely, indicating that it is not a primary consideration. Further, the likelihood of reunification is a key factor for a range of other decisions, such as contact arrangements or eligibility to services. CAFFSA asserts that reunification should be a legislated focus to the point of active efforts unless it is not in the child's best interests. Reunification should also remain a consideration at all points in a child's life, rather than being a one-off determination. This would better uphold the child's right to family connection and recognise the enduring familial bonds that often remain despite placement in out-of-home care. As children age and parents have more time to make changes in their lives, new possibilities arise for placements that better meet children's needs. Children in OOHC should have ongoing reviews of their family situation, allowing for reunification when families are capable of providing safe care.

This ongoing evaluation ensures that children's emotional and cultural needs can also be considered throughout the care process.

It is recommended that reunification be legislated as the goal for all children, to the point of active efforts, unless there is clear evidence that reunification is not in the best interests of children.

It is recommended that there be mandated regular reviews of reunification viability for children under long-term guardianship orders.

Family-led decision-making

Family group conferencing is well placed to enact family-led decision making. The Bill identifies that it is within the discretion of the Chief Executive to determine when an FGC is appropriate. This level of discretion is likely to limit family-led decision-making, which instead should be a requirement prior to more intrusive intervention.

It is recommended that FGCs be a mandatory step, to the level of active efforts, prior to the court finalising any orders, following a similar model to the Family Law Court system.

Further, FGCs are a valuable tool that should be incorporated into all points of decision-making to increase family-led practice.

It is recommended that all families should have the right to request a family group conference at all significant decision-making points, and that active efforts be made to facilitate a conference upon request. It should be explicit that the **decision *not* to hold an FGC be subject to internal review and be a reviewable decision**. This will significantly increase the legal recourse for families to be involved in family-led decision making.

Contact arrangements

Contact arrangements identify the importance of attachment for children who are undergoing reunification and connection to family and culture for all children. As currently written, contact arrangements are goal oriented and shaped around whether a child is deemed likely to be reunified instead of the inherent rights of the child to these relationships. Greater reference should be made to the UN Convention on the Rights of the Child, which identifies that it is a child's right to maintain important relationships unless it is contrary to their best interests. The child's right to be actively involved in decision-making about contact arrangements should also be strengthened. This should include child friendly consultations that allow children to express their preferences in a safe and supportive environment. Contact decisions must be driven by the child's needs and desires, not by external assumptions about the likelihood of reunification.

It is recommended that the section on contact explicitly recognise the rights of the child to maintain important relationships, regardless of the type of order they are on, and that the child's voice be central in determining who is considered important in their life.

CAFFSA is also aware that siblings are often not placed together and, when separated, sibling contact is inconsistent. Some members report that, because siblings are in different placements, they may be supported by different offices. This results in multiple staff working with the family, different contact arrangements, and different interpretations of the child protection concerns and reunification decisions. This is not child-centred or family focused and instead meets the needs of the system. CAFFSA also asserts that financial and resource-based support being available to kinship carers and other placements can help maintain sibling connections. Kinship care should be

prioritised as the first and preferred option wherever possible. Long-term oversight to ensure that siblings are not lost within the system, and placements prioritise family unity and connection to culture is also important.

It is recommended that legislation explicitly state that siblings must be kept together wherever possible, including through the provision of required financial support, and that all siblings should be managed by the same DCP office regardless of placement.

The use of Voluntary Care Agreements in involuntary ways

CAFFSA members and our Lived Experience Consultant identified concerns about how voluntary care agreements and safety plans are being used. Members expressed misuse by DCP staff where family are coerced into signing agreements rather than going through the court process. This results in a lack of due process for parents and no evidence needing to be presented by DCP. Although the Bill identifies that a parent or guardian can terminate the agreement, this must be done via writing to the Chief Executive, which places many vulnerable parents at a disadvantage where they could be easily coerced. Better education and support for families and ensuring they have the time and resources to fully understand their options is essential if these agreements are to be truly voluntary, without any form of pressure or coercion. Families should also be provided with independent advocacy to help them make informed decisions and given the opportunity to process the gravity of their choices, rather than being rushed through a stressful and overwhelming process.

It is recommended that there be greater provision for parents and guardians to understand their rights to terminate a voluntary care agreement and for voluntary care agreements not to be used when a court order for removal is more appropriate.

Prescribed assessments

CAFFSA notes that approved drug and alcohol, mental health, and parenting capacity assessments will be approved by the Chief Executive by notice in the Gazette. CAFFSA members have considerable practice concerns about the reliability and validity of some of the current assessments being performed. There are cases where bias appears to drive decision-making and evidence-based tools or considerations are not incorporated. CAFFSA further notes that, despite deep engagement by qualified and experienced social workers, input from a number of NGO services is either not requested or information is 'cherry-picked' by those undertaking Parenting Capacity Assessments in the past. CAFFSA argues this is inappropriate practise and should stop. Although this cannot be addressed by legislation, CAFFSA recommends that consideration be given to ensuring the best available evidence is used in these assessments, particularly following the considerations raised in the United Kingdom. These are especially important for parents impacted by disability and women with a childhood of sexual abuse, both of whom are more vulnerable to poor 'performance' in assessments.

Further, many assessments are not validated for Aboriginal families. The ongoing use of these assessments, rather than culturally responsive approaches, will continue to drive the overrepresentation of Aboriginal children in OOHC.

It is recommended that work should be undertaken to determine the reliability and validity of current prescribed assessments, inclusive of mental health, drug and alcohol, and parenting capacity, in South Australia with the goal of better integrating evidence and ascribing a culturally appropriate framework.

Aboriginal children, young people, and families

CAFFSA supports Commissioner April Lawrie's recommendations and the embedding of these recommendations in legislation where identified.

CAFFSA supports the analysis and recommendations undertaken by Aboriginal Legal Right's Movement in relation to the draft Bill.

Integration of Holding onto our Future recommendations

It is recommended that Commissioner Lawrie's recommendations, as expressed in *the Holding On to Our Future* report, be more fully embedded in legislation.

CAFFSA supports Commissioner Lawrie's assertion that safety is a component of the best interests principle and therefore the two are not in competition. Prioritising the child's best interests inherently prioritises their safety, however, the Bill still implies that best interests, including the Aboriginal Child Placement Principle, displaces safety.

CAFFSA recommends 'best interests' be the paramount consideration, incorporating the five pillars of the ATSICPP.

Embedding of all 32 recommendations is supported, with particular recognition of:

- Add Performance measures to the ATSICPP to ensure cultural oversight and accountability.
- Require the Chief Executive to report on the implementation of Active Efforts for the ATSICPP and funding invested in these measures.
- Ensure the Youth Court verifies the application of the ATSICPP before making orders and can mandate compliance.
- Allow the Chief Executive to consider Federal Circuit and Family Court proceedings by the Aboriginal family before applying for guardianship orders.
- Allocate sustainable funding to local Aboriginal Community Controlled Organisations for culturally appropriate services.
- Reintroduce a culturally responsive assessment team to ensure culturally appropriate assessments and responses.
- Replace Structured Decision Making tools with culturally appropriate assessments developed with the Aboriginal community.
- Broaden the functions of Aboriginal Community Controlled Organisations to include cultural advice, family scoping, and participation in significant decisions.
- Create a separate system for Aboriginal kinship care with its own legal, policy, financial, and practice frameworks.
- Mandate regular reviews of reunification viability for children under long-term guardianship orders.

Support of recommendations by Aboriginal Legal Rights Movement (ALRM)

CAFFSA shares the concerns we understand are held by ALRM following their analysis of the Bill, including the following:

Aboriginal children's best interests not given priority or prominence nor made mandatory:

Aboriginal children have a need for connection with family, culture and country and for a presumption of placement with their siblings. Aboriginal children have a need for all decision makers to follow the Aboriginal and Torres Strait Islander Child Placement Principle.

The Bill Part 2 sets out the Guiding Principles and incorporates Section 11 – best interests factors. This does not incorporate the best interests of Aboriginal children – instead these are relatively obscured being placed after Part 3 (concerning administration) in Part 4.

Further, while there are guiding principles regarding the child's best interests (Bill section 11 and for Aboriginal children Bill section 43-47) the terminology is not such that children are seen to have rights, with language instead framed as 'should' or 'can' instead of 'must'. This is in contravention of the Convention on the Rights of the Child and the Declaration on the Rights of Indigenous People. CAFFSA is also concerned that the wording given to Aboriginal children's best interests is framed in even weaker language than in section 11.

The placement of the Aboriginal and Torres Strait Islander Children's Placement Principles in Part 4 and the language used within that Part seems to make those issues of less importance than those in section 11. This is unacceptable, particularly given the gross over-representation of Aboriginal children in out of home care.

Further, as the Bill is currently drafted, the court and legal representative for the child only need consider the Principles in Part 2 – excluding the provisions regarding Aboriginal children in Part 4. Incorporating Part 4 within Part 2 will ensure these important provisions are given the regard required by the child's legal representative and the court.

The following specific provisions of the Bill incorporate only Part 2 and thereby exclude the Aboriginal Child Placement Principles and best interests issues for Aboriginal children in Part 4. This list may not be exhaustive but is indicative of the problem that needs to be addressed:

Section 7 (1) – interaction with other Acts – incorporates Part 2 only;

- Section 105(1)(b) – children's legal representative considered in Part 2 only;
- Section 111 – Court authority to make orders ranging from the examination of a child to ordering a child be placed under guardianship of the CE or other person until age 18 - all only having regard to Part 2 only;
- Section 123 – Court can make a specified guardianship order (child under guardianship of non-family/ non-Aboriginal person until age 18) having regard to Part 2 only;

- Section 135 – Decisions on whether carers participate in decision making regarding a child are to be made with regard to Part 2 – but the Bill states 'despite any other provision in this Act' (i.e. for an Aboriginal child a non-Aboriginal carer can be included without regard to Part 4);
- Section 138 – for contact arrangements regard to be had to Part 2; and
- Section 146 – approval of carers – consider Part 2.

Whilst section 40 of the Bill purports to incorporate Part 4 considerations in general, these specific provisions above arguably exclude it. Without incorporating Part 4 within Part 2 and without rights based, enforceable language, there is grave concern that any intentions to provide for the Aboriginal and Torres Strait Islander Child Placement Principles are tokenistic.

Aboriginal children make up a high percentage of children in out of home care and with statistics worsening by the year, if their needs are not prioritised, they will soon make up 50% of children in out of home care.

While there is to be a Charter of Rights for children under the Bill, it is not enforceable in any way.

CAFFSA supports the proposal that Part 4 of the Bill must be incorporated into Part 2 of the Bill and sections 43 and 47 be incorporated into section 11 of the Bill to ensure the Aboriginal

Torres Strait Islander Child Placement Principles and the best interests of Aboriginal children are enshrined in legislation.

CAFFSA supports the proposal that the Aboriginal and Torres Strait Islander Child Placement Principle must be reframed into rights based and mandatory language to ensure those rights are met and are enforceable.

CAFFSA supports raising the Aboriginal and Torres Strait Islander Child Placement Principle to the standard of active efforts

As set out earlier, it is of concern that Part 2 containing the guiding principles do not incorporate the Aboriginal and Torres Strait Islander Child Placement Principle ('the principle'). This is instead in Part 4, suggesting it is of little significance.

The Court considering a child's best interests is directed to consider Part 2, not Part 4 and while section 40(2)(b) seeks to ensure Aboriginal children's best interests in Part 4 are incorporated into section 11, we consider this is not strong and is easily lost in the legislation. This may particularly be the case for Departmental staff who may not be legally trained, such as social workers.

CAFFSA supports that the Aboriginal and Torres Strait Islander Child Placement Principles be given prominence and contained in Part 2 and where they include best interest principles, those be included in section 11. All decision makers must follow these principles.

Active efforts are not defined closely within the Bill and further work needs to be done so that this concept is understood and active efforts are met.

SNAICC has published 'The Aboriginal and Torres Strait Islander Child Placement Principle: A Guide to Support Implementation'. It is not considered that this has been incorporated within the Bill and CAFFSA seeks that the Bill be reconsidered to ensure the principle is properly implemented within it.

A number of issues within the Bill require reconsideration and remedy to ensure Active efforts are taken and to comply with the principle as follows:

S43(2)(a) Prevention:

The bill lacks the following which need to be incorporated:

- Does not include the child being brought up within their own culture – this is key and must be included;
- Language is limited to 'should' – this needs to be replaced by the words 'must unless proof that it is not possible';
- Does not include the following requirements on the Department, the Bill needs to provide that the Department will:
  - Provide families information on culturally safe supports;
  - Enable and resource ACCOs to provide culturally safe support;
  - Actively assist children and families to access necessary supports and services including through financial or transportation assistance.

S43(2)(b) Partnership

Again, the Bill lacks the following that need to be incorporated:

- The word 'should' needs to be replaced with 'must';
- This specific sub-section needs to recognise self-determination;
- This specific sub-section needs to incorporate provisions for participation of ACCOs in all decisions about Aboriginal and Torres Strait Children and provide for delegation to ACCOs.

S43(2)(c) Placement

CAFFSA supports the placement hierarchy, but the issue is that it is currently set out that it 'should' be followed. It needs to set out that it must be followed. Again, the Bill only requires application where 'reasonably practicable' but needs to be applied 'wherever possible' or in stronger, more active terminology.

S43(2)(d) Participation

This section limits participation to family led decision making. To be compliant with the principle, family led decision making must be Aboriginal led.

Participation within the SNAICC implementation guide includes ensuring the participation of children, parents and family members in all decisions regarding the child's care. These need to be incorporated within the Bill including:

- Ensuring lawyers representing children are Aboriginal practitioners or from ACCOs or have a high level of cultural competency (including training)
- Ensuring parents and children are represented in court proceedings – with limits on judicial decision making if they are not;
- Requiring the court to ensure proceedings are able to be understood by children, parents and family members.

Further, CAFFSA considers that parents and family members need to participate in the ongoing care and welfare of their children. This requires the Bill ensuring they are included within reviews of care plans, provided information about their children and that the court may include family members as parties to proceedings. This should be enforced by ensuring that where family members are not included in decisions about a child, those decisions are reviewable.

S43(2)(e) Connection

The Bill does not incorporate the requirements set out in the SNAICC implementation guide and needs to do so in order for this fundamental element of the principle to be complied with. The Bill needs to incorporate:

- A clear recognition of a child's right to enjoy culture with community;
- A clear recognition of a child's right to be cared for by family and connected to them;
- Ensure that contact with family is able to be court ordered;
- Prioritise family reunification without unreasonably restrictive time limits;

- Specify minimum requirements for the provision of family reunification supports;
- Require a cultural plan for all children in out of home care that is implemented and regularly reviewed;
- Specify safeguards in relation to permanency of care provisions that maintain connections to family, community, culture and country; and
- Provide for delegation of case management, custody and guardianship functions and powers to ACCOs."

Further amendments required to ensure the principle is applied to active efforts include:

- Strengthening the phraseology in Section 43(4) in the examples of implementing the principle to the level of active efforts from a decision maker 'might do so' to 'must.'
- Section 43(5)(c) in considering the child's best interests during the decision regarding whether a child is placed in an Aboriginal and non-Aboriginal parent's family, the decision maker must consider the child's need and right to connection to culture and country and incorporate the Aboriginal and Torres Strait Islander Child Placement policy;
- Section 43(5)(d) only requires that the Court 'should' consider a respected person's view of a non-Aboriginal person being considered for a specified guardian application. This is not strong enough.

It is not enough for one respected person to consider the potential guardian as having a commitment and capability of connecting the child with family and community – this requires a specialist ACCO input and power to the court to make contact orders for the child.

Further, putting a non-Aboriginal child in the long-term guardianship of a non-Aboriginal person excludes the child from their rights and need for family, community and culture and doing so must be phrased within the Bill as an option only as a last resort.

- Section 43(5)(e) – this too requires a specialist ACCO input and power to the court to make contact orders for the child.
- Section 55(1) currently only requires the Court to be satisfied that the principle has as far as practicable in the circumstances been implemented to the standard of active efforts. Stronger language is required.
- Section 55(4) actively undoes the need for the court to be satisfied the principle has been implemented – this section should be removed.
- Sections 82 and 111 requires amendment to incorporate 'unacceptable risk of significant harm' and to verify that removal / custody and guardianship orders are to be made only as a last resort.

Specified Guardianship Orders s120-125

This essentially enables non-Aboriginal carers of children who are placed with them for 2 years to become their guardians until age 18 with parents and family being excluded from their lives and without the child or family being able to seek placement, contact or connection with them through any competent court.

CAFFSA objects to these orders for Aboriginal children with non-family carers and seeks these be abolished.

At the very least, the following will need to be amended to be compliant with the Aboriginal and Torres Strait Islander Child Placement Principles:

1. S124 – onus on objector to prove the order should be made – this is not reasonable for a vulnerable Aboriginal parent and not in the best interests of the child. The onus of proof must be on the applicant to prove it is in the best interests of the child, which for an Aboriginal child are contained within the Aboriginal and Torres Strait Islander Child Placement Principle.
2. S120 and s123 - the CE must be limited in applying and the Court must be limited in making specified guardianship orders unless they are made in compliance with the Aboriginal and Torres Strait Child Placement Principle and only as a last resort.
3. The Court must have power (or the Family Court must be empowered) to order contact and connection with the child's family, culture and country.
4. The family must be consulted about the care and welfare of the child throughout the child's childhood.
5. There should be a presumption against separating siblings.

CAFFSA opposes section 111(3) of the Bill, which instructs the court not to have regard to who the child is to be placed with and any contact arrangements in making a guardianship or custody order to the Chief Executive (and any other order to do with the guardianship / custody or care of a child).

This clearly conflicts with the requirement that the Court ensure the Aboriginal Child Placement Principle has been complied with.

Section 111(3) must be removed and replaced with a section requiring the Court to consider whether or not the placement and contact arrangements are in the best interests of the child and comply with the Aboriginal and Torres Strait Islander Child Placement Principle.

Without amending the provisions of the Bill above in the manner recommended, the Department for Child Protection risks not only missing this 'once in a decade' opportunity to address the appalling rate at which Aboriginal children are removed from their families, but risks exacerbating it. Overcoming these risks can only be achieved by the full implementation of the Aboriginal and Torres Strait Islander Child Placement Principle.

Implications of raising the threshold to significant harm

CAFFSA holds concerns about the change to the threshold and the implications for the NGO sector. The change will likely increase pressure on the NGO sector to manage higher levels of complexity and risk without statutory powers or adequate resources. CAFFSA is aware that NGO staff are currently managing high risk cases and, although staff are well qualified, greater resourcing is needed to embed the levels of clinical governance required to ensure safeguarding. As the proportion of clients shifts downwards to be supported by the NGO sector, additional funding will also be needed to manage the workload. There are current challenges in the workforce, with high turnover and the quality of new graduates requiring high levels of in-house training to meet the complexity needs. The sector is already underfunded, after decades of disinvestment, and resourcing is needed to ensure the safety of children and young people is not adversely affected.

There is a concern that NGO workers are increasingly performing tasks that were traditionally performed by DCP, with ongoing assessments now functioning as pseudo-investigations. Staff may find themselves gathering information to facilitate removals rather than focusing on early intervention and family support. The change in threshold will likely exacerbate this issue and negatively impact the public perception of the family support sector. This shift can lead to NGOs carrying investigatory responsibilities without the same resources or authority as DCP.

As NGOs take on more forensic roles, the emotional and physical safety of staff may be impacted as they do not have the statutory authority and governance structures in place to safely perform this function. The increased complexity and responsibility can lead to higher turnover rates among NGO workers, as the demands of the job become more challenging without corresponding support and compensation.

It would be beneficial to explore innovative structural changes that extend statutory functions alongside the family support sector to better manage this high-risk group of families - where their needs are the most complex but they are least likely to engage with services voluntarily. This also recognises the growing complexity of child protection cases which is further exacerbated by inter-generational system.

It is recommended that innovative statutory practice models be considered to better support the management of high risk and complex cases where children are not removed.

State Strategy for the Safety and Support of Children and Young People

CAFFSA welcomes the development of a state strategy but notes that NGOs are not listed as one of the required consultations. Given the extent of work carried by the NGO sector, and the implications of the raised threshold already discussed, NGOs are an integral part of any state strategy. CAFFSA recognises the need for a joined-up strategy with all stakeholders, including government and non-government organizations, to prevent a disjointed system and escalating needs of families.

CAFFSA are also aware that it is difficult for community members to access supports, inclusive of health, mental health, drug and alcohol, and housing. In order for parents to make changes to keep children safe, waitlists, accessibility, and eligibility for these services must be addressed.

It is recommended that detailed mapping of the sector occur to clearly examine the movement of families through services, their engagement, risk levels, and outcomes to children.

This mapping is required to ensure the system accounts for the pathways taken by the most vulnerable families, to identify gaps and opportunities for intervention. CAFFSA is aware that the work done by BetterStart is foundational in determining these pathways and commends this work as one of the enablers for this recommendation.

Concluding Remarks

CAFFSA thanks the Minister and the Department for their attention to the matters we raise in this submission. We are confident that this legislation can indeed be transformative, improving the central legislative framework and foundation through which South Australia's child protection and family support system operates if we can continue to refine the draft Bill together.

SUBMISSION ENDS