



Research Director
Health, Communities, Disability Services and Domestic and
Family Violence Prevention Committee
Parliament House
George Street
Brisbane Q 4000

Via email: hcdsdfvpc@parliament.qld.gov.au

Friday 18 March 2016

Dear Sir/Madam,

Together thanks the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee for the opportunity to make submissions regarding the *Director of Child Protection Litigation Bill* and the *Child Protection Reform Amendment Bill*.

Together is the union for all staff employed by Child Safety. Together members working in Child Safety are employed as Child Safety Officers, Child Safety Support Officers, Team Leaders, Senior Practitioners, Court Coordinators, Managers, Administration Officers and Court Services Officers, amongst others. A significant proportion of Child Safety staff are Together members. Court Coordinators and Court Services Officers will be directly impacted by this legislation, and other Child Safety Service Centre (CSSC) based staff will also be impacted.

As we understand the Department of Communities, Child Safety and Disability Services and the Department of Justice and Attorney-General have presented both these bills as a 'suite' of legislation, and the matters raised by these bills are in many ways inextricable, Together offers this submission as combined comment on both bills.

Together members agree that the child protection system is under immense stress, and note the government's commitment to the Child and Family Reforms, stemming from the Queensland Child Protection Commission of Inquiry. The matters identified in this submission have been raised, as per proper processes, through departmental consultative meetings and other related forums. Together

members make this submission in order to highlight the risks this legislation poses, as well as the lack of appropriate resourcing provided to the Department in order to implement and support the Child and Family Reforms to the level required, whilst still providing essential services to families and supporting at-risk children. Together delegates feel that they are responsible for raising the concerns that stem from the implementation of this legislation regarding its impacts on Child Safety staff, particularly those who work in CSSCs.

The Child and Family Reforms, of which these pieces of legislation underpin, will significantly change the workings of child protection. While Together members are cognisant of the need for child protection to change, the Department will –for the foreseeable future –remain the largest actor in the tertiary child protection sector and are concerned that appropriate resourcing has not been considered as part of the implementation of these reforms. The feedback contained within this submission relates largely to the dissolution of the Court Services unit and subsequent creation of the Director of Child Protection Litigation (DCPL) and Office of the Child and Family Official Solicitor (OCFOS), its potential impacts upon staff and risks for the Department. These bodies have been recreated as part of one of the recommendations that falls under the heading of Court Work Reform.

Involving families in the entire child protection process is fundamental to the success of keeping children safe. Together members welcome the recent implementation of the strengths-based practice framework, and appreciate its potential to positively involve families in the process. However, the litigation framework proposed by the nature of the Court Work Reforms is incongruent with the values and tenets of the practice framework. While there is hope that collaborative work with families will lessen the number of children in care, there will continue to be some cases where children need protection that can only be provided by a Child Protection Order.

The potential impacts of these reforms, as supported by this legislation, on Queensland communities are a serious concern for Together members. Regional areas in particular will be affected by the shifting of responsibilities to the DCPL. In regions, it is foreseeable that the officers representing DCPL, as applicant, will be required to teleconference into hearings in front of magistrates. This could serve to further disenfranchise families involved in the process, some of whom often have their first experience of understanding the impact of court action at the hearing, when currently they speak to Court Coordinators at the appearance. This link between families and the department could conceivably be severed by this new approach.

With the creation of the DCPL and OCFOS, and subsequent absorption of existing Court Coordinator and Court Services staff into these structures, Child Safety Service Centre staff are concerned that the level of support available to frontline Child Safety staff will be lessened and more difficult to obtain. While members note the intention of the legislation of providing legal advice to Child Safety staff

earlier, removing the Court Coordinator position from a CSSC will be detrimental to daily functions and activities of the CSSC. The work of CSOs contains some legal aspects, and Court Coordinators are essential in providing CSOs and Team Leaders with advice that is both legal- and child protection-focused; Court Coordinators currently have direct access to casework, case consultations and frontline staff in order to offer immediate advice that is consistent with seeking the best outcomes for families and children. This direct access to casework is critical to the strengthening of outcomes for families within the new Child Safety practice framework.

The Court Coordinator role is integral in CSSCs and the removal of this role will lead to already time-pressured CSOs and other staff lacking a key resource in the child protection process. Together members are concerned that the disconnect between frontline CSSC staff and litigators will result in delays and complications, as well as an increasingly litigious relationship between clients and the Department. Further, there are key functions currently undertaken by the existing Court Coordinator staff that have not yet been identified as being performed by either OCFOS or DCPL staff. These functions will still be required to be undertaken by the Department. There are significant concerns that the distance between DCPL, OCFOS and CSSC staff will lead to higher workloads, which is something that CSSC staff can hardly absorb. Reducing the resources available to child safety professionals within the Department without also reducing caseloads will only further compound some of the serious issues faced in Child Safety.

The recommendations regarding Court Work Reform made by the Queensland Child Protection Commission of Inquiry do not match the lived experience of our Child Safety membership. While once again accepting that work must be done to improve the sector, it has been noted that court proceedings and outcomes undertaken by the Department is, in fact, one of the better functioning aspects of the child protection continuum.

Together members are also concerned that this legislation gives magistrates the ability to become significantly more instructive in terms of casework. With all due respect to magistrates, members are concerned that allowing this will mean that child protection decisions will be made without full access to the history of the case. Furthermore, court directives or orders, once implemented, will be retained until the end of the order. Children's and families' needs are dynamic in nature and a current solution or directive may not be helpful to the family into the future. A case in example is the setting of family contact arrangements for the life of the order. To request a change to such an order to meet a child or family's current needs, will require significant additional work on behalf of the department, which may detract from other casework and case management responsibilities. It has been the experience of some Together members that protracted court proceedings can add to a child or family's distress.

Together members seek to reiterate that the purpose of this submission is most certainly not to raise opposition to the idea of improved outcomes for children and families through the litigation process. Together members, who are those at the frontline of child protection, remain unconvinced that these reforms, as facilitated by this legislation, will actually improve outcomes for families, and are concerned about the negative impacts that this legislation may have for at-risk children and families.

Together members do not support the introduction of the Court Work Reforms as underpinned by the proposed *Director of Child Protection Litigation* and *Child Protection Reform Amendment Bills*.

Further, Together recommends that:

- The state government retain Court Services and Court Coordinator positions as current;
- The Department undertake a full and thorough cost/benefit analysis of the Court Work Reforms; and,
- More resources be made immediately available to Child Safety Service Centres, particularly in the form of more funding for CSO and other CSSC-based positions in order to mitigate the risks and allow the proper implementation of the Child & Family Reforms.

Again, Together would like to thank the Committee for the opportunity to provide a submission on these bills. Should the Committee require any clarification or further information, please do not hesitate to contact A/Lead Organiser Dee Spink on [REDACTED].

Sincerely,



Alex Scott

Branch Secretary