

# Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee

## *Child Protection Reform Amendment Bill 2017*

## Submission

## Anglicare Southern Queensland

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## Introduction

Anglicare Southern Queensland welcomes the opportunity to make a submission to the Queensland Government on the *Child Protection Reform Amendment Bill 2017* (the Bill).

We welcome the *Child Protection Reform Amendment Bill 2017*, and strongly support the overall key objectives of the Bill, being:

- permanency and stability for children and young people in out of home care, now and throughout their lives
- a contemporary information sharing regime focused on children's safety and wellbeing
- the safe care and connection of Aboriginal and Torres Strait Islander children with their families, communities and culture
- transition to independence and after care support for young people exiting the child protection system.

Our specific comments below reflect the expertise and experience of Anglicare Southern Queensland in providing almost half a million nights per annum of out-of-home care to vulnerable young people, including Aboriginal and/or Torres Strait Islander children, through our foster and residential care programs.

In particular, we urge that the vision of the 'Carmody Report' be realised for "a bigger role — indeed, a critical role — for the non-government sector in the reformed child protection system, with collaboration being the key to success".<sup>1</sup>

## About Anglicare Southern Queensland

### Our organisation

Anglicare Southern Queensland is a not-for-profit Anglican Church organisation that provides care and support services to more than 1 in 30 Queenslanders. Our first priority is a commitment to high quality, client-centred care, support and counselling, enabling those we work with to reach their own goals and to live a life full of hope and joy.

Our 3000 professional staff and volunteers support Queenslanders across a geographic area double the size of the United Kingdom, stretching from Townsville to Coolangatta and across the southwest of the state. We work towards the promotion of wellness, social inclusion and social justice for all, through our extensive range of support services, including:

- foster and kinship care
- children and family services, including intensive family support and family intervention services; as well as targeted family support programs
- mental health and family wellbeing
- homelessness services
- disability services
- aged and community care
- spiritual and pastoral care.

## Supporting vulnerable young people: our services

Demand for Anglicare services supporting Queensland's most vulnerable children and families is growing across the five programs in this area of our service delivery: Foster and Kinship Care; Residential Care; Family Intervention Services (FIS); Intensive Family Support (IFS); and Supported Independent Living Services (SILS). This growth represents a confronting truth being experienced nationally – year on year, the number of children who cannot safely live with their families has risen, requiring children to live in foster care or other out of home care arrangements.

- In the most recent financial year 2016-17, we provided over 460,000 nights of out-of-home care (excluding CRC PAS placements); an increase of 20% from the previous year. The majority of these placements were in foster care, which comprises 97% of all our out-of-home care funding. On any given day, we rely on almost 700 carer households to provide 986 placements to vulnerable children. Nearly one-third of our young people are from Aboriginal and/or Torres Strait Islander backgrounds, and we take very seriously our responsibility to provide opportunities for these young people to further connect with their carers, natural family and culture. We provide this support across (4) large regions including South East and the North Coast and have specific skill sets in rural service delivery, with long standing services in Roma (20 years +) and Gympie.

Finding loving homes for 1,000+ children in Caboolture, Gympie, Brisbane, Logan, Roma and on the Gold Coast and supporting young people through residential and independent living in Gympie, Caloundra, Brisbane and on the Gold Coast, while providing Intensive Family Support to families in Gympie.



- In addition to Foster and Kinship Care, we also have 10 funded residential services where care is provided for young people. This includes our Supported Independent Living Services (SILS) which provide effective support to young people who are exiting the child safety system to develop the skills they need to transition into successful independent living. Additionally we are a sought-after Child Related Costs and Placement and Support Provider (CRC-PAS) and currently provide placements to an additional 6 children in either residential care or SILS.
- In the most recent financial year, our three Family Intervention Services, located in Caboolture, Logan and Roma, and our singular Intensive Family Support Service provided a cumulative 18,000 hours of specialist support to 131 families where children were at risk or were being reunited with families after time in care. Our Intensive Family Support (IFS) service in Gympie allows us to provide earlier intervention and support in the form of therapeutic, educational and casework services to families in the community through self-referral and referral from other members of the community.

Our many years of experience in supporting vulnerable young people gives Anglicare Southern Queensland deep insight into matters raised in this Bill, as outlined below.

## Specific issues in consideration of the Bill

The following discussion addresses specific issues raised in our examination of the Bill, and makes relevant recommendations.

### Clause 6 Insertion of new s 5BA and Clause 34 Amendment of s 62 (Duration of child protection orders)

#### **Recommendation 1:**

Reasons for an extension to the order must include the discovery and/or recovery of family members, previously unknown or missing, where this makes successful reunification of the child with the child's family reasonably achievable within the longer stated time.

#### **Rationale for the recommendation:**

It is our experience that the recovery or discovery of family members, particularly fathers (but also Aboriginal and/or Torres Strait Islander kin), is not uncommon within a two year period. In many cases, these family members (who may not have been contacted in the first instance for a multitude of reasons) are contacted at some point into the two-year order. They may be willing to take responsibility for their child but are likely to require varying levels of support to address structural and/or personal challenges, extending beyond the two year time frame, before reunification can be actioned.

We consider that it is in the best interests of the child to allow a reasonable extension of orders where support for the recovered family member will enable the re-establishment of 'ongoing positive, trusting and nurturing relationships with persons of significance to the child' and 'stable living arrangements, with connections to the child's community ...' (Clause 6, 5BA (2) (a)).

### Clause 7 Replacement of s 5C (Additional principles for Aboriginal or Torres Strait Islander children)

#### **Recommendation 2:**

The expectation that non-government organisations (NGOs) proactively seek to employ Aboriginal and/or Torres Strait Islander staff in identified roles should be made explicit in the legislation, as should cultural intervention undertaken by foster care agencies.

#### **Rationale for the recommendation:**

The number of Aboriginal and/or Torres Strait Islander children in care far outstrips the number of Indigenous foster and kinship carers. As of June 2016, 8654 children were living in out of home care in Queensland. More than three thousand (3609) were Aboriginal and/or Torres Strait Islander children,<sup>2</sup> and only 56% of these children were placed in culturally appropriate placements. The other 44% of Aboriginal and/or Torres Strait Islander children were therefore living in non-Indigenous placements.<sup>3</sup>

Queensland risks a future 'Stolen Generation' unless it is legislated that mainstream agencies undertake clear planning and intervention to ensure these children are connected to family, culture and community.

NGOs and the Department should both be legally responsible for the cultural connection of our young people. While it may be legislated that the Chief Executive bears responsibility for functions associated with cultural connection, there is currently no legislated requirement within service agreements for mainstream NGOs to address that same responsibility by either:

- employing Indigenous staff; and/or
- working with and supporting non-Indigenous carers who are caring for Indigenous children.

Service agreements should specify a target number of Aboriginal and/or Torres Strait Islander staff members who can work alongside carers to facilitate and ensure cultural connections are cemented during a child's placement experience.

Anglicare Southern Queensland has in recent years taken significant steps to increase our Indigenous staffing by making it mandatory that all foster care services establish identified positions. The principal role of these staff is to work in partnership with the Department and the recognised entities, and to support non-Indigenous carers caring for Aboriginal and/or Torres Strait Islander children to make critical connections with the family, community and culture of the young people. Although this initiative is in its infancy, we have already seen the value of the connections that Indigenous staff have facilitated for some of our young people. Foster carers are also reporting that Indigenous staff members have helped them to understand the needs of the children they care for and to navigate the complex family systems of these children.

The role of NGOs in facilitating cultural connection is therefore a critical one, and should be made explicit in the legislation rather than left to the implementation phase.

### Clause 17 Amendment of s 51B (What is a case plan?)

#### **Recommendation 3:**

The integral role and contribution of NGOs in case planning should be made explicit in the legislation. This includes a requirement that any information on families provided by NGOs is captured in case planning undertaken by the Department.

#### **Rationale for the recommendation:**

The role of NGOs in contributing to case plans is not captured in the proposed legislation.

Current good practice in the development of case plans includes input from both the relevant NGO and the Department. We work closely with families through our Family Intervention Services and our intensive family support service, at the early stages of assessing a family situation as well as when a child is being returned home. We develop therefore a comprehensive understanding of the family's strengths and worries; information that is invaluable in effective case planning. Additionally we include information to ensure that cultural connection for our young people is captured in care plans, although often the Department does not incorporate this information into their own case plan.

The Department's new *Strengthening Families* framework encourages the use of a Collaborative Action Plan (CAP) which supports a balanced but rigorous assessment of risks and strengths within families. To be effective, the CAP must be informed by both statutory (Departmental) and non-statutory (NGO) services. A 'one-sided' case plan risks missing crucial factors that may influence the successful resolution or otherwise of a family's situation. Currently there is no legislated expectation for the Department to utilise strengths and worries information on families as provided by the NGO

in their overall case plan. Instead the decision to include or omit this information is made by the Child Safety Service Centre delegate.

More broadly, it should be noted that it has now been more than five years since the Queensland Child Protection Commission of Inquiry, and over four years since the Honourable Tim Carmody QC recommended an “increased role for the non-government sector” in the landmark report, *Taking Responsibility: A Roadmap for Queensland Child Protection*. The report recommends a review of the role of NGOs in five years’ time, “with a view to determining whether they can play a greater role by undertaking case management and casework for children in the statutory protection system”.<sup>4</sup>

Despite this, the current Bill makes no reference to the role of the non-Government organisations in casework or case management.

By comparison, Victoria’s equivalent child protection system has outsourced case management to the non-Government sector for over 15 years through their ‘case contracting’ process, as detailed in Recommendation 4.

#### **Recommendation 4:**

The legislation should include the capacity for Child Safety Service Centres to ‘contract’ casework or case management to an NGO with the consent of all parties.

#### **Rationale for the recommendation:**

The myriad small decisions made in the everyday lives of young people are central to their happiness and well-being. Such decisions need to reflect as closely as possible the immediate needs of a child for security and consistency, and day-to-day opportunities for building relationships and self-efficacy.

While major decisions require the input of the Department, the best interests of the child at a day-to-day level are better served by agencies such as Anglicare, who have constant and ongoing contact with the young person.

The Victorian Government has introduced ‘case contracting’ legislation whereby young people’s day-to-day care planning can be ‘case contracted’ to a non-government agency if this is in the best interests of the child, as follows:

*A case contract is a formal arrangement in the form of a written agreement, between child protection and another agency for the provision of case management for a child subject to a protection order. Contracting arrangements are designed to enable the most appropriate agency to support implementation of the case plan. Child protection may contract a community service to undertake total case management or specified functions only. Case planning and delegated statutory functions cannot be contracted. Case contracting can only occur during protection order phase. The decision to contract a case is a case planning decision made in the best interests of the child. ... The NGO also referred to as CSO (community service org) must provide quarterly progress reports as per the case contract agreement.*

*Child protection may contract another agency to perform all of the case management tasks and functions within an identified case plan except case plan decision-making. Within a specified time frame the agency may be responsible for:*

- *the continuing functions of assessment and intervention*
- *contributing to the development of the case plan (refer point made in Recommendation 3)*
- *support and monitoring*
- *providing reports to child protection as required including case planning reports and reports for the Children's Court.*

*An out-of-home care provider may be contracted to:*

- *implement all or part of the case plan (case plan, s. 168, CYFA)*
- *organise and supervise contact consistent with the case plan*
- *liaise with services.*

*A case management service, such as an Intensive Case Management Service (ICMS) may be contracted to:*

- *provide an allocated worker to undertake the day to day tasks – working towards the goals of the case plan*
- *coordinate and liaise with the care team and service network members in achieving specified goals of the case plan.<sup>5</sup>*

## Clause 41 Replacement of s 75 (Transition from care)

### **Recommendation 5:**

Post care support services up until 25 years of age need to be legislated.

#### **Rationale for the recommendation:**

As noted by the Minister, The Hon. Shannon Fentiman, in the explanatory speech introducing this Bill, the transition to adulthood is a critical time for any family.<sup>6</sup>

The Home Stretch<sup>7</sup> campaign, in which Anglicare Southern Queensland is a partner, has evidenced the particularly challenges facing young people in care as they move into independent living; and the negative outcomes that result when appropriate and necessary supports are withdrawn at 18 years of age. Many young people in this situation become homeless, involved with the criminal justice system, unemployed or a new parent within the first 12 months of being exited from care. The personal and social costs are enormous.

While Anglicare Southern Queensland welcomes the intent of this clause, we strongly urge changes to the language of the Bill to firmly establish that a young person has the **legislated right** to receive support from the Queensland Government as a child in care, up until 25 years of age.

To 'ensure help is available' 'as far as is practicable' (p. 38) does not embed universal post-care support services in Queensland Government Budget processes, nor provide a compelling driver for proactive policy, program or service delivery changes at departmental level.

## Conclusion

The Hon Tim Carmody notes in the introduction to his ground breaking report that the title of the document, *Taking Responsibility*, was carefully chosen to carry the strong message that the welfare of children is a joint responsibility.<sup>8</sup> Children thrive in environments where they feel that they *belong*. This is not a simple concept — a sense of ‘belonging’ cannot be achieved without also feeling safe, and cared for, and connected to others.

The overall direction and emphasis of this legislation is a welcome acknowledgement that the physical, emotional and social wellbeing of young people in care cannot be separated, and that there is much more to out-of-home care than finding a place for a child to live. This is an important contribution to the welfare of our most vulnerable young people. We urge however that the strength of this contribution be increased by embedding the collaboration of NGOs and government more explicitly in the legislation.

Our young people can only benefit from the support offered by such a partnership.

## Endnotes

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<sup>1</sup> Queensland Child Protection Commission of Inquiry (2013). *Taking Responsibility: A Roadmap for Queensland Child Protection* [the ‘Carmody Report’], p. 171. At:

[www.childprotectioninquiry.qld.gov.au/\\_\\_data/assets/pdf\\_file/0017/202625/qcpci-final-report-web-version.pdf](http://www.childprotectioninquiry.qld.gov.au/__data/assets/pdf_file/0017/202625/qcpci-final-report-web-version.pdf)

<sup>2</sup> Queensland Government (2017). Department of Communities, Child Safety and Disability, ‘Living away from home’ webpage, last updated 6 July. ‘Table LA.1: Children living away from home, by Aboriginal and Torres Strait Islander status, Queensland’. At: [www.communities.qld.gov.au/childsafety/about-us/our-performance/ongoing-intervention-phase/living-away-home](http://www.communities.qld.gov.au/childsafety/about-us/our-performance/ongoing-intervention-phase/living-away-home)

<sup>3</sup> Queensland Government (2017). Department of Communities, Child Safety and Disability, ‘Aboriginal and Torres Strait Islander Child Placement Principle’ web page, last updated 6 July. ‘Table IC.2: Percentage of Aboriginal and Torres Strait Islander children living away from home placed with kin, other Aboriginal and Torres Strait Islander carers or Aboriginal and Torres Strait Islander residential care services, by region, Queensland’. At: [www.communities.qld.gov.au/childsafety/about-us/our-performance/ongoing-intervention-phase/aboriginal-torres-strait-islander-child-placement-principle](http://www.communities.qld.gov.au/childsafety/about-us/our-performance/ongoing-intervention-phase/aboriginal-torres-strait-islander-child-placement-principle)

<sup>4</sup> Queensland Child Protection Commission of Inquiry (2013). *Taking Responsibility: A Roadmap for Queensland Child Protection* [the ‘Carmody Report’], p. xxxi. At:

[www.childprotectioninquiry.qld.gov.au/\\_\\_data/assets/pdf\\_file/0017/202625/qcpci-final-report-web-version.pdf](http://www.childprotectioninquiry.qld.gov.au/__data/assets/pdf_file/0017/202625/qcpci-final-report-web-version.pdf)

<sup>5</sup> Victorian Government Department of Health and Human Services (2016). *Child Protection Manual*, ‘Case contracting — advice’ web page, last updated 4 Nov. At: [www.cpmanual.vic.gov.au/advice-and-protocols/advice/protection-order/case-contracting#h3\\_4](http://www.cpmanual.vic.gov.au/advice-and-protocols/advice/protection-order/case-contracting#h3_4)

<sup>6</sup> Queensland Government, Legislative Assembly, First Reading Speech, *Child Protection Reform Amendment Bill 2017*. The Hon. Shannon Fentiman, 9 Aug 2017, p. 2093ff. At:

[www.parliament.qld.gov.au/documents/tableOffice/BillMaterial/170809/Child.pdf](http://www.parliament.qld.gov.au/documents/tableOffice/BillMaterial/170809/Child.pdf)

<sup>7</sup> Home Stretch campaign. At: <http://thehomestretch.org.au/>

<sup>8</sup> Queensland Child Protection Commission of Inquiry (2013). *Taking Responsibility: A Roadmap for Queensland Child Protection* [the ‘Carmody Report’], p. xiii. At:

[www.childprotectioninquiry.qld.gov.au/\\_\\_data/assets/pdf\\_file/0017/202625/qcpci-final-report-web-version.pdf](http://www.childprotectioninquiry.qld.gov.au/__data/assets/pdf_file/0017/202625/qcpci-final-report-web-version.pdf)