



Submission by Queensland Foster and Kinship Care Inc

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This submission is made on behalf of the Management Committee, staff and members of Queensland Foster and Kinship Care including all registered Foster and Kinship Carers in Queensland.

Amendment of 5BA

On 29th October 2018 amendments to legislation relating to the Child Protection Act 1999 were proclaimed. This saw significant reform in respect to Permanency in Queensland, an area that prior to this time was not supported in legislation in and therefore not seen in practice for the many thousands of children and young people who were subject to Child Protection orders.

QFKC viewed the introduction of this legislation as a significant step in the right direction with clear pathways embedded into the legislation that provided a framework for achieving permanency for children and young people. QFKC quickly developed training in this area to support the learning and development for carers and foster and kinship care staff, this training was reviewed and approved by the relevant Child Safety divisions including Adoption, the Legislative reform team and Operations and Practice Development.

Unfortunately, QFKC has not seen the intent of this legislation through our work with carers and the children they provide care for across the State. QFKC has significant concerns in this space currently and we do not believe that specifying adoption as a permanent care option in the Principals of the Child Protection Act will achieve physical and relational permanency for children and young people in care.

The Child Protection Act already provides the option of adoption as a permanency option as outlined in **Section 51X (4) (c)** and QFKC does not believe that adoption will address the issue of permanency for children and young people. As of September 2018, only 1609 children on long-term Child Protection orders were subject to order granting LTG to a suitable person, in September 2019, one whole year later, the number of children subject to LTG to other still sat at just 1609. The total amount of children and young people subject to Long Term Orders in September 2019 was 6593, therefore 4984 (75%) children were subject to Long Term Orders granting guardianship to the Chief Executive, despite this being the least preferred option in the Child Protection Act.

Further to the above, QFKC has concern about the option of adoption overall. Adoption will not take away a child's experience of trauma and does not provide

a safety net for the family to access support and assistance into the future by Child Safety if needed. For the vast majority of children and young people in care, developmental stages will bring on different challenges for guardians and the children themselves as trauma manifests itself in different ways. The option of adoption will not allow guardians to seek support and assistance from Child Safety into the future when and if needed.

Insertion of a new 51 VAA

QFKC is confused by this proposed insertion as the amendments to legislation in October 2018 already compels Child Safety to report on the progress made in planning for alternative long term arrangements for children and young people in care who are subject to LTG to CE. **51X 4** is very clear in its intent and QFKC have used this particular section to assist in advocacy in this space when carers are seeking to be assessed as suitable guardians. QFKC considers it appropriate in the instance that LTG to CE is granted that the action of reviewing the appropriateness of this order is a mandated and established practice in Service Centers.

Summary

QFKC considers the current legislation and framework underpinning permanency for children and young people in care as appropriate and as having the ability, if practiced, to achieve permanency for many children and young people in care in its true sense. The framework for considering permanency as being relational, physical and legal is welcomed by QFKC and we believe that if all these dimensions are achieved for children and young people, they will have a true sense of permanency. Without the achievement of legal permanency, children and young people feel different, they do not have the person they consider their primary caregiver and parent making important decisions for them, they have a State government making these decisions and the nominated person making these on behalf of the State changes all the time. This makes a child and young person feel different to their peers and can bring with it many underlying issues when consent is not timely and appropriate as is often the case given workloads of Child Safety workers.

QFKC does not believe the introduction of Adoption as a third option (which was already available under the current act) nor the insertion relating to

review requirements (which again is already a requirement) will make any difference to the lived experience of children and young people's sense of permanency. The culture that currently exists within Child Safety that has driven 75% of long term orders to be granted to the Chief Executive despite this being the least preferred option is what needs to change. To achieve this cultural shift, QFKC believes the following should occur:

- Regionally based Permanency teams to be established
- These teams to audit all current children subject to LTG to CE to determine cases where there is a potential suitable guardian
- Priority given to undertaking suitability assessments and recommendations to OCFOS and DCPL regarding variations of LTG to CE to LTG to kin or suitable other
- Child Safety to speak with DCPL about ensuring these applications for variations are not delayed through the Children's Court
- Any future applications for Long term orders to be referred to Regional Permanency team for them to map suitable guardian options in line with the Permanency Principles outlined in the Act and complete any associated assessments, recommendations and court documents.