



Submission to the

**Consultation on a National Framework for
Protecting Australia's Children**

from

ANGLICARE Diocese of Sydney

EXECUTIVE SUMMARY OF ANGLICARE SYDNEY'S POSITION

1. ANGLICARE Diocese of Sydney (ANGLICARE Sydney) thanks the Minister for Families, Housing, Community Services and Indigenous Affairs, the Hon. Jenny Macklin MP, for the opportunity to be involved in this consultation on a national framework for protecting children in Australia. ANGLICARE Sydney supports efforts to establish a national framework for child protection to ensure consistency and standards across Australia, and to ensure better communication between jurisdictions.
2. ANGLICARE Sydney operates a number of services and programs involving children in the Sydney metropolitan and the Illawarra regions of New South Wales. Therefore comments regarding our experience are limited to this region.
3. *Stronger prevention focus:* ANGLICARE Sydney supports the position that a stronger prevention focus is essential to achieve the wellbeing of children in Australia. Achieving this requires a range of courses focussed on building and maintaining healthy families, with consideration of a range of incentives to attend such courses. Prevention strategies require adequate consideration of the diversity of cultural parenting practices, underpinned by a meaningful and ongoing dialogue with culturally and linguistically diverse (CALD) communities in order to increase awareness about the roles of Government agencies, as well as awareness and understanding of parenting issues in a range of CALD communities. ANGLICARE Sydney suggests that consideration be given to the teaching of positive parenting through the school system. There is also a need for clarification of entry pathways and the different roles of early intervention and child protection, as well as the need for improved resourcing of non-Government organisations to provide better services to clients with complex needs.

4. *Better collaboration between services:* ANGLICARE Sydney recognises the need for better collaboration between services involved in child protection, which may include regular case conferencing as well as regular and ongoing interagency or relevant stakeholder meetings. A central and national recording system of data collection and management would assist in achieving this and would allow state and territory authorities to be aware of the record of parents in other jurisdictions.
5. *Domestic violence initiatives:* ANGLICARE Sydney supports initiatives aimed at reducing violence against women and children, with a more collaborative approach between Government and agencies working with victims and perpetrators of domestic violence and increased support for the development of coordinated service delivery for all victims and perpetrators impacted by domestic violence, particularly in rural and regional areas.
6. *Focus on children's needs in adult specialist services:* ANGLICARE Sydney supports an increased focus on advocacy for children's needs when dealing with adults in adult specialist services such as mental health and emergency relief services.
7. *Reviewing financial management:* ANGLICARE Sydney supports the process of reviewing the management of finances in families where children are at risk of neglect, in order to ensure that children receive basic necessities. It is important that such reviews and measures taken in this area are constantly monitored and assessed, to ensure they are not unduly harsh or punitive. ANGLICARE Sydney supports the proposed national research initiatives and suggests a number of areas for research.
8. *Out-of-home care:* ANGLICARE Sydney is of the view that national standards aimed at ensuring all children in out-of-home care are receiving adequate care and protection would be positive. There are a number of considerations needed with regard to contact arrangements, including the need for foster care services to be informed about contact schedules. Due to the insufficient numbers of people willing and qualified to provide foster care, the Government is well placed to address this shortage by driving a national campaign to attract more foster carers, with consideration given to real and long-term incentives, prompt training and assessments, the streamlining of referral processes and a range of well-funded support services. It is also recommended that: adequate levels of counselling and other support for birth parents losing custody of a child are provided; and that transitional care arrangements be provided for young people aged 18 – 25 years leaving out-of-home care.
9. *Indigenous children:* In the area of improving responses to Indigenous children, ANGLICARE Sydney is of the view that Indigenous children in care need to have a well-developed cultural plan. In cases where a child is placed with non-Indigenous carers, it is important to ensure that the cultural identity and heritage of the child are maintained.
10. *Attracting and retaining the right workforce:* In addressing the issue of attracting and retaining the right workforce in the areas of child protection and child welfare, ANGLICARE Sydney recommends that resources be directed towards staff retention to reduce the rate of caseworker turnover and that a range of staff incentives are explored. Given the high proportion of Indigenous

children in care, it will be important to build up the numbers of Indigenous workers in this sector, which may include consideration of traineeships.

11. *Improving child protection systems:* In this submission, ANGLICARE Sydney has also highlighted a number of areas to be addressed in order to improve child protection systems including: the relevant statutory framework; the need to clarify early intervention and child protection pathways; the resourcing needs of non-Government organisations to assist clients and families with complex needs; current service gaps regarding children with moderate or severe intellectual disabilities; and the relevant Court processes.

OVERVIEW OF ANGLICARE SYDNEY

12. ANGLICARE Sydney is one of the largest Christian welfare organisations in Australia; it embodies the Christian commitment to care for all people in need. ANGLICARE Sydney has been providing a wide range of professional services to the community since 1856 and serves many thousands of people every year. Its services include: counselling; community education for families; family support services; youth services; emergency relief for people in crisis; foster care and adoption for children including those with special needs; migrant services including humanitarian entrants and new emerging communities; English as a second language classes; aged care both through nursing homes and community services; opportunity shops providing low-cost clothing; emergency management services in times of disaster; disability respite and chaplains in hospitals, prisons, mental health facilities and juvenile justice institutions.
13. ANGLICARE Sydney's service delivery aims to be responsive to local and regional needs, with an emphasis on service provision that reaches the most vulnerable and marginalised in our society. Specifically in relation to children, young people and families, ANGLICARE Sydney has provided services for over 150 years, and these include the following:
 - Temporary and permanent foster care
 - Residential accommodation for young people and young mothers
 - Early intervention program for pregnant and parenting young mothers
 - Weekend respite foster care program for at risk families
 - Family support work
 - Youth support work
 - Street outreach to homeless young people
 - Adoptions service
 - Family Relationships Centres
 - Relationship counselling
 - Child and adolescent counselling
 - Family relationship education and skills training
 - Refugee and humanitarian entrant settlement
 - Residential school for children with moderate to severe disabilities.
14. The experience in serving the community with this range of programs means that ANGLICARE Sydney is well placed to provide comments to the Government's consultation of a national framework for protecting children.

A NATIONAL FRAMEWORK FOR PROTECTING AUSTRALIA'S CHILDREN

15. In this consultation on a national framework for protecting Australia's children, the Department of Families, Housing, Community Services and Indigenous Affairs ("the Department") has issued a Discussion Paper framed around six topics. This submission is structured around these topics:
- I. Stronger prevention focus
 - II. Better collaboration between services
 - III. Improving responses for children in care and young people leaving care
 - IV. Improving responses to Indigenous children
 - V. Attracting and retaining the right workforce
 - VI. Improving child protection systems.

I. STRONGER PREVENTION FOCUS (PREVENTING CHILD ABUSE AND NEGLECT)

Importance of a Strong Prevention Focus

16. ANGLICARE Sydney supports the position that a stronger prevention focus is essential in order to protect the wellbeing of children in Australia. Early intervention programs are designed to reduce the likelihood of potentially at risk children entering the child protection system, by offering support early in the lives of these children. The emphasis of such programs is on prevention rather than on protection or removal. Such programs are provided by both Government and non-Government organisations (NGOs).
17. ANGLICARE Sydney is committed to working with all those caught up in family violence, to support change and look at ways of developing healthy relationships. This requires preventative interventions in relationship building and parenting. It also requires support strategies for those who experience such violence, including counselling and appropriate group programs. Essential to this process is the building of individual and community capacity to ensure improved emotional, psychological and spiritual wellbeing.
18. The Special Commission of Inquiry into Child Protection Services in New South Wales conducted in 2008 noted that there is a good deal of research to support the benefits of early childhood education programs and sustained home visiting, both for children and their parents.¹ Other research shows the importance of reaching families in the early stages of domestic violence and that prevention and intervention strategies are critical in reducing the impacts of domestic violence upon children.²
19. ANGLICARE Sydney operates several *Families NSW* programs and its own early intervention program, and also refers clients where appropriate, to other prevention and early intervention programs and services which have proven to be very helpful for these clients. However there are issues which ANGLICARE Sydney believes are important for improving the current operation of early intervention programs. These are:
- the need to clarify the entry pathways and different roles of early intervention and child protection;
 - the provision of incentives to encourage greater attendance at early intervention programs such as ante and post-natal parenting classes;
 - need for greater inter-agency collaboration; and
 - improved resourcing of NGOs to give better assistance to clients with complex needs.

20. It should be noted that many of the concerns raised here in relation to prevention and early intervention programs would also apply in relation to family support programs. These programs are often well established and focus on crisis-driven, multifaceted and complex issues.

Recommendation:

21. It is recommended that improvements be made to the operation of prevention and early intervention programs, particularly:
- Clarification of the entry pathways and different roles of early intervention and child protection;
 - Provision of incentives to encourage greater attendance at early intervention programs such as ante and post-natal parenting classes;
 - Need for greater inter-agency collaboration; and
 - Improved resourcing of NGOs to give better assistance to complex needs clients.

Couple and Family Education

22. ANGLICARE Sydney also offers training and counselling services that assist families and individuals to develop healthy relationships. Couple relationship education and skills training for example, is provided in a number of formats, including:
- Pre-marriage education seminars;
 - Couple seminars and weekend courses; and
 - Private relationship coaching.
23. The idea of families being in a course together and learning the same principles and skills for healthy family living is not a new concept. Family Wellness courses have been thoroughly developed in America over a 30 year period and are used in many countries outside the USA, with more than half a million families worldwide having received benefit from their programs since 1980. Survival Skills for Healthy Families is a program comprising six two hour sessions for the whole family to learn relationship skills. It puts parents firmly in charge of the family. These Family Wellness courses involve all family members from eight year-olds to grandparents.³ And these courses are used in community settings across a broad range of social levels and transfer very easily into the Australian culture.
24. ANGLICARE Sydney runs Family Wellness courses, such as:
- “Survival Skills for Healthy Families”
 - “The Wellness Way for Healthy Stepfamilies”
 - “Skills and Strengths for Families affected by Domestic Violence”
 - “The Strongest Link: The Couple.”
25. These courses can be adapted and used among a number of CALD communities, and by a number of diverse community groups and are an excellent way in which to assist families in their communication skills, throughout all stages of the family.

Recommendation:

26. It is recommended that the range of courses focussed on building healthy families are resourced and promoted, in order to equip families with skills on how to maintain healthy and strong family relationships.

Incentives to Attend Preventative Courses

27. ANGLICARE Sydney staff have observed that parents who attend parenting courses are often doing a reasonable job of parenting. Those parents often at risk can struggle to attend even the most user-friendly parenting groups. As many of these families are from a low socio-economic background priority is not always given to parenting but rather to survival. There needs to be incentives to encourage parents to attend parenting groups before the problems become critical. Parenting programs for ante-natal and post-natal parents would benefit in the long term as attachment issues and parent education can be addressed early.
28. One incentive would be the provision of childcare as part of a parenting program. This would encourage both parents to attend the course. Another would be that in order to qualify for the baby bonus, either or both parents are required to attend six sessions of a recommended parenting course. Other possible incentives centre around the tax system or parents obtaining priority access to support services.

Recommendation:

29. It is recommended that the range of incentives for attending preventative courses be identified and explored.

Promotion of Good Parenting through the School System

30. The Department's Discussion Paper "Australia's children: safe and well – A national framework for protecting Australia's children" includes consideration of the need to promote good parenting.⁴ ANGLICARE Sydney is of the opinion that the promotion of good parenting should be one of the primary focus areas for the national framework. The promotion of good parenting may include teaching children and young people in schools about:
- Positive parenting practices;
 - The effects of drugs and alcohol on the developing foetus; and
 - Brain development of babies in utero and in the first three years.
31. Further education and awareness raising that would address this issue through the primary school system would include resilience building and developing emotions.

Recommendation:

32. It is recommended that consideration be given to the teaching of positive parenting through the school system.

Cultural Considerations Regarding Newly Arrived Communities

33. The need to improve the capacity of services for newly arrived migrants and refugees is an issue that has been raised in the Department's Discussion Paper.⁵ Through a range of ANGLICARE Sydney's migrant and refugee services, it has become known that there are a number of concerns regarding the challenges associated with CALD families with different methods of parenting, particularly those communities which are more communal in parenting and which differ greatly from the dominant culture in Australia, which is more individual based. Some of these families come from villages and refugee camps, where it has been normal for extended family members, village neighbours or older siblings to care for, and at times discipline the children in the absence of supervision by the parents. These are common practices in female-headed households and among African households.
34. The issues of discipline and reporting are also aspects of parenting that require sensitive consideration in a national framework. While some discipline practices are considered usual cultural practice, a child may report this to a teacher, who may immediately report this to the authorities. In educational strategies to address good parenting, it is vital that current parenting skills are not undermined. A strengths based approach would be an affirming strategy to pursue, which looks not only at strengthening skills, but using skills that parents already have.
35. The relevant statutory authority, the NSW Department of Community Services (DoCS) in the Western Sydney region of NSW has been engaged in a number of positive strategies which have focused on increasing the awareness of their different functions, as well as learning about the different cultural practices of many communities in that region. This has occurred through the agency's Multicultural Advisory Committee, an African Learning Circle, an African Sessional Worker Pilot Program and an 'Emerging Communities Community Education Strategy.'

Recommendations:

36. It is recommended that education strategies which promote good parenting skills recognise the diversity of cultural parenting practices when educating communities about the accepted parenting practices in Australia.
37. It is recommended that a national framework addressing child protection engages in meaningful and ongoing dialogue with communities to ensure that the Government's role is accurately understood, and that the Government agencies increase their awareness and understanding of parenting issues in a range of CALD communities, to ensure acknowledgement and recognition of good parenting practices outside Australia.

Role of Centrelink in Prevention

38. The Discussion Paper raises the option of enhancing Centrelink's capacity to facilitate early intervention with vulnerable families.⁶ While it is recognised that Centrelink has access to Australia's most vulnerable families, ANGLICARE Sydney is concerned that this assistance from Centrelink may be difficult for clients to access.

39. There are, however, several issues that need to be addressed if Centrelink were to be so involved. ANGLICARE Sydney is aware that in dealing with Centrelink, families experience long waits in queues and find it difficult to negotiate their way through frontline staff to a social worker. There have been instances where families have been provided with inconsistent information by different staff.
40. Centrelink also has a role in implementing welfare-to-work policies, including the ability to apply sanctions. ANGLICARE Sydney's view is that this role makes it much more difficult for Centrelink to be engaged in providing early intervention services, given that clients would be less likely to make necessary disclosures or place their trust in an organisation which can also impose sanctions. By comparison, NGOs are better placed to build relationships with such clients because they do not have such regulatory roles.

II. BETTER COLLABORATION BETWEEN SERVICES (ALL PARTIES WORKING TOGETHER BETTER TO PROTECT CHILDREN)
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Need for Greater Inter-agency Collaboration

41. ANGLICARE Sydney is of the strong view that there should be better collaboration between services, in order to ensure that children and families receive the best possible assistance. ANGLICARE Sydney works regularly with families who are subject to child protection investigations and in our opinion, the best results are achieved for these families where a collaborative approach is taken by all services involved. ANGLICARE Sydney has had many positive collaborative experiences working with the NSW statutory agency, DoCS. Regular case conferences need to be held for all children of families subject to child protection investigations to ensure collaborative service delivery. Better collaboration may also be achieved by regular and ongoing interagency or relevant stakeholder meetings. It would also be beneficial if the relevant statutory agencies communicated as a matter of course with agencies that are supporting families, particularly when a notification has been made from that agency.
42. There are a range of complex issues intrinsic to families involved in child protection matters. There is usually a combination of factors leading to the need for early intervention or child protection. These factors can relate to poor parenting that parents themselves received, their own level of functioning due to drug use or disability, issues related to the child (e.g. level of care, safety and security they have experienced, behavioural difficulties, special needs, place in the family) and issues related to the system (e.g. ability to access services, level of income, cost of housing and transport).
43. With this interplay of a range of factors, there can be several service providers working to meet the various needs in each case. It is essential that these services are coordinated by a central agency and that there be adequate communication and collaboration to ensure that gaps are identified and areas of responsibility are clear.

44. ANGLICARE Sydney works jointly with the NSW statutory agency and other agencies, to ensure an integrated service delivery for children in out-of-home care (OOHC). ANGLICARE Sydney supports the definition of case management provided by the DoCS Case Management Policy. In most OOHC cases, ANGLICARE Sydney provides the placement, casework and case management, and the statutory agency retains full parental responsibility.
45. Program coordinators and managers seek to develop collaborative and productive relationships with staff from DoCS' Child Protection and OOHC teams. A model that has been successful with Blacktown Community Service Centre has been to have a central statutory agency caseworker allocated to all ANGLICARE Sydney OOHC cases supervised by that office. This has meant ease in information exchange and a streamlined approach, as there is a central person to contact who is focused on the range of cases being case managed by ANGLICARE Sydney.
46. When interim care arrangements are in place, good communication between the relevant statutory agency (often engaged with the birth parent) and the foster care agency (working with the child and carers) is vital. Currently where the statutory agency provides primary casework to the birth family and ANGLICARE Sydney provides the placement, ANGLICARE Sydney has experienced difficulties when promises are made to the family that cannot be fulfilled.
47. There is a need for better collaboration in the Courts. Information is regularly provided by ANGLICARE Sydney to the relevant statutory agency when review meetings are held. However in NSW Court situations, there is no means of providing this information to the magistrate or the child's solicitor. ANGLICARE Sydney is concerned that the current system relies too heavily on workers from statutory agencies to inform the Courts of the views of NGOs, particularly when they differ from the statutory agency's own views or when no meetings have been held.
48. There is a need for fairer and more timely procedures to be put into place in relation to the following issues as they affect children and young people in placements and their carers. These issues are discussed further in paragraphs 134 to 145 of this submission:
- Obtaining Medicare Cards for Children;
 - Dealing with Passport Applications; and
 - Centrelink Support in relation to young people leaving OOHC.
49. ANGLICARE Sydney's submission canvasses the need for a well-developed cultural plan for Aboriginal children placed with non-Aboriginal carers, as mentioned in paragraphs 93 to 95 of this submission.

Recommendations:

50. It is recommended that:
- i) That agencies take a more collaborative approach in child protection matters, and that statutory agencies should assume the central coordinating role.

- ii) Child protection cases should have a mandatory case review every two months, with definite targets to be achieved under the case plan, with exit from child protection only after all targets have been signed off as having been met. It is also recommended that regular case conferences are held for all children and families subject to child protection investigations. This would be helpful to ensure better interagency collaboration, shared knowledge of action being taken and defined responsibilities between each organisation.
- iii) Statutory agencies increase intervention and support through casework and material aid to 'at risk' families. If statutory agencies continue to rely on NGOs such as ANGLICARE Sydney to provide this service, it is recommended that they increase the resources provided to the NGOs to do this work.
- iv) Families be held more accountable to case plans devised by statutory agencies for the purposes of child protection. As it stands there is no 'consequence' or follow up action plans for families not achieving the requirements of their case plans. Therefore nothing is being learnt and children continue to be 'at risk.'
- v) Decisions be made in consultation with all affected parties with regard to interim care arrangements, and that the agency providing the placement is informed of suggested changes to case planning prior to these being announced or implemented.

Data Collection and Data Management

- 51. Changes to the methods of data collection and management is a way in which a more collaborative approach between all relevant agencies. ANGLICARE Sydney is of the view that a holistic system should be adopted for recording services that are engaged by clients of both early intervention and child protection services, determining what needs are to be addressed, what follow up and checks are required, and the timeframes for achievement of tasks. This could be a central record such as parents have for babies (the BLUE BOOK health record for babies) - perhaps a GREEN BOOK for clients of early intervention and child protection services. A Green Book would be issued and would need to be brought to all meetings. It could be used to access free child care, contain a copy of the case plan with review dates, and include a community resource guide.
- 52. Data in the Green Book would ideally be centrally recorded on a system with a client number to ensure that multiple service histories are available to agencies. This central recording system could take the form of a national database for child protection cases, to ensure that parents cannot escape the system by crossing a state or territory border.

Recommendation:

- 53. It is recommended that an holistic system be adopted for recording services that are engaged by clients of both early intervention and child protection services, determining what needs to be addressed, what follow up and checks are required, and the timeframe for the achievement of tasks. This could be a GREEN BOOK for clients of early intervention and child protection system.

Collaboration to Reduce Violence against Women

54. The Department's Discussion Paper considers initiatives aimed at reducing violence against women and children.⁷ ANGLICARE Sydney supports the development of such measures and has collaborated with ANGLICARE Western Australia to develop a program for perpetrators of domestic violence based on research of best practice both in Australia and overseas. Our organisations are committed to the development of programs for perpetrators that can demonstrate attitudinal and behavioural change in the use of violence in relationships. Current research of our programs supports that they are making such a difference.
55. ANGLICARE Sydney also recognises the importance of a coordinated approach to the delivery of domestic violence services, ensuring that men, women and children, perpetrators and victims of all sexes and ages are able to access appropriate services. It appears that access to services for perpetrators and victims is particularly limited in regional and rural centres.

Recommendations:

56. It is recommended that the Federal Government collaborate with agencies working with victims and perpetrators of domestic violence to determine which programs are providing and attitudinal and behavioural changes and support the development of such programs.
57. It is recommended that the Federal Government support the development of coordinated service delivery for all victims and perpetrators impacted by domestic violence, particularly in rural and regional areas and look for innovative ways to supply these services to small population centres.

Providing Support for Additional Child Focus in Adult Specialist Services

58. The Department's Discussion Paper considers the need to provide support for additional child focus in a range of adult specialist services.⁸ ANGLICARE Sydney is a significant provider of Emergency Relief services. These services often work with vulnerable families with multiple risk factors associated with children at risk, but do not receive sufficient funding to assess fully the needs of families attending services. Emergency relief services are funded by Federal Government but would benefit from additional funding for child support workers to meet the needs of children in families that access these services.
59. The area of mental health also warrants attention. ANGLICARE Sydney has had experience where the parent's needs have been placed above the needs of the children. It could be beneficial to have a separate worker involved in this area, whose job is to advocate for children of adults accessing mental health services.

Recommendation:

60. It is recommended that the Federal Government include Emergency Relief Services funded by the Department of Families, Housing, Community Services and Indigenous Affairs in the list of services to be funded with a child support worker.

Financial Management

61. ANGLICARE Sydney supports the process of reviewing the management of finances in families where children are at risk of neglect, in order to ensure that children receive basic necessities. It is important that such reviews and measures taken in this area are constantly monitored and assessed, to ensure they are not unduly harsh or punitive.

Supporting National Research Initiatives

62. ANGLICARE Sydney supports national research initiatives, as proposed in the Department's Discussion Paper.⁹ In relation to the development of an evaluation process, it will be important to consider the evaluation of both services and national policy. In developing consultation guidelines, it will be important in this national context, to consider an integrated approach among the various tiers of Government, being Federal, state, territory and local Governments, as well as a coordinated approach within each level of Government. That is, guidelines assisting communication and coordination between Federal Departments for example.

63. Other interesting national research issues include:

- The intergenerational transmission of abuse and the longitudinal consideration for example, of whether the abused child becomes an abuser, and how this may be mitigated.
- How to cross the cultural divide on parenting between Western styles of parenting and those of newly arrived refugees and other culturally diverse communities.
- More clearly articulated risk factors for child abuse and neglect.
- Evaluations of the effectiveness of different prevention and early intervention programs.

III. IMPROVING RESPONSES FOR CHILDREN IN CARE AND YOUNG PEOPLE LEAVING CARE (E.G. FOSTER CARE AND OTHER OUT-OF-HOME CARE)
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64. ANGLICARE Sydney is of the view that it would be positive to have national standards in place to ensure that all children in care in Australia are receiving adequate care and protection.

65. It is essential that, in order to ensure that all children and young people in care are adequately cared for, that Government funding is increased to all states and territories. In NSW for example, there are currently insufficient funds in place to provide homes for the number of children in OOHC.

Recommendation:

66. It is recommended that sufficient levels of funding be in place to meet current and projected demand for OOHC placements.

The Adequacy of Arrangements for Children in Out-of-Home Care

Contact Arrangements between Children and Birth Parents

67. There are a range of issues around contact that could be addressed in a National Framework to ensure greater fairness for all parties concerned. ANGLICARE Sydney's practice supports birth family contact. But such contact needs to be practical and sustainable long term, supported and resourced by the relevant statutory agency, flexible to respond to the changing needs and wishes of the child, and not at the expense of placement stability.
68. ANGLICARE Sydney considers that decisions about contact need to be made on a case-by-case basis and reflect the unique features of the particular child or young person and their environment. Workers should base their decision-making on a number of considerations including the goal of contact, the strength of the relationship between the child or young person and birth parents, the safety risks, the wishes of the child or young person, the child or young person's developmental stage, and the reactions of the birth family and foster family to the contact.

Contact Issues for Children with Interim Orders in Temporary Care Placements

69. At present, children are often required to travel long distances to attend contact with their birth family. Attempts are made by ANGLICARE Sydney to move the visit as close to the child as possible, but this is often not made possible. Often the birth family will not show up, and there has been reluctance by the statutory agency to put any sort of checking mechanism in place (e.g. calling in to confirm attendance) for fear that they will appear to not be supporting contact.
70. It is common practice for the Children's Court in NSW to make contact orders for children with interim orders. The frequency of such contact is usually between twice and five times each week. While ANGLICARE Sydney recognises that for children where there is a high likelihood of restoration this contact is important for retaining the attachment relationship, there have been a number of cases where it was known from birth that a child would not be restored and contact has been unreasonably frequent. The current system, which involves the Court making contact orders for children with interim orders, may result in visits being set at too great a frequency for the child's wellbeing.

Recommendations:

71. It is recommended that contact visits for children with interim orders be set at a level that gives priority to the child's needs regarding travel, frequency and routines. There needs to be flexibility in contact orders to accommodate the child's needs and wishes.
72. It is recommended that matters are resolved swiftly by the Court when there is no plan for restoration, to avoid prolonged periods in temporary care with high levels of contact to be maintained.

Contact Issues for Children with Final Orders in Permanent Care Placements

73. The emotional attachment that needs to form during the first year or two between a child and their foster carers is essential to the child's long term psychological health. It is a critical time for establishing a sense of connectedness and new attachments for a child in a permanent foster family. It is a period of major adjustment for the carers and their family members as well.
74. However the frequency of contact visits, in many cases, is too high and has an impact on the child, carers, birth family and agency, but is locked in by Court order or by the statutory agency's care plan. ANGLICARE Sydney is concerned about the frequency of birth family contact and the impact of very regular interruptions to the child's life in the new foster family because of the need to attend frequent Court-ordered contact visits until the child turns 18 years of age. It is our view that not enough attention is given to the impact of ongoing fortnightly or monthly contact upon the child and the placement.
75. Frequent contact has implications in four areas:
- i) The child's ability to attach and settle and have a regular, predictable routine with the new family. Frequent contact with the abusive or neglectful adult can retrigger trauma and negative arousal for the child and be detrimental to the child's emotional wellbeing.
 - ii) The stress on the carers who are required to manage a high number of routine visits and then settle the disrupted child back into the family life afterwards.
 - iii) The workload on either the Government or agency caseworker who has to spend large amounts of time organising, supervising, transporting and writing contact reports for every case. It becomes unmanageable and limits caseload capacity as one contact visit generally takes five or six hours of worker time.
 - iv) Unrealistic hopes for the birth parent who may view regular contact as being an opportunity to think the child will be restored to their care. Frequent contact can be perceived as a shared parenting role and give false hope about the capacity of the birth parent to be an adequate alternative, even though the Court has removed parental responsibility until 18 years of age.
76. Regular, reliable and predictable contact arrangements are important for children in care. ANGLICARE Sydney and the relevant statutory agency regularly cooperate around contact arrangements, especially where there are a number of siblings in different placements.
77. Children are often faced with the unreliability of birth parents who fail to attend arranged visits. Feelings of disappointment are compounded when agencies, whether Government or non-Government, do not act in predictable and reliable ways around contact arrangements. It is concerning when there is a failure to organise face-to-face contact between birth family members, when the reasons for this are not communicated or explained to birth family or to

the children, and assurances to promote other forms of contact (letter writing, update letters from caseworker, photos) are not followed through.

Recommendation:

78. It is recommended that while contact with birth family members is supported, consideration is needed of the detrimental impact on permanent placements where the frequency of contact visits is too high.

Supporting Birth Parents of Children in Out-of-Home Care

79. Good practice occurs when birth families are provided with adequate information to understand why their child is being removed, the nature of temporary care arrangements, and what they need to do to have the child returned home. However there are many occasions where this information is not shared with birth parents by the statutory agency. In addition this information is often not shared with ANGLICARE Sydney, due to perceived confidentiality issues. As ANGLICARE Sydney sees the birth family at contact visits at least once each week, workers are often asked questions that they cannot answer because there is no clear and open communication.

80. Birth parents can be left unsupported with issues unresolved when final orders are made. This can be exacerbated by:

- High levels of contact.
- Mixed messages from the magistrate at the time of making final orders. In one example the magistrate said to the birth mother “I expect to see you back here within 2 years,” but granted final orders at the same time, which gives mixed messages to the birth mother and makes it difficult to work with her to accept the permanent care placement for her child.
- Lack of counselling support and information to assist birth parents of children with final orders.

81. There is a range of emotions that these parents’ experience. The statutory or other agency is left managing a distressed and angry birth parent or one who consistently tells the child “I am going to get you back, this is only for a short time” when the child is settling into permanent care family. In the current system there is little support for birth parents to work through and accept the implications of this decision.

82. Contact with the extended family should be fully explored when a child is first placed in statutory care. If kinship options are explored when a child is initially removed and the extended birth family members decline to have the child in their care, it would be important to explore what sort of contact they would like to have with the child in the future and that this is considered when proposing the care plan.

Recommendations:

83. It is recommended that:

- i) Adequate levels of counselling and other support for birth parents losing custody of a child are provided.

- ii) Statutory agencies work more cooperatively with NGOs, providing sufficient information about the circumstances of permanent placements.

The Inclusion of Health Concerns in a Child's Health Plan

84. In NSW, there are provisions of legislation such as the *Public Health Act 1991* (NSW), which prevent the disclosure of a person's HIV or AIDS status, or that they have been tested. However, this does not apply to Hepatitis C. ANGLICARE Sydney does not agree that children should be automatically screened for Hepatitis C. However, where there is a known risk, it is recommended that screening be included on the child's care plan. Even with the practice of barrier infection control, there are still implications for a carer with other young children in the family to take on the long-term care of children with a known risk of Hepatitis C. The statutory agency also has a duty of care to children who have a known risk of HIV or Hepatitis C to have a referral to a specialist to ensure that these treatment options are properly explored.

Recommendation:

85. It is recommended that where a child is at risk of Hepatitis C, screening of Hepatitis C status is tested and disclosed to carers and the agency responsible for the placement of the child.

Recruitment and Support of Foster Carers

86. There are insufficient people willing and qualified to provide foster care in NSW. To attract more people to perform this vital role, the following recommendations are made. The Federal Government however is well placed to address the severe shortage of foster carers, by driving a national campaign to attract more foster carers

Recommendations:

87. It is recommended that:

- i) The multicultural community be utilised and advertisements placed in their language for foster carer recruitment (e.g. Vietnamese, Pacific Islander, Italian, Chinese, Arabic).
- ii) Real and long-term incentives be offered to families who provide OOH, including financial support.
- iii) Prompt training and assessments be arranged.
- iv) The referral process be streamlined through the relevant statutory agency after Court orders are made. This way, children in need of placements can be more quickly matched with potential carers waiting.
- v) Clearer decision making processes about suitable matching of child to carers be created.

vi) A range of well funded support services be provided to meet the needs of the child in care.

vii) That relative and kinship carers receive the same support that non-related foster carers receive.

Young People Leaving Out-of-Home Care and Homelessness

88. There are significant issues which require attention in relation to young people leaving OOHHC facing homelessness. The over-representation of state wards among the population of homeless youth has been documented in Australia¹⁰ and overseas. This over-representation may reflect previous histories of emotional trauma and abuse and family disintegration found among young people in care. However it may also reflect inadequate transition policies for such young people as they leave care and the failure to follow their progress. These young people do not usually have the social and family support networks of their peers and research indicates that they are often not supported by their foster families. A number of studies have confirmed that there is a high incidence of homeless young people who have previously been under care and protection orders. A 1996 Australian study concluded that: *When young people who have been in care leave care, they are more likely to experience homelessness, unemployment, early parenthood, loneliness and despair.*¹¹

89. When discharged from care, 35% of the 43 young people in one study were living in refuges, supported accommodation programs or temporarily with friends. More than half had completed schooling only to Year 10 or less, half had reported experiencing homelessness at some stage after discharge, half had committed criminal offences and one third of the young women had become pregnant or had a child soon after leaving care. Transition from care to independence is often compromised where these young people have had multiple placements and placements that were unsuitable and/or unstable. The issues were compounded if they are living in unstable accommodation at the time of discharge.¹²

90. Achieving positive educational outcomes in such circumstances is often difficult – many are contemplating senior secondary school at the same time as they are being discharged from care. This makes continuation at school extremely difficult as they try to deal with independent living arrangements. The 1996 Cashmore and Paxman study indicated that 42.8% of their interview group had been placed in refuges and crisis accommodation during their care and a number had been missing in care and living on the streets at some stage during their multiple placements.¹³ This background does not augur well for these young people's future prospects and can be a strong predictor of future homelessness.

91. It is thus important that Government recognise their responsibility in this area and consider that transitional care should be provided from the age of 18 – 25 years. Case management and monitoring, facilitation of access to necessary services and provision of appropriate safety nets need to be put in place to ensure that these young people, who have already had a difficult childhood, are not forced to live on the streets with no visible pathways out. A 'joined up' system would need to address shortfalls in this area in order to reduce homelessness overall.

Recommendation:

92. It is recommended that transitional care arrangements be provided for young people aged 18 – 25 years leaving out-of-home care, including case management and monitoring, facilitation of access to necessary services and provision of appropriate safety nets.

IV. IMPROVING RESPONSES TO INDIGENOUS CHILDREN

Aboriginal Children in Care

93. The Department's Discussion Paper discusses the need to support compliance with the Aboriginal child placement principle.¹⁴ ANGLICARE Sydney acknowledges that Indigenous people are over-represented in the number of reports made and in the numbers of children in OOHC. However the principle that such a child be placed with a member of his or her extended family or kinship group is often impossible to achieve when there are insufficient Indigenous carers available to meet the need.

94. All children should be given the opportunity to remain with family members they are most comfortable with (and are safe with), rather than placed in institutionalised care or OOHC. However the need for OOHC placements for Aboriginal children is far in excess of the supply of Aboriginal carers. The needs of the child for safety and protection may require removal from a neglectful or abusive situation, but this should be a higher priority than cultural needs.

Recommendation:

95. It is recommended that Aboriginal children in care have a well-developed cultural plan. If placing the child with non-Aboriginal carers, it is important to ensure that research and support of the cultural identity and heritage of the child are maintained.

V. ATTRACTING AND RETAINING THE RIGHT WORKFORCE (THE CHILD PROTECTION AND CHILD WELFARE WORKFORCE)

Case Loads and Staff Turnover

96. Being extensively involved in early intervention and OOHC, ANGLICARE Sydney is often in contact with the statutory child protection authority in NSW, the Department of Community Services (DoCS). At times, ANGLICARE Sydney workers have difficulty in arranging casework conferences and in gaining day-to-day access to statutory agency caseworkers. A primary cause of this appears to be the large number of cases that caseworkers are obliged to handle. Coupled with this are high levels of staff turnover, with caseworkers being transferred after short periods. Consequently communication is often disrupted and inter-agency cooperation severely stretched.
97. Statutory agency caseworkers perform a critical but very difficult role. They need to be well trained and supervised and not have large caseloads. In NSW, burn-out in this position is common and the large turnover of staff means that good practice is continually compromised.

Recommendations:

98. It is recommended that:

i) Government direct resources towards staff retention to reduce the rate of caseworker turnover. Given that this work often has low levels of remuneration when compared to other fields, and given the high levels of stress placed on individual workers, possible incentives include additional annual leave or free training and education.

ii) Emphasis be placed on worker consistency within the relevant statutory agencies, and that staff rotations only occur after a significant period in one position. ANGLICARE Sydney would consider a minimum of one year to be a significant period.

iii) A key consideration for staff employed by Government agencies would be through appropriate support and management structures.

iv) Where there is a change of caseworker, ANGLICARE Sydney recommends that families and agencies be kept informed of the change to help maintain positive rapport and provide a supportive relationship. This encourages and motivates parents to improve their parenting skills and have better outcomes for the entire family.

v) Given the high proportion of Indigenous children in care, it is important to build the numbers of Indigenous workers in this sector. One way in which the Government could provide encourage Indigenous young people in this area would be to offer a traineeship where they could work in the field while the Government assists and supports them to complete the appropriate tertiary qualifications.

VI. IMPROVING CHILD PROTECTION SYSTEMS (THERE ARE EIGHT DIFFERENT STATE AND TERRITORY SYSTEMS)

Adequacy of the Current Statutory Framework for Child Protection

99. As mentioned previously, ANGLICARE Sydney's practice supports birth family contact. However this contact needs to be practical and sustainable in the long term, and supported and resourced by the relevant statutory agency, flexible to respond to the changing needs and wishes of the child, and not at the expense of placement stability. Permanency and placement security needs to be achieved as quickly as possible for babies and young children.

100. In order to achieve security of placement, ANGLICARE Sydney considers that restoration should not be considered after final orders have been made by the Children's Court within the first year. ANGLICARE Sydney considers that permanent placements should not be disrupted even if birth parents have made lifestyle changes. The child's right to have significant relationships with birth family members is acknowledged but should occur from the safety of their psychological family. The belief that restoration can occur at any time after removal, even after many years, is flawed and ignores the impact on, and the needs of, the child.

Need to Clarify Early Intervention and Child Protection Pathways

101. The primary emphasis of early intervention is on prevention rather than child protection. However ANGLICARE Sydney is concerned that there are many families and individuals remaining in early intervention programs that require child protection interventions. In ANGLICARE Sydney's view, there have been cases of serious chronic neglect that have not come to the attention of statutory agency interventions because there has not been a critical incident to trigger a response.
102. There are many disadvantages associated with this situation. The interests of the client are not being best served, since there is no common case plan for both Government agencies and NGOs to follow. There are no formal strategies or Court-ordered plans that the client would be required to achieve. There is the increased likelihood that any gains or efforts made as part of early intervention are not supported where there is no consistent intervention from the child protection system.
103. It appears to ANGLICARE Sydney that *Brighter Futures* programs are being referred cases that the child protection system is not sufficiently resourced to deal with. It seems that, in some instances, early intervention programs have become a substitute for child protection, rather than a service to minimise child protection risks. It is our understanding that *Brighter Futures* works in a similar capacity to *Families NSW*. Some differences are that workers can stay longer with the family as they have smaller caseloads and can arrange to pay for services that will support the family that *Families NSW* programs may not be in a position to do. If a child protection incident occurs, the family can then be referred back to the local statutory agency office; however these families are often not further assessed for increased child protection intervention and can remain in an early intervention service or "fall through the cracks," given no response or follow-up from the relevant statutory agency.

Recommendations:

104. It is recommended that there be clearer definitions of and assessment for child protection interventions. Should a referral be made to an early intervention program, it is recommended that that there be a clear case plan prepared in conjunction with the statutory agency.
105. It is recommended that child protection cases should have a mandatory case review every two months. There should be definite targets to be achieved under the case plan, with exit from child protection only after all targets have been signed off as having been met. It would be beneficial if case conferences were held regularly to ensure that family goals/targets are being met.

Resourcing of NGOs to Give Better Assistance to Clients and Families with Complex Needs

106. When a complexity of social dysfunction exists, it can be assumed there is a range of needs for the parents and children involved in child protection matters. It is not sufficient for 'one stop shop' referrals to be made to agencies that are limited by a lack of resources. Furthermore there is a need to

broaden the resource base of services in the community, many stretched beyond capacity and unable to meet the range of needs related to each referral.

107. Specialist agencies may offer an important contribution, but statutory agencies need to remain in a key coordinating role, ensuring that a range of services are effective and followed through with the client to ensure risk of harm is removed or reduced.

Recommendations:

108. ANGLICARE Sydney recommends that statutory agencies provide funding for additional resources to be made available for agencies providing prevention services, particularly in the area of Family Support, to allow for expansion of service delivery to meet complex needs.
109. It is recommended that early intervention services become a function separate from a statutory agency. Appropriate funding is required to better resource and coordinate a strengthened role for NGOs in this area.

Early Intervention: Government or NGO role?

110. A question to be considered is whether a statutory agency should be involved in providing early intervention or preventative services. Will its other function of providing statutory child protection, including the removal of children from their parents, prevent it from being effective in early intervention?
111. ANGLICARE Sydney strongly believes that the two roles should be separate and that a statutory agency should not be directly involved in early intervention. Statutory agencies would then concentrate on child protection while NGOs would concentrate and further develop their existing role in early intervention. In ANGLICARE Sydney's experience, there is already difficulty in following through on case plans with all the necessary intervention and preventative measures, whereas NGOs tend to prioritise these issues. In ANGLICARE Sydney's view there are separate roles for statutory agencies and the NGOs that should be more clearly differentiated and strengthened rather than mixed together.
112. Combining early intervention and child protection roles into the one departmental organisation has done little for client uptake of statutory agency early intervention programs, with a currently struggles with different perceptions about its role - from 'friendly supportive community access point' as advertised in recent years, to statutory care body removing children from their parents. This ambiguity is only heightened in the minds of clients where the relevant statutory agency has already played a role in removing their children.
113. At times, statutory agency involvement can be a 'wake-up call' to parents to the seriousness of what is happening which can then contribute to the family addressing the issues presenting risk and also allow them to access services or resources with Government support that they would otherwise be unable to access. In some cases clients see statutory agencies as being like 'big brother' and are reluctant or unable to disclose the impact of concerns that may be necessary for early intervention to succeed. Families are sometimes

apprehensive or anxious about Government involvement, which may have unforeseen consequences for families once the relevant statutory agency becomes involved.

114. Although NGOs working with families and children are mandatory reporters, it is not identified as their sole objective. Conversely Government workers are often identified as investigators rather than as providing family supports. Many clients have experienced significant family breakdown in the past as well as the present. If as children they have experienced involvement by a statutory agency, they may be reluctant to accept support from child protection services as adults.

115. The statutory agencies should instead refer more 'low risk' families to family support services. In ANGLICARE Sydney's experience, referrals from statutory agencies are quite low, however, services such as ANGLICARE Sydney's family support service are well equipped to work with such cases. Families from low socio-economic areas have high needs, particularly needs with an early intervention focus. If NGOs received increased funding they would be able to support these families which would reduce the need for Government to focus on this area as well as other aspects of preventative work.

Recommendation:

116. Based on ANGLICARE Sydney's experience in NSW it is recommended that early intervention services become a function separate from statutory agencies. Appropriate funding is required to better resource and coordinate a strengthened role for NGOs in providing support for families.

Child Protection for those with Moderate or Severe Intellectual Disabilities

117. ANGLICARE Sydney, through our educational programs for children with moderate to severe disabilities such as severe autism or a mood disorder, have found that a number of these children often experience high levels of anxiety. Having high levels of sensitivities to normal stimuli can cause these children to make responses that are dangerous to themselves and others. This dangerous behaviour may be violent in nature, as many of these young people react with extreme levels of flight or fight. This behaviour impacts on others because it is often unpredictable, aggressive, ongoing and always has the potential to cause more harm. As a result, other family members may suffer from high levels of stress and anxiety or from mental health issues. Current policy is that children with a disability remain with their families, and as a result, there have been no alternative OOHC options.

Recommendation:

118. It is recommended that a range of strategies are explored to address the service gap, which in NSW is between the Department of Ageing, Disability and Home Care and DoCS, where children with moderate to severe disabilities and their families are not well served .

System for Reporting of Child Abuse and Neglect

Threshold for Reporting

119. It is ANGLICARE Sydney's opinion that the threshold for mandatory reporting should remain the same to ensure that children at risk of harm are protected. It is recognised that the current threshold for reporting, namely 'risk of harm,' is broad and that some may think that this could lead to over-reporting by some mandatory reporters. However ANGLICARE Sydney believes that more thorough assessment of reports should be the focus and therefore recommends that guidelines for reporting be provided to mandatory reporters, to expand on the circumstances listed within the legislation. ANGLICARE Sydney cautions against reducing the burden on mandatory reporters by changing the threshold of reporting to only 'significant risk of harm.' It is ANGLICARE Sydney's opinion that this would require mandatory reporters who are unfamiliar with child protection issues to make assessments on what to and whether to report and this could increase the number of children who are in the assessment category of emotional abuse and neglect to remain chronically at risk of longer term harm.

120. The onus of assessment of risk of harm should lie primarily with the statutory agency, as the agency with the statutory responsibility to protect children from risk of harm. While many workers employed by welfare agencies are trained and able to make this distinction, other mandatory reporters may not always be trained in this specific area and should not be required to conduct risk of harm assessments.

Recommendations:

121. It is recommended that:

- i) Guidelines for reporting be provided to mandatory reporters, to expand on the circumstances listed under the legislation.
- ii) Each report needs to be assessed and responded to by the relevant statutory agency. However 'risk of harm' status should be assessed on a cumulative record of issues, rather than based solely upon isolated incidents.
- iii) Feedback be provided to the mandatory reporter, including information on whether the statutory agency will investigate the report and the timeframe in which this will occur. If the decision is made that an investigation is not necessary this should also be relayed to the reporter with the reasons for this decision.
- iv) Government take a more holistic approach to families in their decision-making process, including referral to the full history of reports to the statutory agency Helpline and by contacting any services already engaged with the family including the service that made the notification.
- v) In the event that a statutory agency decides to close a child protection case, the agencies be advised as to the reasons for this decision so as to inform their work with the client.

Improving Court Processes

Need for Limits on Restoration Options after Final Orders

122. ANGLICARE Sydney sees permanency planning as imperative for children and young people in OOHC and seeks to work with the relevant statutory agency to achieve this. Children have a right to a safe and stable home environment, preferably with their biological parents, but where this is not a viable option, ANGLICARE Sydney believes that timely decision-making regarding long term plans for children and young people is of the utmost importance. Permanency provides children with safety and security, and opportunities to develop secure attachments with significant caregivers. It is also important to prevent children and young people from remaining in temporary care arrangements for longer than necessary. The younger a child is upon entry into care, the greater the need for early decision-making regarding permanency.
123. ANGLICARE Sydney identifies the need for timely decision-making and the formulation of clear goals for reunification or other permanent options for children and young people subject to statutory intervention. From the time of entry into a temporary foster care placement, the relevant statutory agency should consider permanency planning to be high on the list of priorities for a child or young person, considered from the time of initial placement and discussed at each review meeting.
124. Foster carers seeking to permanently foster children through ANGLICARE Sydney make a long term commitment to a child or young person and provide them with a safe and secure home environment, and opportunities to build secure attachments. This commitment is an essential aspect of service provision to provide children with opportunities to form lifelong relationships and prevent them from making multiple placement moves or drifting in care.

Recommendations:

125. It is recommended that:
- i) Permanency and placement security be achieved as quickly as possible for babies and young children. In order to achieve security of placement, restoration should not be considered after final orders have been made by the Children's Court.
 - ii) Permanent placements should not be disrupted even if birth parents have made lifestyle changes. The child's right to have significant relationships with birth family members is acknowledged but should occur from the safety of their psychological family. The belief that restoration can occur at any time after removal, even after many years, is flawed and ignores the impact on, and the needs of, the child.

Length of Court Process

126. ANGLICARE Sydney supports timely decision-making regarding long term plans for children and young people to provide them with safety and security, and opportunities to develop secure attachments with significant caregivers. It is also important to prevent children and young people from remaining in

temporary care arrangements for longer than necessary. ANGLICARE Sydney is concerned at the length of time taken for some matters to proceed through Court.

Recommendation:

127. ANGLICARE Sydney recommends that where there is no plan for restoration, matters need to be resolved at Court in a shorter time frame to reduce the length of time the child spends in temporary care placements and the number of placement moves before being placed in permanent care.

Exclusion of Agencies from Court Proceedings

128. At present ANGLICARE Sydney is not able to provide direct input to the Children's Court for children in ANGLICARE Sydney placements with interim orders. There have been placements made with ANGLICARE Sydney where the statutory agency worker has not sighted the child or spent any time with the foster family. ANGLICARE Sydney workers provide the primary casework support to the child and the foster family, including working therapeutically with the child to assist them in processing their circumstances and life history. Often the ANGLICARE Sydney worker is the only professional to see the child interacting with their birth family, at home with their foster family, and in their school environment.

129. Information is regularly provided to the statutory agency when review meetings are held, however there is no means of providing this information to the magistrate or the child's solicitor. ANGLICARE Sydney is concerned that the current system relies too heavily on Government workers to inform the Courts of ANGLICARE Sydney's views, particularly when they differ from the State Department's or when no meetings have been held.

Recommendations:

130. ANGLICARE Sydney recommends that the current system be amended to allow for the NGO providing the placement for the child to provide feedback to the Courts on the child's progress within the placement via written reports.

131. ANGLICARE Sydney also recommends that the NGO providing the placement be invited to speak with the child's solicitor as a matter of course, for every placement. At present the child is allocated to whichever solicitor is 'on duty' on the day that their matter is lodged. This solicitor is then supposed to become the child's advocate, usually without ever meeting the child or having any communication with the agency providing the placement. This agency is confused about how these solicitors form their views regarding what is in the child's best interests, when they are often only relying on Court papers lodged by other parties to inform their decision.

Consistency of Requirements of Courts Prior to Granting Final Orders

132. ANGLICARE Sydney may receive referrals for children to be matched with long term carers before final orders are made. Magistrates have declined granting long term orders until a confirmed match with a foster family is made. However this is not a fair process for the foster carers to be superficially matched to a child that they may not even be able to have placed with them.

ANGLICARE Sydney does not want to mislead the Court, yet at the same time usually does not have the required information, such as care plans and background information, (considered court documents at this point). The frequency of Court-ordered contact is not determined so the carers are therefore being matched with insufficient information, in contrast with section 143 of the *Children and Young Persons (Care and Protection) Act 1998* (NSW).

Recommendation:

133. It is recommended that magistrates grant final orders based on safety and welfare issues rather than on the availability of a (hastily matched) foster care placement. The process of referral and matching of the child with final orders should be done with all relevant information made available to the agency and potential carers.

Other Issues

Dealing with Medicare Cards for Children

134. When children are taken into care by Government at birth, on many occasions their birth has not been registered nor their birth certificate applied for. Thus they are unable to have access to a Medicare card. This is particularly a problem with babies, when Government assumes care at birth and the parents then do not take responsibility for registering the birth. This affects the child's immunisation records, as they are not able to be attached to the Medicare number.

135. Over the course of ANGLICARE Sydney's work with infants we have noted several implications. Some statutory agency caseworkers are unaware of this issue, and have taken up to four months to submit the appropriate paperwork to the NSW Registry of Births Deaths and Marriages. In a current case it has taken over six months to have a birth registered, and a Medicare card ordered.

136. While a child does not have a Medicare card, there is an unnecessary cost to the State when having to pay full doctors fees in the interim period.

137. It also means that if a child is receiving immunisations without a Medicare card, his/her immunisations may not be registered as a complete record with the Immunisation Registry.

Recommendations:

138. ANGLICARE Sydney recommends that statutory agencies ensure staff are committed to recognising the need to confirm registration of birth of children upon assumption of care, and the prompt application for a Medicare card for a child following the registration of his/her birth.

139. It is recommended that when Government assumes care of a baby at birth, that they take responsibility for registering the birth and ordering a copy of the birth certificate.

Dealing with Passport Applications

140. The relevant statutory agency and ANGLICARE Sydney work closely to obtain passports for children in care, as the requirements of the Passports office do not fit the particular legal status of children in Government care. The standard form requires parent authority, but their parental responsibility has been removed by the Court order. Birth certificate and ID of birth parents is difficult to obtain if their whereabouts are unknown or if they object to the child being issued a passport. It is a slow and cumbersome process.

141. The administrative time required by statutory agency workers to obtain passports is usually given low priority.

Recommendation:

142. It is recommended that a simpler, universal process for passport applications for children under the parental responsibility to the Minister be introduced, with clear guidelines for agencies, Passports office and the statutory agency.

Centrelink Support

143. Centrelink provides a vital form of income support for many OOHC clients, especially those transitioning to independence. The severe penalties imposed by Centrelink when breaches occur are often detrimental to ANGLICARE Sydney's aftercare clients, especially where there is a developmental delay or limited support available.

144. ANGLICARE Sydney has received contradictory information from Centrelink staff regarding eligibility for youth allowance rates. There is often confusion at Centrelink about whether the young person qualifies for the 'at home' or 'independent' rate when they are in statutory care. It is unfair to erroneously overpay the client when all the information is provided at the time of application, and then to request repayment of overpaid amounts when these errors have been made by Centrelink. It causes stress for these young people and requires worker time to advocate on their behalf.

Recommendation:

145. It is recommended that income support for young people in care is available throughout a range of changing circumstances, especially in the transition to independent living. It is recommended that a specialist Centrelink worker be nominated at each office to liaise with OOHC service providers and to deal with applications for young people in care.

Role of Oversight Bodies

146. 'Working with Children' checks are undertaken by the NSW Commission for Children and Young People. Statutory agencies and large agencies also have access to a wider range of criminal record information when recruiting and screening for staff and carers. ANGLICARE Sydney does not have access to other criminal records if the offence was not child-related, however the Government can access this information. This means that a statutory agency would know if a potential carer has a history of drink driving, assault or theft, but NGOs do not have this information.

Recommendation:

147. It is recommended that all agencies have equal access to criminal record history as part of the screening of carer applicants, perhaps done through the relevant statutory agency.

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30 June 2008

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¹ ANGLICARE Sydney Research and Planning Unit, 2004 at page 10.

² Ibid at 11.

³ Single parents and stepfamilies are catered for.

⁴ Department of Families, Housing, Community Services and Indigenous Affairs "Australia's Children: Safe and Well – A National Framework for Protecting Australia's Children" Discussion Paper May 2008 at 17.

⁵ Ibid at 16.

⁶ Ibid.

⁷ Ibid at 20.

⁸ Ibid at 21.

⁹ Ibid at 21.

¹⁰ Cashmore, J. and Paxman, M. (1996) *Wards leaving Care: A Longitudinal Study*, NSW Department of Community Services, Sydney. Sighted on 6 May 2004 at www.acwa.asn.au

¹¹ Maunders David, Max Liddell, Margaret Liddell and Sue Green (1997) *Young People Leaving Care and Protection: A Report to the National Youth Affairs Research Scheme*, np sighted on 7 May at www.acys.utas.edu.au at 5.

¹² Ibid.

¹³ Ibid at 14.

¹⁴ Department of Families, Housing, Community Services and Indigenous Affairs, above n4 at 26.