

Impact of Wood report on children and young people in care and transitioning from care

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This initial CREATE response has been developed in consultation with Danielle Domanski, NSW State Coordinator of CREATE. Unfortunately we have not yet had an opportunity to discuss the report with children and young people in contact with CREATE and that will take some careful thought, given its length and complexity. We have based these thoughts on our submission to the Inquiry and generally what children and young people have told us over time.

1. Early intervention & prevention

CREATE SUPPORTS measures to address the number of children and young people entering care – so we support early intervention and family support shifts. I will not comment on details of the child protection intake and risk of harm definition proposals – as others have covered that in more detail. The changes may help to alleviate the overload on DoCS and enable reports to be properly investigated and to receive an adequate response. The alternative pathways into the Brighter Futures (late early intervention) program and other types of support services have to be an improvement over the current system.

2. Court processes & orders: CREATE SUPPORTS greater emphasis on Alternative Dispute Resolution and Family Group Conferencing as these processes have great potential to enable participation by children & young people to the extent they want to participate and can be supported to do so.

CREATE has reservations about the proposed limitation of the power of the court to make **contact orders only in cases where restoration is a real likelihood** – children and young people have very strong views about family contact and want to be heard on this. We do not deny that some bad court-ordered contact decisions have been made and understand the DoCS and some NGO's position on this matter. But contact is closely related to identity. Children and young people have to know who they are, where they fit in families, they need to know their story in order to create their own lives. Contact is one aspect of this life force – to be part of a family. The power of the court to make contact orders was justified in 1998 in the Act on

basis of inadequacies in the practice when no such orders were possible or they were limited in scope within care orders.

If contacts decisions regarding children who are not being restored to birth parents are to be made through case planning processes, then this is one important area where kids views must be sought and as far as possible accommodated – with case work support and funding of contact if necessary. This could be about more contact, it could be about less contact or different contact with different people. If the courts powers are limited **CREATE would want assurance that there would be strong practice guidelines, issued by the Children’s Guardian or the Minister,** to support best practice. We all know kids will vote with their feet especially if wrong decisions are made.

3. Out of Home Care

We all need to be working together to improving the quality and consistency of support for children & young people in care. Ultimately we want to **close the gap in life outcomes for children & young people in care**, compared to their peers not in care.

CREATE SUPPORTS the proposed transfer, over time, of **more OOHC provision and case management to the NGO sector**

Children and young people who have contact with CREATE tend to have more favourable things to say about the quality of care they receive when the placement is supported by a NGO rather than by DoCS. We understand this is because all NGO placements have case work allocated and have lower case loads than DOCS, being able to decline referrals when they are in effect ‘full’. This is not a reflection on the foster carers or case workers in either system per se and not every NGO placement is perfect. If case loads in NGOs increase markedly then the quality will decline. So transfer to NGOs will only be a positive in the longer term if case loads remain low/ manageable and staff are able to provide sufficient support to placements. There is no magic formula that says ‘NGOs are better’ – it is about delivering a better service to children, young people and families. DoCS should be able to provide better service too, if their case loads are reduced.

Workforce

This leads to the related issue of **work force**: it is not just a matter of finding more foster carers, but also attracting and retaining a skilled and motivated work force who can deliver a child-centred, relationship-based service. People must want to do this work, see it as important work and most importantly want to spend time with children and young people.

Restoration

One way of stemming the projected increase in numbers of children and young people in care, apart from changing conditions in society and preventing entry, is to **improve case work in support of restoration**. It still does not have enough attention or resourcing, despite some good work in some areas. The longer stays particularly in kin care will continue to get longer, until the kin carers crumble under the strain.

However if kids are returned home or self-place without sufficient support, they can end up facing the pain and hurt again when things fall apart. So supported restoration is vital.

Permanency/stability

What children and young people tell us they want is **CERTAINTY** – whatever the decision or placement; to know what is going on and be involved to the extent they wish and have capacity to do so. Kids want to be safe, to be stable and to be involved – whether directly or through their carers or others they choose as support people.

Privacy provisions:

Rec 24.6 proposes that the Act be amended to permit exchange of info between human service and justice and between government and the non-government sector for the purpose of making a decision, assessment, plan or investigation relating to the safety, welfare and well-being of a child or young person.

This recommendation will be warmly welcomed and strongly supported by NGOs providing placement services and CREATE generally support it especially if prompt and complete provision of information leads to better service provision – it is very important if a greater proportion of placements are provided and case managed by NGOs. Two issues to keep in mind here: At what point will children or young people

be able to express views and either give or withhold consent for the exchange of information. They may have a view and be able to consent or withhold consent and that view should hold sway if they are competent.

A second aspect is that CREATE and ABSEC, as peaks with particular services and supports that they want to offer and provide, need access to information in order to contact and offer services to children and young people and/or foster carers. Privacy provisions have prevented the exchange of that information in the past, so we hope rec 24.6 will be seen to have systemic application, not only be limited to individual children.

Area of concern: Leaving Care and after care

While we support the recommendations and they are among things CREATE recommended in the *Report Card: Transitioning from Care (2008)*, they do not go far enough to address shortcomings in leaving care planning and after care support.

Re Rec 20.1, as more case management is transferred to NGOs they too, as well as DoCS, will need to have people skilled and able to work with the age group approaching leaving care age and provide on-going case work to after care clients. We acknowledge some agencies do some of this work already. So it is not only about appointing DoCs specialist case workers.

Re Rec 20.2 and 20.3, it is no good giving information about support when what is provided is inadequate. What young people need is *not only* information about supports available to them; they need **greater financial and practical support** for a **longer** period on an **entitlement basis** rather than on a high-threshold needs assessment basis. That support should be available until age 25, or a bit earlier if they have achieved independence.

Existing specialist After Care support services are inadequately funded and need enhancement. In the OOHC EOI processes provision was made for OOHC placement providers to enhance their services to incorporate better after care support. I am not aware of how many if any contracts have been concluded or funding provided that actually delivers on any of this.

4. Implementation of the recommendations, and the government response.

CREATE appreciates the opportunity to work through the proposals on the Ministerial Advisory group with other peaks and stakeholders. Danielle Domanski, NSW State

Coordinator will be the CREATE representative on the Minister's Child Protection Advisory Group and has the full support of the national organisation to work together with others on behalf of the children and young people in care and transitioning from care in NSW.

CREATE does see the need to progress the work quickly – some of the proposals are things that have been on the table for several years, for example the Voluntary Care provisions - the revised scheme of monitoring was widely consulted about and agreed, maybe as far back as 2004.

The legislative review was conducted and people made submissions in early 2006 and early 2007 and some significant amendments were up to legislative drafting stage or close to it – all this went on hold.

NGOs went through an excruciating EOI process in 2007 with little yet to show for it in the way of enhanced funding, extended service provisions etc.

While the excuse is now being made in many jurisdictions that the 'economic crisis' will affect the ability to deliver on many needed reforms – this is one where the money must be found. It will cost far more in the long run if money is not found.

However it is not just about money it is about working wisely and well together with what we have got. There is a lot of goodwill. We need to get on with it – in order to really address the needs of kids in the care system now and those likely to be entering care in the years to come.