



**SACOSS Submission to the
Child Protection Systems Royal Commission**

January 2015

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1. SACOSS's role and interest

The South Australian Council of Social Service (SACOSS) is the peak body for the social and community services sector in SA and we provide a strong voice representing the interests of South Australians who face poverty and disadvantage. SACOSS has maintained a deep interest in issues of child safety and wellbeing for many years and has long advocated for an effective child protection system in South Australia.

SACOSS has many members engaged in delivering services to South Australians involved in the child protection system. We are aware of a number of submissions being made from direct service delivery agencies which we believe will shed some light on some of the issues from the perspective of children, young people and families, as well as the myriad of frustrations experienced by workers and agencies outside the government bureaucracy. We also understand the Child and Family Welfare Association (CAFWA) have submitted their Ten Point Action Plan for Child Protection. We would like to acknowledge and commend the views of these important stakeholders to the Royal Commission. We also wish to engage directly, through our own submission, so that we can also contribute to thinking about how our child protection system can be improved to create better opportunities and outcomes for young South Australians.

SACOSS recognises the role and responsibility of the state on behalf of our communities to ensure the safety of our children. However, we also recognise the need for the community to be involved in the ongoing development of a system which meets our needs and expectations.

As vulnerable members of our society, SACOSS accepts that children must be supported to develop their full potential as the contributing adults of the future. This is a social compact that most would share - all South Australians have responsibility and we all hold a stake in our success. The problem with failures in our ability to provide opportunity and protection to our children, beyond individual suffering, is the significant flow on effects, feeding other areas of social breakdown and disadvantage. This includes drug and alcohol, domestic violence, criminality, and poor engagement with the very systems that provide opportunity to escape generational poverty for example, education and employment.

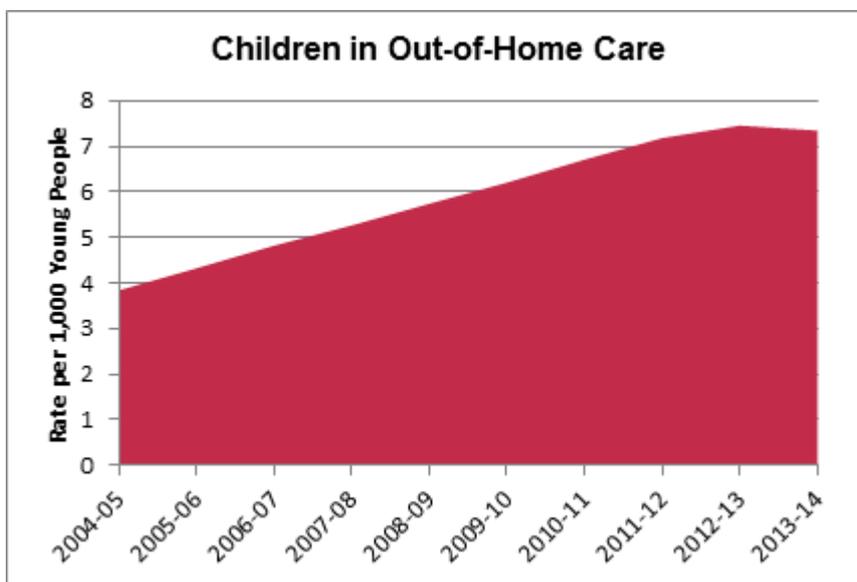
An effective child protection system should support families to thrive through measures that react meaningfully, flexibly and considerately to at-risk families and children, and should seek to diminish the wider societal drivers of abuse and neglect. Where statutory intervention is necessary our child protection system should act swiftly to safeguard children from future harm. Ultimately there will be a small proportion of children that will need courts to make timely decisions in their interests, after which secure and stable arrangements should be made for the ongoing care of these children into adulthood.

Our submission is structured in the following way. The second section provides a scope of our current approach to child protection in South Australia (SA) and some of the broad problems arising as we see them. The third section considers some major areas we have identified that need progressive change. Our submission argues for a major shift in child protection focus to ultimately stem the demand on crisis driven child protection and provide better outcomes for all children.

2. Child protection in SA

It is generally recognised by most stakeholders that the current child protection system is in crisis and there are a myriad of criticisms and commentary in the public domain. Unfortunately, to date much of the hype related to the crisis in child protection has been unhelpful in eliciting system improvements.

Figures from the Productivity Commission’s Review of Government services show a steady rate of increase in the number of children needing to be removed from biological parents and who are placed in out of home care. While it is difficult to attribute a specific cause for this growth, it is clear the system, as it stands, is not functioning to reduce the need for crisis driven responses to child protection issues.



Source: Productivity Commission (2015), Review of Government Services, Volume f, Table 15A.18

Australia is not alone in facing a rising demand for child protection services. Internationally a number of countries with similar child protection systems are increasingly re-evaluating these approaches and looking to the “family service” model evident in a number of European countries such as Denmark, Belgium and Sweden¹. These countries have not experienced the same rise in demand as countries like Australia, that rely on systems that provide statutory protection from harm for children. The family service model recognises that child abuse results from conflict or dysfunction arising from social, economic and/or psychological problems. It provides supportive and therapeutic responses to meeting the needs of children and families who typically engage with these services earlier and on a voluntary basis. This is a very different focus to the majority of our current child protection services in SA.

¹ Price-Robertson, Bromfield and Lamont. *International approaches to child protection: what can Australia learn?* Child Family Community Australia Paper No. 23, Australian Institute of Family Studies, 2014

PeakCare Queensland, a peak body for the non-government child protection sector, has problematised what they refer to as the Anglo-American model of child protection currently used in all Australian jurisdictions, arguing that the current systems have been built on the misinformed assumption that child abuse was a hidden individual or family problem for small numbers of children. They say, that the result is the current situation, where ever increasing numbers of abuse reports and their management actually decrease the system's ability to protect children from abuse. The domination of this flawed model means that most new service solutions assume the system will stay fundamentally the same and therefore aren't truly innovative.² In addition there is a moral imperative to maintain statutory services, which is problematic when trying to redirect funds into new areas of focus.

While we are certain that the Royal Commission will find areas that can be improved within the statutory processes that protect children from harm, of most concern for SACOSS, is the failure of our current system to provide support to families to develop and strengthen and thereby stay intact. In addition the failure of the system to guarantee opportunity for a better quality of life for children after removal from the care of parents is extremely concerning. These two profoundly important functions are not done well currently and should be a central feature of a plan for child protection in the future.

² PeakCare Queensland Inc. *Rethinking Child Protection: A New Paradigm?* Paper #5 Discussion Paper Series. PeakCare Queensland Inc. Paddington. 2007.

3. The future for child protection in SA

In order to address the fundamental problems with our current child protection system, our first step is to reimagine what we as a community want to achieve. Currently the system is geared to respond to, investigate and act in situations when children are subject to abuse, particularly where this abuse is physically evident. There is little debate that this should be a responsibility and function of government. However, legislation empowering our child protection system, the service plan for Families SA and even the terms of reference for this Royal Commission recognise there is a greater consideration, that is, to ensure that children receive the best possible care, which enables them to achieve their full potential. To achieve this objective, our current systems are misaligned.

A better system would provide support for families to stay together. It would swiftly identify where this potential does not exist and would remove children at risk to an alternative family where they would receive ongoing love and care. Because the government has intervened for these children, the responsible authorities have a heightened responsibility to ensure that their lives are substantially improved. A sad irony of our current system is that children under the Guardianship of the Minister often continue to be troubled, not only because of the trauma they receive while living in situations of abuse and/or neglect but also because of the horror of being raised within a system that continues to fail them throughout their childhood. Where this is the case, we are not meeting our obligations.

The National Framework for Protecting Australia's Children 2009-2020³ endorsed by the Council of Australian Governments in April of 2009 provides a long term strategy for all jurisdictions which goes some way to incorporating early intervention and family service approaches into a plan for child protection. However, despite endorsing the framework over five years ago, we are yet to see a meaningful shift in the emphasis of state based child protection services in SA.

3.1 Early intervention and universal support services

There is a strong correlation between child removal and social disadvantage. Commonly children and families who come into contact with the child protection system can share social and demographic characteristics, such as a family history of domestic violence, alcohol and substance abuse, psychiatric disability. Families that are reliant on welfare payments are over-represented in the child protection system⁴. Our current rates of welfare payments place people near or below the poverty line. Such limited means affects their capacity to provide wholesome living environments for children, so it is crucial that policy in relation to income support ensures children aren't living in deeply impoverished circumstances.

Better resourced and effective early intervention services that tackle areas of social dysfunction in the adult population will have a significant positive flow on affect for children. Supporting adults to be better parents and families to stay together is not only the best outcome for children but is also financially sensible. Where more positive parenting skills can be learnt and negative behaviours reduced there is a flow on benefit to other children within the family and future generations. Avoiding addressing problematic social

³ Australian Government, Department of Social Service, *National Framework for Protecting Australia's Children*, 2009, viewed 28 January 2015 https://www.dss.gov.au/sites/default/files/documents/child_protection_framework.pdf

⁴ Australian Government, *Productivity Commission Report on Government Services 2014*, viewed 28 Jan 2015 http://www.pc.gov.au/data/assets/pdf_file/0019/121780/22-government-services-2013-chapter15.pdf

issues in our community inevitably leads to children being born into families where there is risk to their safety and healthy development. Cuts to basic social services is therefore a false economy, the costs arise elsewhere in the service system and this may be behind the ever increasing cost of our child protection system⁵.

Stakeholders have reported increasing numbers of children with disability in the child protection system. The implication is that parents may be struggling to cope with their child's specific needs and that they may not be getting adequate assistance from disability and other social services. This issue warrants investigation to explore what kind of support services would be needed to support parents to care for children with severe disability at home.

Current Child Protection Expenditure

In 2012-13, South Australia's expenditure on child protection per child was well below the national average and is the second lowest of all states and territories (excluding ACT).⁶ While expenditure alone is not a good indicator of the quality of the child protection system, it is useful contextual information particularly when the spending is further analysed. Where SA falls significantly behind, in comparison with national expenditure, is on intensive family services - spending only 53% of the national average. In comparison, SA's expenditure on out-of-home care is above average.

The financial figures above are further evidence that expenditure (and effort) is crisis driven and reactive. The current system is suffering from a lack of investment in primary and preventative programs that aim to support families to remain together and avoid crisis, which contributes to an above average expenditure when children need to be removed and placed outside of the family. This pattern of expenditure does little to address the causes of child abuse and neglect nor aims to reduce future costs.

Recommendations:

- 1. State Government to investment more in programs that intervene early to prevent child abuse and strengthen families.**
- 2. Federal and State Governments must maintain and increase funding to frontline services in domestic violence, drug and alcohol, homelessness and Aboriginal wellbeing.**
- 3. Federal and State Governments must ensure there are adequate levels of income support available to lift families above the poverty line.**
- 4. State Government to investigate the incidence of children and young people with disability in the child protection system in order to deliver adequate supports to strengthen families.**

⁵ Government of South Australia, Office of the Guardian for Children and Young People, *Cuts to family services can be false economies*, 2014, viewed 28 January 2015 <http://www.gcyp.sa.gov.au/2014/09/5131/>

⁶ Government of South Australia, Office of the Guardian for Children and Young People, *SA Expenditure on child protection and related areas- comparisons and trends 2012-13*. July 2014, viewed on 4 August 2014, <http://www.gcyp.sa.gov.au/2014/07/4807/>

3.2 Separation of statutory and supportive functions

There is important work to be done with regard to delineating the core functions involved in child protection. Families SA's fundamental statutory role in determining whether children should be removed from situations of abuse and neglect is in conflict with essential family support functions. Both are important and worthwhile activities. However, Families SA having the primary responsibility for both functions is contradictory and alienating for families.

The separation of the two core functions of child protection is vital in maximising the opportunities for families to engage with supportive services and change behaviour. Ideally some level of family support service should be available universally and could be taken up on a voluntary basis, without fear of investigation.

While it may be possible to demarcate separate responsibilities between different government departments, a simple and appropriate separation might be to allocate responsibilities for early intervention and family support functions to NGO's within the community services sector. If NGO's were charged with the primary responsibility for supportive family based work, this could greatly assist in resolving the inherently antagonistic roles currently provided by different divisions within Families SA.

Another area of concern with regard to the responsibilities of Families SA is its investigation of care concerns. Recent examples have arisen showing failures in the proper investigation of care concerns by Families SA, indicating a need for systems improvement in this area. In the past year there has been a new push from various stakeholders for the establishment of a Commissioner for Children and Young People, which was a recommendation from the Layton report published over a decade ago⁷. A Commissioner for Children and Young People would promote and advocate for the rights of children and could have powers to investigate care concerns independently.

Recommendations:

5. Separate the child protection functions that are statutory from those that provide support and strengthening services to families and deliver these through distinct and separate entities. It would be appropriate to leverage the distinction between government and non-government services to achieve this.

6. Establishment of a SA Commissioner for Children and Young People with powers to investigate care concerns relating to children in out of home care, specifically where these point to systemic issues.

3.3 Stability of out of home care placements

Where children must be removed from parents care on a permanent basis, stable family based "foster" care or adoption is universally recognised as the preferred model for children and is likely to provide the best possible outcomes for children. Stable and longer term placements are also more financially efficient. However, the statistics relating to the number of placements that children and young people currently travel through reflects a serious lack of stability. For all children in care in South Australia at 30 June 2012,

⁷ Layton, R, *Our Best Investment, A State Plan to Protect and Advance the Interests of Children, Child Protection Review*, Government of South Australia, 2003, viewed 29 January 2015
http://www.decd.sa.gov.au/speced2/files/links/Child_Protection_Review_FU.pdf

approximately 22% had one placement (or were currently in their first placement), 45% had been in between 2 and 5 placements and almost 33% had been in 6 or more placements.⁸ This level of instability is highly undesirable for all involved, and most particularly the child or young person.

We are continually told that foster carers are taking on the care of children and young people who have increasingly complex issues, and at times are only able to access minimal support from Families SA. The difficulty of caring for children with complex needs and the inadequacy of support provided (particularly out of hours) is a significant factor leading to placement breakdown.

While SACOSS recognises that the appropriate placement of children who are removed from birth parents into a 'foster' family is the best option available for many children in the child protection system, the temporary/transient nature of placements may diminish the desirability and positive outcomes produced by this model of care. Much more support and investment is needed to ensure successful placements and the viability and value of the foster care model in the long term.

Foster Carers

Instability of placements is also undesirable for foster carers, who can become demoralised from placement breakdown. Currently the recruitment of foster carers has not kept pace with demand both in the general mainstream population and especially those that can provide appropriate cultural placements for Aboriginal children. Part of the difficulty arises from social changes that have Australian families working more and longer, putting a squeeze on the time left to care for their own families, let alone take on extra caring roles.

Another issue which may contribute to difficulties in recruiting foster carers is their uneasy position of on the one hand being asked to provide a deeply personal care for a child, and while on the other being divorced from significant decisions making about the child. The position of having little input or security with respect to their caring relationship is alienating and departmental policy and practice regarding communication and inclusion in care meetings etc. can be a significant contributor. Currently communication practices are poor and policy does not provide the foster carer with a significant role in decision making about the cared for child.

The important work of foster carers is highly valuable in producing the best outcomes for children at a minimal cost, but those who perform the care are not rewarded by our current systems. Payments for care are designed to cover out of pocket expenses although many would say, even this is not achieved. Another important issue is the long term financial penalty of doing foster care work instead of paid employment which accrues at the very least minimum entitlements to superannuation, sick and holiday leave. The foster care role, on the other hand, does require important personal qualities and experiences and has significant training demands. This is in stark contrast to the price of workers in residential care settings where the cost of providing care multiplies rapidly and can reach extreme levels.

Recommendation:

7. Foster carers to receive communication regarding child's history, progress of care plans, updates on care meetings and other important information.

⁸ Government of South Australia, Office of the Guardian for Children and Young People, *Statistics about children in care- June 2012*, viewed on 4 August 2014, <http://www.gcyp.sa.gov.au/2013/03/statistics-about-children-in-care-june-2012/>

8. The child protection system must make available all of the needed supports that may be required for foster parents to sustain a stable a nurturing environment for children, with a view to making placements long term and permanent.

Residential care

Despite departmental policy that explicitly favours family based care in relative, kinship or foster placements, there has been a steady growth in the number of children placed in residential care facilities in SA. The rate of children in out of home care being placed in residential care grew from approximately 2% in 2005 to over 12% in 2013⁹. It seems somewhat obvious to note that it is generally accepted that residential care is not a desirable setting for children and should only be used as a last resort, on a short term basis and or for therapeutic reasons.

SACOSS acknowledges the need for children to be placed in residential settings usually arises when a suitable foster placement cannot be found or where it is likely that family based care would not be sustainable because of a child's complex behavioural and/or psychological needs. A growth in the number of children who need such care is symptomatic of severe trauma from parental abuse possibly compounded by a system that does not properly respond to their complex needs and is very concerning.

Recommendation:

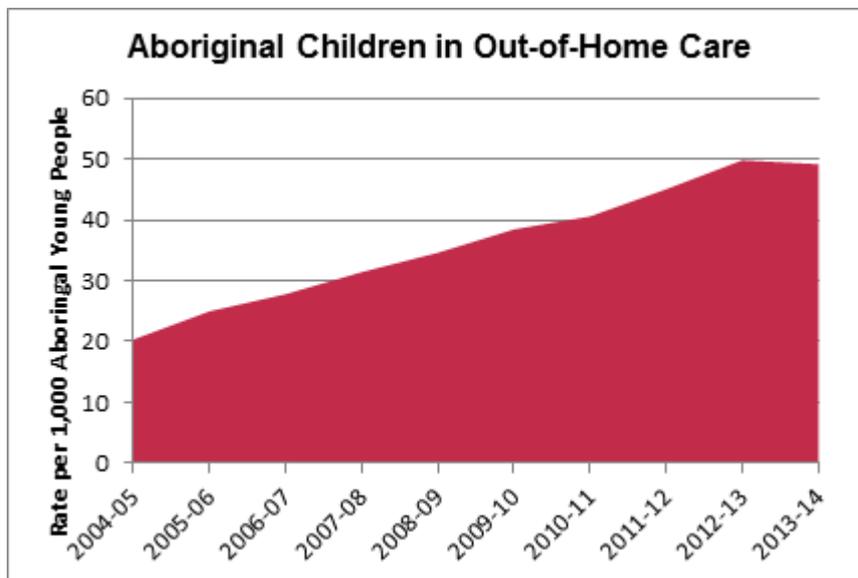
9. Given it should be an option of absolute last resort, residential care setting should provide therapeutic care with the ultimate goal of transitioning children to family based care.

10. The State Government should enact a plan to eradicate residential care over the next 5 years.

⁹ Government of South Australia, Office of the Guardian for Children and Young People, 'Young people in state care and custody in South Australia, 2014, viewed on 27 January 2015

3.4 Aboriginal children

Alarming numbers of Aboriginal children are being removed from parents and are being placed in out of home care. The rates shown in the graph below are shameful and reducing the overrepresentation of Aboriginal children and young people must be a major focus of reform.



Source: Productivity Commission (2015), Review of Government Services, Volume f, Table 15A.18

Indigenous people are typically overrepresented in child protection systems internationally but there are potential models with promise. Innovations are occurring internationally and locally with regard to the overrepresentation of Indigenous young people in child protection. An international review of Indigenous child welfare perspectives by Libesman highlights the importance of positive family and community wellbeing approaches rather than the individualistic approach of our current system. Typically this requires a holistic model focused on family and other informal supports. It also involves a transfer of responsibility for Aboriginal child welfare to an Aboriginal organisation/s.¹⁰

An exciting example of this model is in progress in NSW under the guidance of the Aboriginal Child, Family and Community Care State Secretariat (AbSec). As a result of the 2008 Special Commission of Inquiry into Child Protection Services in NSW and the NSW Government's subsequent Keeping Them Safe 5 year plan, AbSec was given 2 projects which effectively refocus child protection services on supporting families and communities and will build the capacity of Aboriginal communities and organisations across the state to do the work. The work in NSW used learnings from Victoria's pre-existing Lakidjeka model.¹¹

The NSW AbSec model brings together a number of important elements that would be valuable to the South Australian context. For example, genuine partnerships are used to build capacity in areas where it is

¹⁰ T Libesman, 'Child welfare approaches for Indigenous communities: International perspectives' in *Child Abuse Prevention Issues*, No.20 Autumn. National Child Protection Clearinghouse. Victoria, 2004, viewed 4 August 2014, <http://www.aifs.gov.au/nch/pubs/issues/issues20/issues20.pdf>

¹¹ Aboriginal Child, Family and Community Care State Secretariat (AbSec). Keep Them Safe. New South Wales, viewed 4 August 2014, <http://www.absec.org.au/services-we-provide/keep-them-safe.html>

lacking. Experienced mainstream organisations are supported to partner with Aboriginal organisations/communities with the goal of skill transfer. These partnerships have a sunset clause built in with the eventual full transfer of service responsibility and funding to the Aboriginal organisation. This recognises the fundamental importance and responsibility of Aboriginal people in leading the protection of children and young people. Aboriginal control also increases the likelihood of appropriate cultural practises.

The early results from the work in NSW are promising and SA stakeholders informing this submission believe there would be merit in investigating the applicability of establishing similar work in South Australia. Currently South Australia is lagging behind in the area of Aboriginal child protection. Aboriginal Family Support Service would be an obvious source of leadership, if sufficiently resourced to do so.

Recommendation:

11. State Government to building capacity and self-determination in the Aboriginal NGO child protection sector using learning from the Lakidjeka and AbSec models.

12. Federal and State Governments must directly engage with the broader Aboriginal community about the multiple issues that contribute to the overrepresentation of Aboriginal children in the system. Governments must work collaboratively with the community to ensure better outcomes, urgently.

4. Conclusion

We at SACOSS are very much invested in helping to create better approaches to keeping children safe in our communities. But we are cautious about making simplistic responses to the many issues challenging our current child protection system and jumping too quickly to patch only parts of the system, which has so many fundamental problems. We believe it is very unlikely that this approach will produce the best possible result.

The task of addressing these challenges is not simple, and we at SACOSS are concerned that because it involves significant reform that major system improvements will be deferred ad infinitum. Deep consideration needs to be given to the various stages of the child protection system, the best approaches available and their applicability. We have witnessed a series of reviews, inquiries, the development of a National Framework for Protecting Australia's Children and other major areas of work by government, none of which (despite containing thoughtful, well research and helpful recommendations) have enabled us to avert our current crisis in child protection. We are hopeful that government will use the findings of this Royal Commission to redesign a visionary child protection system for the future.

If we are to address the increasing rates of children needing our child protection system and ultimately out of home care, we need to have a response that aims to address the fundamental problems that cause poor parenting and can lead to child abuse i.e. poverty, domestic violence, homelessness and substance abuse. South Australia is sorely in need of new ideas and investment in initiatives that are aimed at preventing families and children to need foster care and other crisis driven child protection services. Considering the unacceptable rates of Aboriginal children in need of child protection it is essential that Aboriginal People are central in developing and leading this work.

While investment in early intervention and family support is likely to diminish costs at the crisis end of the child protection system, an early injection of funds will be necessary to harness this long term benefit. Beyond this financial equation there is a clear moral imperative to make system improvements that have such a fundamental effect on children's lives.