

4th February 2015

Hon Justice M Nyland
Royal Commission into Child Protection Systems in South Australia
GPO Box 9947
ADELAIDE SA 5001

Dear Justice Nyland

Please find attached Uniting Communities submission to the Royal Commission into Child Protection Systems, South Australia.

This submission is based on the experiences and views gathered from personnel operating across Uniting Communities varied programs and services which engage with vulnerable families and children in South Australia.

Our submission is prepared with a strong commitment and belief that as a community we can do much better in ensuring the protection and safety of children and young people in our State.

Uniting Communities believes that the protection of children is everyone's business. Whilst much of the recent public focus has been on shortcomings in our statutory child protection authorities and systems any lasting improvements will require much more than the reform of these institutions and processes. Our submission does address recommended changes to our child protection systems but it also posits the need to deal with the underlying causes of child abuse and neglect in our community and the role that all segments of our society must play in protecting children's safety and wellbeing.

As one of South Australia's leading community and human service agencies Uniting Communities believes that we have a responsibility not only to identify opportunities for change but be an active agent in such reform.

In providing this submission and our recommendations we are demonstrating our commitment to helping to build a more responsive, child focussed child protection system for all South Australian children. We would be happy to provide further supporting information and evidence in support of our submission should this be required, in whatever way that would assist the Commission in its deliberations.

Yours sincerely



Simon Schrapel
Chief Executive
Uniting Communities



**Submission to the Royal Commission into
Child Protection Systems, South Australia**

Submission prepared by: Uniting Communities

10 Pitt Street, Adelaide, South Australia.

February 2015

Child Protection Systems Royal Commission

Executive Summary

Uniting Communities recognises that effectively dealing with child protection is complex, yet we argue that it is one of the most important responsibilities of Government and local communities.

The current Child Protection System in South Australia is not functioning effectively, due to a highly centralised system and a lack of shared responsibility in providing all aspects of the required service solutions. Adequate resourcing is important, but significant system change is needed, with existing resources more effectively allocated.

The Child Protection system must also be viewed in a broader social context of how children's rights are protected and promoted and families provided with the support and resources required to care and nurture children. Our child protection systems reflect the way our society views and treats children and young people and provides for their optimum wellbeing.

Uniting Communities proposes 4 key system changes that need to be implemented in South Australia, these being:

Family Focussed System: A shift in focus from a "Child Protection" focussed system to one that is "Family Focussed". This means recognising that, on balance, most children and young people are better off living with their biological parent(s), extended families or associated networks. So services need to focus on building the capacity of families, while also keeping children safe.

South Australia needs to develop a comprehensive system of family supports than can reach all population groups, family types and all localities. A system which can offer a range of interventions tailored to the needs of families and children. The historical failure to invest in such a system, operating at both informal and formal levels of support, has resulted in an increasing number of children entering and remaining in child protection and out of home care. We cannot hope to reduce the demand on these systems unless we do much more to build the strength and coping capacity of families and front line carers.

Local Level Responsiveness: We need a system with significantly greater local level responsiveness, and accountability to enhance solutions that are appropriate for children/young people and their families. Our centralized systems of responding to child protection concerns fail to harness the enormous resource and goodwill of local communities. If child protection is to truly be the responsibility of all we need to provide greater opportunities for all members of our community to play a part – not just in the detection of child abuse and neglect but in its solutions. When community members are provided the training, skills and permission to play a role in protecting children and in

supporting parents and families we build a society that is not only more compassionate but which is better able to protect the interests of children experiencing risk or harm.

Clearly Defined Roles and Responsibilities: As part of a more child/young person focused system and a move to greater local level responsiveness and accountability, the delineation of roles and responsibilities between government departments and NGO's is critical. Community based organisations need to provide a broader range of services to support children, young people and their families. Child Protection systems which rely on government agencies as the primary source of intervention will inevitably fail. Such systems lock in unreasonable expectations that government and its agencies can keep children and young people safe from harm. It is community and its various institutions, in the form of non government agencies, local community groups and informal networks that must step up and take greater responsibility in the front line of protecting children. To do so though requires a substantially different approach by those government agencies currently undertaking child protection work. As has occurred in almost every other jurisdiction across Australia and in other countries with similar economic, social and political structures, community based agencies must be enabled to play a more significant role. This includes the provision of immediate responses to children and young people at risk of abuse or neglect rather than relying on an outdated and dysfunctional triage system established to respond to ever escalating notifications.

Structures which facilitate Child/Young Person 'voice' and advocacy: At the heart of a responsive child protection system is the voice of children and young people. There are two fundamental changes which we believe would help better engage their voice. Firstly there should be an advocate involved with the child/young person in every case conference and decision making process that the child protection system subjects them to so that there is the best possible chance of their voice being heard and their preferences understood. The advocate's role would be to enable and encourage the young person to state their own preferences, where this is possible, or to be the voice of the child where they are too young to speak for themselves.

Secondly there remains an urgent need to appoint a Children's Commissioner with the powers to actively listen to the concerns and aspirations of South Australia's children and challenge and change systems and policy in their best interests.

Section 1: Summary of Uniting Communities roles and areas of interest

Uniting Communities works with South Australian citizens across metropolitan, regional and remote South Australia through more than 90 community service programs.

Our vision is: *A compassionate, respectful and just community in which all people participate and flourish.*

We are made up of a team of more than 1500 staff and volunteers who support and engage with more than 20,000 South Australians each year.

Recognising that people of all ages and backgrounds will come across challenges in their life, we offer professional and non-judgemental support for individuals and families.

Uniting Communities offers programs for:

- Younger People
- Families & Children
- Housing & Crisis Support
- Mental Health & Well-being
- People with Disabilities
- Carers
- Financial & Legal Services.
- Older People

Of particular relevance to this Inquiry is our experience as a long term provider of a range of services to support children and young people at risk, their families and communities.

Homelink for Children:

Uniting Communities' Homelink for Children is a state-wide program that recruits, assesses and supports Foster Carers to provide quality home-based accommodation and care to children with a disability. Children placed through Homelink for Children are unable to continue living with their natural family or in their current situation. Foster Carers provide care on a full-time or respite basis in their own home.

Foster Carers may be single adults, couples or families who have the capacity and have expressed the desire to share their home and their lives. This program is funded by the Department for Education and Child Development – Families SA. This service is available to

children aged between 5 and 17 who are under the Guardianship of the Minister and who are clients of Families SA.

Therapeutic Youth Services – Family Counselling

Counselling and mediation can be a very effective solution to reduce family conflict and prevent young people becoming homeless. It can also help to increase young people's success in completing some form of education or training.

Therapeutic Youth Services – Family Counselling is for young people who are homeless, have left home prematurely, or are at risk of becoming homeless. We provide family counselling to young people aged 12 to 17 and their family members.

The focus is on helping young people and their families resolve conflicts and to improve their relationships.

This program operates throughout metropolitan Adelaide and the lower Limestone Coast region.

This service is funded through the South Australian Government Department for Communities and Social Inclusion.

Therapeutic Youth Services – Rubys Reunification Program

For young people who are experiencing conflict at home, the Rubys Reunification Program can help individual young people and their families re-establish positive relationships.

Rubys Reunification Program helps to resolve conflict between a young person and their parents or caregivers. It is for young people who:

- are at home but are at risk of leaving or being kicked out because of conflict
- are staying in and out of home (e.g. they may be spending some nights at home and some nights with friends, with extended family or elsewhere)
- have not stayed at home for a while, but are not receiving an independent income from Centrelink and are interested in reconciling with home.

Our focus is on helping young people and their families resolve conflict and establish a positive relationship together again, regardless of whether the young person is going to return home or find other accommodation.

We have adopted a broad definition of what constitutes “family” – so we often work with young people and grandparents or other extended family members to reunify. Family

counselling (for the young people and the parents or carers) is a mandatory component of the program.

Rubys accommodation provides 24 hour support and supervision and is located in metropolitan Adelaide and country South Australia.

This service is funded through the South Australian Government Department for Communities and Social Inclusion.

Therapeutic Youth Services – Sexual Assault Counselling

Therapeutic Youth Services' Sexual Assault Counselling supports young people who are dealing with the effects of sexual violence and sexual abuse, and who are homeless or at risk of homelessness.

The service focuses on helping young people and their families deal with the impact of sexual abuse or sexual assault, and includes:

- assessment
- case management
- sexual abuse counselling, both individual and family
- information and education, and
- help with engaging or re-engaging with education or training.

Young people who have experienced sexual abuse are some of the most vulnerable members of our community. Research suggests that the rate of sexual abuse of young people before the age of 18 is as high as one in six men and one in three women.

This service is funded through the South Australian Government Department for Communities and Social Inclusion.

Other Relevant Services/Programs

- Family and Relationships Counselling Service: provides group and individual counselling for adults, couples, children and young people, to help them enjoy positive, safe and respectful relationships.
- Noarlunga Family Relationship Centre: provides family dispute resolution for families following separation and divorce, as well as other referral and support resources.
- The Homelessness Gateway Service: is a telephone based service which provides support and access to emergency accommodation for people and families who are homeless or at risk of homelessness.

- Kurlana Tampawardli (ATHOS): The Aboriginal Transitional Housing Outreach Service provides short and long stay accommodation for Aboriginal people and families who are transient or at risk of rough sleeping, and includes assistance with return to country.
- The Anangu Lands Paper Tracker: is an online project of Uniting Communities. The project was launched in mid-2007 to monitor government commitments to Anangu (Pitjantjatjara and Yankunytjatjara peoples). It advocates for the timely delivery of key infrastructure, services and programs to improve the lives of people in South Australian remote Aboriginal communities. A key focus of the Paper Tracker Project has been to monitor the implementation of the recommendations arising from the “Children on APY Lands Commission of Inquiry” (the Mullighan Inquiry) and to encourage ongoing attention on keeping Anangu children safe across the APY Lands.

As is evident from this broad spectrum of services, Uniting Communities experiences a range of ‘touch-points’ with vulnerable children, young people and families.

Our motivation for responding to this Royal Commission is the sadness of the lives that too many young people are forced to live. Through our various programs we are in a position to provide a large number of examples of how our current system fails to provide for the safety and wellbeing of children in our State. However for illustrative purposes we offer the following case example provided by a Uniting Communities staff member who is also a formal Foster Carer as a way of highlighting the current problems experienced in our child protection systems.

“Here’s the situation of a 13 (almost 14) year old girl that I have taken in. She was removed from her mother at a very young age by Families SA, after her mother did what was required the girl was returned and the case file closed. The mother returned to her alcoholism and consequently, abusive behaviours towards the girl. The school the girl attended along with the Family Day Care provider put in report after report after report with no investigation. Last year the girl ran away from home to another home, which turned out to be even more abusive than what she had run from. More reports were made, upping the urgency for her safety. The police were also called many times to check on her welfare, however when the police car would pull up the girl was hidden in a cupboard and threatened to keep quiet, while the police were told that didn’t know her.

Luckily, for this girl, the school, Family Day Care provider and friends did not give up and the police were able to eventually remove her and take her to her grandparents. The grandparents were told that Families SA would pick the girl up the following day and they were given a number to call. The next day when they called Families SA to find out what time they would be picking up their grandchild, they were told there was no open file for this girl and their choice was to return her to her mother or take care of her. They were and are unable to care for her, (they also went through all

this with the girl's brother and brought him up), the girl told them if they took her back to mum she would have to run. She is now in my care, with the help of the Port Adelaide Enfield Reconnect Program. Families SA told the grandparents they could decide who cared for her and have not had any interest in where she is or checked the suitability of her being in my care.”

Uniting Communities' approach to Child Protection, and indeed all of our services, is broadly summarised as taking a 'strengths perspective', meaning that we believe that all people are wanting to and able to contribute to society. Some people need assistance to achieve this at some stage(s) of their life and for some such support will need to be both intensive and ongoing.

Section 2: Social and Economic Context of this Royal Commission

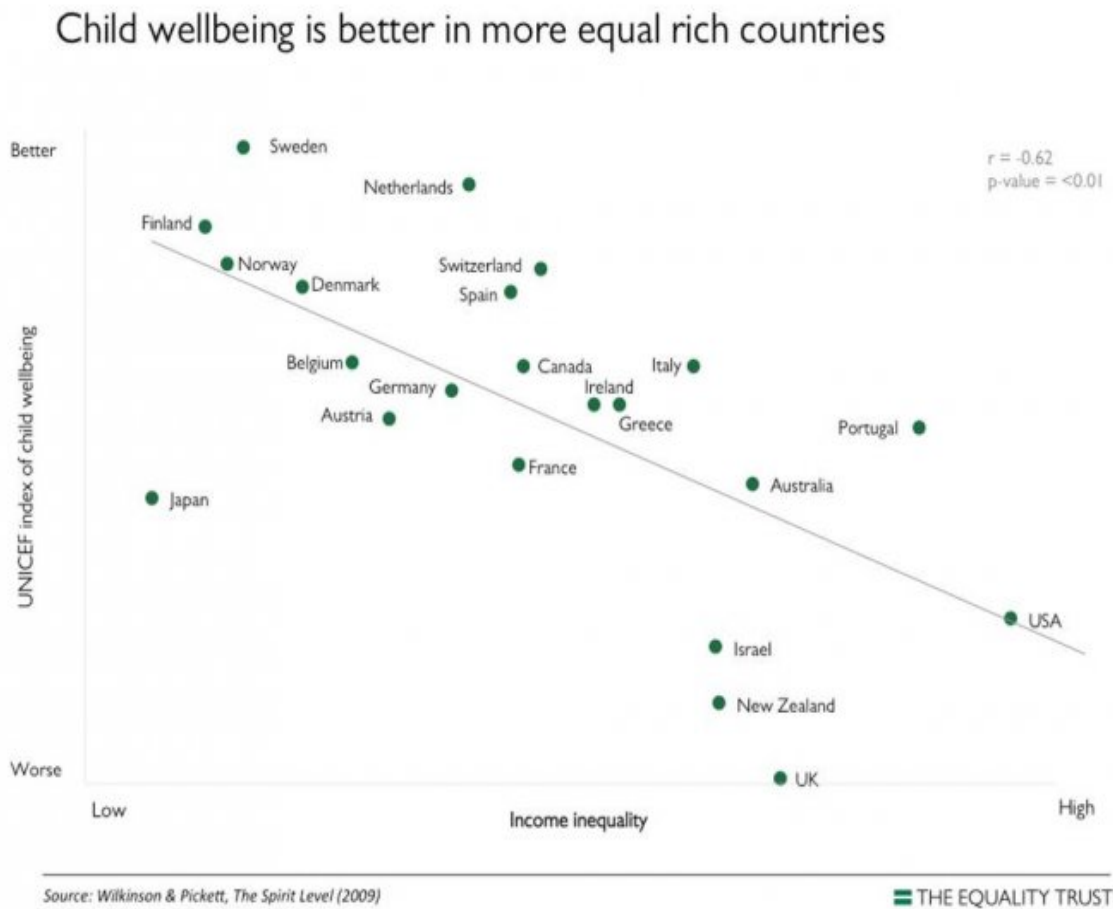
While the terms of reference for this Inquiry are specifically about Child Protection Systems in South Australia, it is important to put child protection issues into a broader social and economic setting since child protection concerns are not isolated from a wide range of interrelated issues.

While it is acknowledged that child abuse occurs across all strata of our society, we also recognise that poverty and financial disadvantage is a factor of relevance to child protection. The book, *Spiritlevel*¹ includes the finding that 'child wellbeing is better in more equal countries', a conclusion reached by plotting the UNICEF index of child wellbeing against income inequality (measured by Gini Coefficient) for a large number of countries. The summary graph is reproduced as figure 1, below.

This is not to say that low income people are bad parents, far from it. However, the pressures of poverty and income disadvantage are closely linked with a range of factors, including housing stress, lower educational attainment, uncertain employment, mental ill-health, poorer physical health and related factors that influence child wellbeing and child safety concerns.

¹ Wilkinson and Pickett, *The Spirit Level*, Penguin, 2009

Figure 1: Relationship between equality and child well-being



Source: <http://www.equalitytrust.org.uk/resources/our-publications/spirit-level-slides>

While Australia is clearly not the worst performer on the international child wellbeing index it performs poorly in relation to its relative wealth.

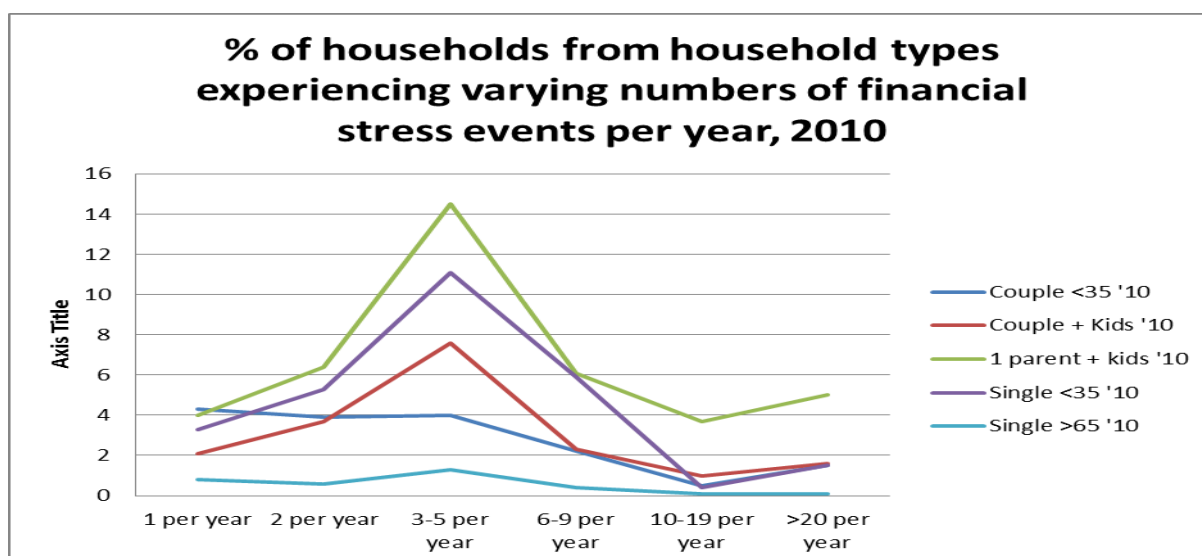
This is due to the relatively high levels of inequality of wealth distribution in Australia. Although issues of wealth distribution and how our tax and transfer systems play their role in inequality are beyond the brief of the Commission these factors remain important determinants in both child wellbeing and child protection. Parenting and raising children is often a challenging experience. It is more challenging when material and economic deprivation impact on a family's capacity to meet the needs of its members. In an Australian (and South Australian) context where neglect constitutes the fastest growing child protection concern, issues of poverty and inequality do matter. The State Government also has a role to play in protecting the social and economic wellbeing of our families through a variety of policy levers and the Commission, in looking at child protection system failures, should consider the interplay between wealth, inequality and child wellbeing.

A further illustration of the impact of financial disadvantage on family and child wellbeing is the measurement of financial stress by households.

Figure 2 shows the percentage of households, from various household types and the number of 'financial stress events' they experienced during a year.

This information confirms the experience of our financial counsellors who repeatedly indicate that the people most likely to be in poverty, or near to it, are sole parents, single younger people and couples with children. People in these categories will either be receiving government income support, working part time in low paid work, or a combination of both of these.

Figure 2: Financial Stress Events



Source ABS, Household Expenditure Survey, 6530.0, 2011

Why equity matters

The evidence is increasingly showing that the economies of unequal-income countries do not function as well as more income-equal countries.

Poverty and inequality affects us all. Poverty and inequality also impacts on child wellbeing.

Lower levels of child wellbeing are associated with greater income inequality. Historically South Australia has been able to reduce the consequences of income (and wealth) disadvantage through strong housing affordability (SA Housing Trust as public housing provider) and with Commonwealth income support. Whilst outside the specific terms of reference of this Royal Commission, the impacts on Child Protection of other aspects of government policy cannot be underestimated

Growing inequality of income, but particularly of wealth, is exacerbating levels of child abuse. Tackling growing inequality and associated poor housing, poor education and limited

job opportunities need to be considered as part of any serious, longer term strategy to deal with the root causes of child abuse and neglect.

While we do not deal with these broader issues any further in this submission, we are happy to provide more information and our thoughts about strategies to address housing, education and employment strategies which will help to provide a foundation for greater levels of child wellbeing in our State.

Section 3: Where to Start?

The context for this Royal Commission

This Royal Commission has been spurred by sexual abuse allegations against FSA workers, but we recognise that there have been major concerns with South Australia's Child Protection System for some time. The Commission comes after a number of previous reviews of child protection and out of home care in South Australia and nationally.

This history of inquiries and reviews reflects the complexity of child protection issues and also provides significant recent information and experience to draw upon. It also clearly highlights the deep political and community concern about the inadequacy of our current responses to protecting children and promoting their wellbeing and rights.

In thinking about how we could most helpfully respond to this Royal Commission, staff from Uniting Communities have taken the view that a useful starting point is to develop some 'first principles' from which an effective child protection system could be developed.

We posit that there are four cores of 'first principles' that should apply to an effective child protection system.

First Principles

Principle 1: On balance, most children and young people are better off with their biological parent(s), families or associated networks

There is clear evidence that there is substantial trauma for the child associated with separation. For some children, this trauma stays with them for their entire lives, sometimes contributing to anti-social and/or self-harming behaviours. We believe that understanding and recognising the trauma associated with separation and taking into consideration the depth of this traumatic experience for the child, must be viewed as significant factors in any assessment of risk.

A system that first separates a child from their parents, creating separation trauma, and then separates them from a series of short term relationships, no matter how fleeting, extends and compounds the original separation trauma with even more separation traumas.

Understanding these impacts reinforces the importance of maintaining much greater efforts to support children living safely within their family and community. Separation, other than in the most serious experiences of harm, should never be a first option. Given the harmful long term consequences of separation induced trauma we have a duty to make greater investment in maintaining safe and positive family relationships.

Principle 2: Safety of the Child / Young Person is paramount

While all child protection systems are predicated on safety, there is considerable nuance in both considering short term and longer term safety implications and options, on a child by child basis. The safety and wellbeing of children should never be compromised, however greater judgement is required in implementing interventions that balance the immediate safety of children with the longer term impacts of separation and unstable relationships.

Principle 3: All responses must consider the child / young person first

At every point in the child protection system, the interests of the child or young person should be the highest priority, with the opinions of the child/young person being actively sought and encouraged. This necessitates that clear commitments are in place to implement their preferences.

Principle 4: Family based care preferred over institutional settings

South Australia has shifted, in less than a decade, from relying least on institutional forms of out of home care (residential settings and homes including 'motel' type accommodation) to being the highest user of such forms of care in South Australia. Not only are such forms of care a high cost solution they present greater risks and lower levels of attachment and care than family based care. Unfortunately rather than being a 'last resort' option used primarily for older children/young people in transition or with challenging behaviours, they have increasingly become a default option in South Australia, including for very young children. Despite the difficulties in recruiting and sustaining family carers greater prioritisation to family based care settings must be given to enhance attachment and care outcomes for children who are unable to remain living safely with their own family.

We recognise that these four principles create considerable 'internal challenge', with the potential for a conflict in application between the safety of the child/young person and adhering to the principle of maintaining them with biological families. These are not easy to apply and cannot be applied in a 'blanket' manner. Particularly with more complex circumstances, a situation-by-situation assessment and response will be needed.

Applying these four principles, in combination, is a substantial systems and expertise challenge, but one that must be undertaken in the best interests of children and young people who are at risk.

Section 4: The Adequacy of Existing Laws, Policies and Structures and Improvements that may be made

Uniting Communities understands that in the context of the level of public concern with the performance of our Child Protection Systems that there is likely to be call for changes to the key acts governing our systems in South Australia. In recent years there has been significant change to the Children’s Protection Act to reflect contemporary expectations and practice although less focus on the Family and Community Services Act which governs the provision of care arrangements and the broader community service context for children and family programs.

Having noted this we would caution on any major reform to either piece of legislation at this juncture. This isn’t to suggest that improvements couldn’t be made to either Act but that the most significant gains to be achieved in improving safety and outcomes for children rests not with the framing of legislation but its enactment and the policies and practices governing child protection service provision in our State.

Indeed we would warn against a strong focus on changing elements of the legislation in the mistaken belief that such change will result in systems and structures that would better protect our children and young people. Furthermore it is questionable whether recent changes to legislation vis-a-vis enhanced screening mechanisms or for that matter historical reforms such as the introduction of mandatory notification requirements have served South Australian children well. It is appreciated that such changes have been introduced with the best intentions but not necessarily with a strong evidence base to support their imposition. In doing so we have run the risk of believing that these legislative protections are the “main game” when it is not legislation but public attitudes and behaviours and the operation of our systems designed to respond to abuse and neglect that dictate the safety of children and young people. To this end we strongly urge the Commission not to be seduced by calls for legislative fixes to what is a deeper challenge and problem in our society and our existing systems.

A Policy Framework

Uniting Communities believes that what South Australia requires to effectively promote the safety and interests of children is a framework of policy and practice which supports a greater emphasis on the role of family in children’s lives. This is not to suggest that children’s interests are secondary to that of parents or family but that to effectively operate child protection systems the societal context must be taken into account and the institutions and mechanisms which support and nurture children strengthened. Children thrive and do best in family and cultural settings. However these ‘structures’ need to be enabled and supported to undertake their roles in not only protecting children but in ensuring their healthy development.

One way of describing this alternative approach is to consider how responses to child protection concerns would be managed under systems with a “Family Service Orientation” as opposed to a “Child Protection Orientation”. The following table, reproduced in a report by CFCA (Australian Institute of Family Studies) in 2014 (paper #23), outlines how these different orientations impact upon the way child protection is managed.

Characteristic	Child protection orientation	Family service orientation
Framing the problem of child abuse	The need to protect children from harm	Abuse is a result of family conflict or dysfunction stemming from social, economic and psychological difficulties
Entry to services	Single entry point; report or notification by third party	Range of entry points and services
Basis of government intervention and services provided	Legalistic, investigatory in order to formulate child safety plans	Supportive or therapeutic responses to meeting the needs of children and families or resolving problems
Place of services	Separated from family support services	Embedded within and normalised by broad child welfare or public health services
Coverage	Resources are concentrated on families where risks of (re-) abuse are high and immediate	Resources are available to more families at an earlier stage
Service approach	Standardised procedures; rigid timelines	Flexible to meet clients’ needs
State–parent relationship	Adversarial	Partnership
Role of the legal system	Adversarial; formal; evidence-based	Last resort; informal; inquisitorial
Out-of-home care	Mainly involuntary	Mainly voluntary

Source: Allen Consulting Group (2003, p. 14, Table 2.1)

In the end our society needs to determine which approach it is going to provide support for ensuring the best and most sustainable protection and safety of children in our community. Uniting Communities believes that the current system in South Australia is heavily weighted to what is referred to in the table as a “Child Protection orientation”. It is this system with its strong emphasis upon highly regulated and centralized responses to child protection that has largely failed to deliver the level of protection our children and young people deserve.

The answer lies not in the further tightening and regulation of existing controls and laws – however tempting this might be – but in designing a system which seeks to engage families and community as the main instruments of protection.

This isn’t to suggest that the State has no role to play or that sanctions are not needed to protect children and young people in certain circumstances. However, when we now have more than 1:4 children in South Australia coming into contact with child protection authorities at some point in their childhood it is evident that we have designed a system that is neither responsive to the needs of those experiencing significant harm or risk of abuse/neglect nor sensitive to the needs of the majority of our children and young people.

We would strongly urge the Commission to consider reforms in the context of building a greater family service orientation to the way we seek to protect children. Such a system would involve the following key features:

- Ensuring the State’s statutory child protection agency is not the single portal through which child protection concerns are channelled and managed. The current triage system operated in South Australia is not working and is not sustainable given the volume of notifications. Consideration should be given to models delivered in other jurisdictions such as Victoria which allow a differentiated response to be provided shared by the State statutory authority and licensed non-government agencies experienced in child and family welfare.
- An enhanced response capacity for families throughout their ‘life course’ in caring for children. South Australia has slipped from being a leader in the delivery of such family strengthening and support programs to being a jurisdiction with one of the lowest levels of investment in such programs. Our failure to adequately support vulnerable families places more children at risk, and risks an ever escalating number of children being referred for statutory child protection response and entering out of home care.
- A partnership approach to Child Protection which truly embraces community groups and organisations as genuine partners in working with children and families at risk. The current environment in South Australia remains largely adversarial as the State statutory authority (Families SA) assumes the lion’s share of responsibility and control for managing our child protection responses. It can and should never be seen to be able to undertake this role if we truly believe that child protection is everyone’s business.
- A reconsideration of how mandated notification operates within South Australia (noting that this is the one area in which legislative reform may be needed). Uniting Communities undertakes this as a contentious issue as our community has been led to believe that this policy is essential to protecting children. As such we appreciate that any reversal of such policy is unlikely to be supported in the current risk averse environment. However consideration could be given to a differentiated response where mandated notifiers were required to make a judgement about the value of reporting should they have an alternative response in place which would help to keep a child safe from harm. An alternative should involve directing certain concerns to a third party support service outside of the statutory authority where it is more likely that a suitable response could be delivered.

Domestic Violence and Child Protection

There is solid body of research around domestic violence and child protection. Below is one from DV Clearinghouse by Laing² who says:

A growing body of international research confirms that domestic violence and child abuse frequently co-occur within the same families (e.g. Rosenbaum & O'Leary 1981; Hughes 1988; Stark & Flitcraft 1988; Bowker et al. 1990; McKernan 1994). From a review of this research, Edleson (2001) estimates that between 30 and 60 per cent of children whose mothers are subjected to domestic violence are also being abused. This is consistent with the findings of Australian research. For example, an exploratory study of 20 child protection cases found domestic violence in 60 per cent of cases, together with multiple forms of family violence (Stanley & Goddard 1993). Goddard and Hiller (1993) found domestic violence in the families of forty per cent of cases of child sexual assault presenting to a city Children's Hospital. In 18 out of the 19 cases reviewed by the NSW Child Death Review Team (2001), where the death occurred as a result of physical abuse and neglect, there was a background of domestic violence.)

There is a high co-occurrence of domestic violence in Child Protection matters. It remains the case that in many instances of Families SA involvement with families, the mother becomes the almost exclusive focus of investigation, while the male perpetrator of violence, abuse or control is relatively invisible. Families SA seem ill-equipped to properly assess patterns of domestic violence and intervene in ways which deal with the perpetrator in assessment and safety planning, as opposed to focussing on the mother. We observe that it is often the mother who is pressured to leave the relationship, is frequently blamed if she does not, while the behaviours and risks presented by the perpetrator are not addressed or held to account.

On a number of occasions, Families SA has accepted mental health diagnoses of mothers (e.g. poor attachment to child, Borderline Personality Disorder, PTSD, depression or anxiety) which are stripped of their domestic violence context. Not only is she blamed for not leaving the perpetrator, she is further pathologised, while the male perpetrator again is left relatively invisible. At one level, this might then be experienced by women as an institutional layer of abuse on top of the abuse of violence and control at the hands of her partner.

A much clearer focus needs to be given to recognising Domestic Violence and applying responses which recognise the risks associated with the likely and potential future actions of the perpetrator.

² (http://www.adfvc.unsw.edu.au/PDF%20files/child_protection.pdf)

In this context Uniting Communities believes that there is a greater need for Families SA to work in collaboration with designated domestic and family violence services within the management sectors to coordinate appropriate responses to child protection concerns. Such collaboration is critical to ensuring that the specialist expertise and services available through such programs is utilised in constructing responses aimed at building more protective home environments for women and children. At the same time further consideration needs to be given to building the capacity of dedicated, non mandated, perpetrator programs designed to change the behaviours of those who place the lives of children and other vulnerable family members at risk. Indeed if we hope to create safer environments in which our children and young people spend the majority of their time – with their family – then services targeted to enhancing family functioning will be critical. To not invest in this area risks a greater number of children coming to the attention of our child protection authorities.

A Major Focus on Aboriginal Children and Families

The policies of removing children have had a profound and enduring effect on the emotional and social well-being of generations of Aboriginal and Torres Strait Islander peoples. For many families the fear and distrust of “the welfare” has affected parenting, safety for children and opportunities to receive help. Current child protection methods may mean that families and children are too scared to identify problems or ask for help and there is limited assistance available for Aboriginal children and families to get help before family problems reach crisis point.

Notwithstanding this context our child and family welfare policy and practice across Australia has seen a significant rise in the number of Aboriginal children and young people coming to the attention of our Child Protection Authorities and being removed from families and received in out of home care.

The following table from the recently released Productivity Commission Report compares the rate of child protection substantiations across Australia for both ATSI and non-Indigenous children. The rates of ATSI children with substantiated child protection matters is staggering at 36.9 per 1000 children in South Australia compared to 3.5 per 1000 children for Non-Indigenous children.

³	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	SA	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Aust</i>
ATSI	54.2	51.3	25.6	25.2	36.9	13.7	37.4	39.5	38.0
Non-Indigenous	7.2	7.3	4.6	1.9	3.5	5.3	3.8	4.1	5.7
All children	9.8	8.0	6.5	5.0	5.2	8.0	5.9	19.1	7.8

Source: Productivity Commission; Report on Govt Services, Child Protection 2015:

The rate of Aboriginal children in foster, kinship and residential care on any given night has almost reached one in ten. This rate is almost ten times higher than that for non-Aboriginal children and has steadily increased over the past decade, with rates of non-Indigenous children in out-of-home care having stabilised in most jurisdictions. Australian Institute of Health and Welfare, Child Protection Australia 2012 – 2013, Child Welfare Series No. 58.⁴

Expenditure on responding to the needs of Aboriginal children and their families has generally yielded little, if any, benefit. This is partly due to levels of distrust between families and child protection services and vice versa. It has its roots in a reactive approach that is premised on mobilising a response only *after* harm is suspected, and fails to address the causal and socio-economic factors of abuse or neglect. This then strongly suggests that a different approach is needed – directing resources and funding towards doing more of the same is unlikely to be effective or impact positively on the lives of Aboriginal children and their families.

In South Australia, key lessons can be learned from the SA Government’s failure to adequately implement recommendations from previous Commissions of Inquiry – such as the *Children on the APY Lands (Mullighan) Commission of Inquiry* – or to adopt an approach which supports earlier intervention and prevention services.

Within this context it should be noted that there is growing innovation in the development of approaches to preventing child abuse and keeping Aboriginal children and families safe. The evidence base to inform what might prevent harm and reduce inter-generational trauma within Aboriginal families is also gaining ground.

Critical to a more appropriate and innovative response is an emphasis on preventative approaches and early intervention. Data is repeatedly indicating that when services fail to provide preventative support or a timely response, the child abuse or neglect is compounded and ultimately costs society more in a range of ways.

³ www.pc.gov.au/research/report-on-government.services/2015/community.services/child-protection

⁴ Australian Institute of Health and Welfare, Child Protection Australia 2012-2013, Child Welfare Series No. 58

Research has shown that where child protection systems enable families to have greater involvement in decision making in child protection, there is a greater degree of trust and a decrease in adversarial relationships between families and child protection services. Rodgers, A. and Cahn, K. 2010, *Involving Families in Decision Making in Child Welfare: A Review of the Literature*, Centre for Improvement of Child and Family Services, School of Social Work, Portland University⁵.

The strategies proving to have the most value have been developed by and with Aboriginal organisations and individuals and include an emphasis on:

- family and community responsibility for raising children
- evidence-based approaches to early intervention and responding to child abuse and neglect
- engaging families in service design and delivery
- mobilising community and family resources for caring for children.

There are a number of examples of effective programs aimed at keeping children safe. These include the 'Let's Start' program⁶, which has been running in the Tiwi Islands and Northern Territory sites for several years. This program focuses on improving parenting skills and promoting parent-child attachment for children with behavioural problems.).

Another example is the 'Family Group Conferencing Program'⁷, trialled in Alice Springs, which brings together members of children's extended families to share concerns about children, extend protective networks and link families to supports. The model aims to put decision making around child protection concerns in the hands of the child's immediate and extended family, and provides resources for the implementation of a Partnership Plan with the family; thereby reducing the need for child protection matters to be determined through the courts.

For Aboriginal parents affected by poor social and emotional wellness, including mental health problems, the 'Family Wellbeing Program'⁸ has been shown to have positive outcomes. It has a specific focus on empowerment and personal development of Aboriginal people through sharing stories, discussing relationships and identifying future goals.

These more collaborative approaches represent a paradigm shift in working with Aboriginal families and children and include a clear focus on the need for the professional development of Aboriginal and non-Aboriginal workers to undertake this work in a culturally appropriate way that is based on evidence. Where the workforce and training needs of staff delivering programs for families have been neglected, and where the needs and strengths of communities have been ignored, the positive impact of programs has been undermined.

⁵ Rodgers, A. and Cahn, K. 2010, *Involving Families in Decision Making in child Welfare: A Review of the Literature*, Centre for Improvement of Child and Family Services, School of Social Work, Portland University

⁶ (<http://ccde.menzies.edu.au/letsstart>)

⁷ (<https://www.dss.gov.au/sites/default/files/files/about-fahcsia/publication-articles/foi/Document%201.PDF>).

⁸ (<http://www.healthinonet.ecu.edu.au/key-resources/programs-projects?pid=106>).

Under the umbrella of the National Framework for Protecting Australia’s Children 2009-2020 significant work has been undertaken, led by the Secretariat National Aboriginal and Islander Child Care (SNAICC) on a policy and practice framework for better addressing the needs of ATSI children and their families. Titled “Pathways to Safety and Wellbeing for Aboriginal and Torres Strait Islander Children” this work identifies 10 key actions under 4 pathways:

- supporting families and communities to stay together
- ATSI participation
- Trauma and healing informed approaches
- Accountability to ATSI priorities

This framework and its application in South Australia is commended to the Commission as a way of setting policy and investment decisions for better protecting Aboriginal children in South Australia.

Learning from other jurisdictions

As we examine reforms to the South Australia Child Protection system we believe it is worthwhile considering the experiences of other jurisdictions both in Australia and abroad. Whilst any changes to South Australian policies and approaches will need to be tailored to our legislation, history and demographics the reality is that the problems we have encountered are broadly similar to those experienced in other settings. We would encourage the Commission to examine the evidence now emerging from reforms introduced elsewhere aimed at improving responses to child protection to avoid ‘reinventing the wheel’ when recommending reform for South Australia.

Whilst there are many examples which could be drawn upon we reference three which we believe the Commission could consider in greater detail.

1. United Kingdom (UK)

The UK has undertaken significant reforms and a rethink of how it approaches the protection of children which places greater emphasis on collaborative practice between its authorities, non government agencies and local communities. The United Kingdom’s “Working Together to Safeguard Children” guide provides a platform for how the whole community can work to better protect and ensure the safety and wellbeing of children. These include a clear set of guidelines for the sharing of critical information about Child Safety. However it also contains a range of other practice and structural responses including:

- Major structural focus on local level responses, including establishment of Local Safeguarding Children Boards, who are accountable for child wellbeing

- Integrated responses from a range of services, including education, training and courts systems
- Dedicated service to assist with Court dealings, the Children and Family Court Advisory and Support Service.
- Clear roles for and engagement with community based services and service providers
- Commitment to implement necessary changes in the system

2. Western Australia

Western Australia has adopted the “Signs of Safety” as its principal child protection framework. This approach is now being adopted across a number of jurisdictions worldwide. Signs of Safety is based on a set of core principles which we believe have utility within the South Australian context. These can be broadly summarised in the following extracts from the Signs of Safety material.

Child protection practice and culture tends toward paternalism. This occurs whenever the professional adopts the position that they know what is wrong in the lives of client families and they know what the solutions are to those problems. A culture of paternalism can be seen as the ‘default’ setting of child protection practice. This is a culture that both further disenfranchises the families that child protection organisations work with and exhausts the front-line professionals that staff them. Signs of Safety seeks to create a more constructive culture around child protection organisation and practice. Central to this is the use of specific practice tools and processes where professionals and family members can engage with each other in partnership to address situations of child abuse and maltreatment. Three principles underpin Signs of Safety.

– *Working relationships*

Constructive working relationships between professionals and family members, and between professionals themselves, are the heart and soul of effective practice in situations where children suffer abuse.

– *Munro’s maxim: thinking critically, fostering a stance of inquiry*

The single most important factor in minimizing error (in child protection practice) is to admit that you may be wrong (Munro 2002: 141)

– *Landing grand aspirations in everyday practice*

In an exact parallel to the all-knowing way a paternalistic frontline practitioner approaches a family, supervisors, academics and head office

managers have a tendency to try and impose their views on the front-line practice practitioner. At all levels this is 'command and control social work' and it rarely delivers a constructive outcome. This command and control approach alienates those at the front-line and erases the notion and expression of their wisdom and knowledge.

3. New South Wales

NSW has been a jurisdiction in which significant reform to child protection and out of home care has been undertaken in response to growing public concerns about the adequacy of its systems. This has led to a number of changes at both a policy and legislative level including the implementation of a new practice framework and standards referred to as "Practice First" which combined work from the UK and Minnesota in the USA.

This has been supplemented by other measures including a structural decision making model including new tools to better assess safety and risk. Legislative change in the form of "Safe Home for Life" was also introduced to facilitate permanency planning, more options for working with families and clearer timeframes for making decisions for the permanent care of children. The NSW system has also established an "Office of the Senior Practitioner" to identify and implement best practice in social work and child protection decision making and assessment and mandatory consultation for Aboriginal children together with an associated practice guide.

Section 5: The Adequacy of Existing Practices and Procedures and Improvements that may be made

Uniting Communities believes that the greatest emphasis for reform needs to be concentrated upon the policy frameworks and changes outlined in Section 4 of this response. However we are also mindful that there remains scope for practice and procedural reform which can generally be implemented more quickly and deliver enhanced outcomes for children and families.

- A. An over reliance on non family based care settings: We remain deeply concerned about the over-reliance on non family based care settings for the short and long term care of children in South Australia. This includes the use of emergency motel accommodation and residential homes for children and young people. While we appreciate that residential settings in particular may be appropriate in limited circumstances for young people including those transiting

to independent living or with behaviours which may make home based care a difficult option, South Australia relies far too heavily on these forms of non family based care. They place children, especially young children at greater risk, are not normative living environments and create an institutional response where a family home setting is a more appropriate environment for the care and nurturing of children. The most recent Productivity Report on Government Services (2015) shows that South Australia now has the lowest proportion of children under the age of 12 living in a home based placement in Australia (at 91.3% compared to a national average of 97.6%). This over reliance on institutional care option is both bad for children’s wellbeing and the use of finite State resources as such care is considerable more expensive than home based care.

B. Failure of our Screening Processes: Uniting Communities believes that a suitable and tailored screening of those working with children and vulnerable people is required. Having noted this though we also understand that no screening mechanism, however rigorous and demanding will be foolproof. A reliance on more overseas screening at higher cost and with longer timeframes to achieve approvals will only serve to cripple a system already struggling to secure a skilled workforce. Rather than relying on a centralised model of screening which results in extensive delays in appointments and regular re-screening of those working with children a better investment could be made by building the capacity of management systems in “children’s services” to monitor the behaviours of its workforce. We believe this would be more effective and provide a better level of protection for children than our current screening processes, particularly if combine with the continued use of criminal history screening which is more streamlined.

C. Focus on older children and young people: Our experience is that the current statutory child protection system is too heavily – almost exclusively – weighted to the interests of young children predominantly under the age of 5. Whilst we understand the level of vulnerability for this age cohort our concern is that young people, particularly those over the age of 12, are unlikely to receive an intervention unless they are already in the care system.

To highlight this bias and the potential impact it has on the safety and wellbeing of older children we provide the following case example from our Ruby’s Youth Program.

An example of lack of support for ‘older’ young people, at the moment is of a 14 year old young person who was briefly involved in

the Ruby's program, until we assessed that it was unsafe for him to return to his mother's home (a number of reasons, but in particular she was emotionally abusive). At 14 years of age he was unable to access other services, but he resided at Ruby's whilst we explored other options (friends/family) which were not long term options and so advocated to Families SA to 'take him on' so he could receive some support – which they did not, assessing that he could return home.

It is a long and varied story as always, but the last we heard was that he was sleeping rough outside a public library. Ruby's have offered emergency accommodation, but he was recently arrested for theft and held in the cells overnight as he didn't have a residential address. When Rubys staff visited him 24 hours after he was locked up he had still not been seen by Families SA staff, who were telling us that they could not make a court order for his custody (and therefore provide a service) because they had not yet met with the young man.

Specific youth teams within the statutory child protection agency are needed to ensure young people in the circumstances as described above are provided with an appropriate response. A failure to address the protection of care needs of adolescents has significant short and long term implications for the young person concerned and for society more broadly.

- D. Practice of Obtaining Evidence for court reports: Uniting Communities staff have experienced repeated problems with the obtaining of evidence for matters being referred to the courts by Families SA. While we understand the need to gather evidence to enable the Court to consider matters and make determinations the manner in which this is undertaken undermines any sense of teamwork and collaborative practice which we believe should underpin an effectively functioning child protection system.

The 'Section 21 letter, investigation order and court ordered report' for external agencies are time consuming to prepare and can offer less information than having a conversation directly with a Families SA worker regarding risk or a child or young person's history. When a person who has been a client of a service like those that we provide has not accessed a service for a number of years or when they have only been seen once, Families SA may still insist on a report being prepared, even though agencies have no recent or useful information to offer. The likelihood of being expected to prepare a report seems to depend on the individual Families SA worker. There is a 'template' of questions often requested by Families SA that may not be relevant but require the worker to trawl through client notes in detail in preparation for reporting, for example dates of all attendances. These reports may not provide Families SA or the Court with the

information they most require. The timeframe for providing reports is invariably unrealistic – often there is just a few days notice by the time the agency receives the request (generally FSA are agreeable to extending this deadline – but then must apply through the court for an extension). There must be a means by which Families SA can collect evidence, and a greater focus from the Court about what information is really needed for their investigation that is a more efficient use of time and resources for all involved.

- E. Joint Training: The training and development of the “child protection” workforce is critical to effective practice. It is Uniting Communities view that greater effort needs to be made in delivering tailored training across both the statutory and non-government workforce to facilitate greater collaborative practice and consistency in approaches to responding. Furthermore such joint training and development further enhances informal and formal working relationships essential to a functional system. In highlighting this issue we note recent efforts to train both Families SA and NGO staff in “Solution Based Casework” – a model adopted from the USA. Although the efficacy of this model is yet to be evaluated we recognise the value of delivering such training across the broader child protection workforce.

Further Information

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