



Child & Family Alliance WA

**Children and Community Services
Amendment Bill Submission**

TABLE OF CONTENTS

Page 3: About CAFAWA

Page 4: Context to Recommendations

Pages 5 – 7: Recommendations

Page 8: Appendix 1- Membership List

ABOUT CAFAWA

The Child and Family Alliance WA (CAFAWA) welcomes the opportunity to provide a submission on the Children and Community Services Amendment Bill 2019. CAFAWA members believe that each child and young person has the right to security, nurture, and meaningful relationships with their family and that each family member and family unit however constituted, has the right to support and protection within our society. CAFAWA members are organisations and individuals committed to child wellbeing, early intervention, and the provision of out of home care services for children and families in Western Australia.

The objectives of the Association are:

- To promote leadership and excellence in the provision of quality services to children, young people and families at risk
- To actively represent the interests of members to government and to the community
- To promote the well-being of children, young people and families experiencing vulnerability through a range of services
- To provide a means by which organisations in the child, youth and family services sector can work together for their mutual interest, and for the benefit of the people they serve
- To facilitate communication and effective working relationships between members
- To assist member agencies in the development of policies
- To influence government in the determination of policies and practices relevant to members and children and families
- To promote ongoing research, review and evaluation.

For further information about this submission, please contact:

Jennifer Hannan AM

Executive Officer

Child and Family Alliance WA

Email: eo@childfamilyalliance.org.au

Ph: 0418902655

CONTEXT TO RECOMMENDATIONS

CAFAWA has identified several critical issues which require recommendations for the Committee's consideration.

Aboriginal and Torres Strait Islander children now comprise 56% of all the children in care in WA, the highest percentage of Aboriginal Children in Care of any State in Australia. As at 30 June 2016 in Western Australia, Aboriginal and Torres Strait Islander children were 17.5 times more likely to be placed in out-of-home care than non-Indigenous children.(1) This Bill fails to respond to this situation by adopting best practice models that are now being implemented in other states, especially Victoria and Queensland. These models can be applied to all children in care not just those from an Aboriginal background and are critical to achieving reform of the current system.

To reverse current trends for Aboriginal and Torres Strait Islander children what is required is a holistic and rights-based approach that targets early intervention, prevention, healing, and family and community strengthening initiatives. This should be progressed understanding the need for the recognition and respect of the cultural authority of Aboriginal and Torres Strait Islander peoples who hold the knowledge and expertise and have the right to drive change.

As noted by SNAICC the priority responses required to address this situation are:

- access to quality, culturally safe, universal and targeted services
- Aboriginal and Torres Strait Islander people and organisations participate in and have control over decisions that affect their children;
- Law, policy and practice in child and family welfare are culturally safe and responsive; and
- Governments and services are accountable to Aboriginal and Torres Strait Islander people. (2)

RECOMMENDATIONS

RECOMMENDATION 1

CAFAWA advocates for family conferencing and family-led decision making (FLDM), an evidence-based process that involves the child's extended family in decisions be included in the Act. Family conferencing and FLDM is aligned with the human rights of all children and families to participate in child protection processes. This model is also supported by SNAICC and the Noongar Child and Family Well Being Council for Aboriginal children.(3)

RECOMMENDATION 2

That a broad definition of family be included in the Act to ensure all efforts are made to include culturally appropriate and extended family in decision making.

RECOMMENDATION 3

That Transition Planning and Support be a priority and be commenced within 10 days of a child being placed into care including in secure care.

RECOMMENDATION 4

In addition to the Independent Care Plan Review Panel there should be an independent review of case planning decisions. Case planning decisions should not sit outside the agreements made in the Care Plan. If changes need to be made outside the Care Plan parameters a new Care Plan should be developed. This will make all decision making by the Department transparent and accountable.

RECOMMENDATION 5

All reviews of facilities should be carried out by independent and appropriately qualified people with no conflicts of interest and who have not worked for the Department in the last 5 years.

RECOMMENDATION 6

That the completion, implementation and periodic review of cultural support plans be mandated for all children in out-of-home care and that the role and provision of resources for Aboriginal and Torres Strait Islander organisations to complete and support implementation of cultural planning be specified in legislation.

RECOMMENDATION 7

That a new provision be inserted that requires the Department, in its report to the court, to demonstrate how it has and will comply with the intent and full five elements of the Aboriginal and Torres Strait Islander Child Placement Principle.(4) This should include reporting on making all reasonable efforts to provide support services to enable a child to remain in the care of parents or family and full assessment of out-of-home care placements in order of the priority of the placement hierarchy.

RECOMMENDATION 8

That where long-term and permanent Orders for Aboriginal and Torres Strait Islander children are put into place that it is clearly documented what appropriate support for family preservation and reunification had been made, that appropriate local ACCO's have been consulted and included in decision making and that any Orders incorporate adequate provisions for cultural maintenance for Aboriginal and Torres Strait Islander children in out-of-home care.

RECOMMENDATION 9

All delegated Case Management needs to be funded.

RECOMMENDATION 10

Departmental decision making needs to be more transparent to ACCO's, CSO's and families and decision-making processes documented.

RECOMMENDATION 11

That the Act be amended to include measures that promote the safe care of children by their parents and family members, including:

- a) Provision for positive obligations of the Department to provide all reasonable family preservation and reunification supports to ensure children can be safely cared for at home;
- b) Recognition of a specific object to heal and strengthen Aboriginal and Torres Strait Islander families and communities to care for children; and
- c) Requirements for the availability of quality, culturally safe and accessible family support services provided by Aboriginal and Torres Strait Islander organisations.

RECOMMENDATION 12

That the role of Aboriginal and Torres Strait Islander community controlled organisations to undertake culturally safe and adapted processes of kinship carer identification, assessment, recruitment and support be recognised in the Act.

1. Steering Committee for the Review of Government Service Provision (2017). Table 16A.17 'Volume F: Community Services' in Report on Government Services 2017. Canberra, ACT: Productivity Commission
2. SNAICC – National Voice for our Children (2016). The Family Matters Roadmap, available at: <http://www.familymatters.org.au/wp-content/uploads/2016/11/TheFamilyMattersRoadmap.pdf>
3. Review of the Children and Community Services Act 2004 (WA), Submission to the Department for Child Protection and Family Support, Western Australia April 2017
4. Tilbury, C. (2013). Aboriginal and Torres Strait Islander Child Placement Principle: Aims and Core Elements. Melbourne: SNAICC

APPENDIX 1

Child and Family Alliance WA

Membership List

Accordwest

Anglicare WA

Australian Childhood Foundation

Centacare

Create

Enable

FINWA

Foundations Care

Key Assetts

Life Without Barriers

Lifestyle Solutions

MacKillop Family Services

Mercy Care

My Place

Outcare

Parkerville

Safe Places

Salvation Army

Uniting Communities

Wanslea

Yorganup