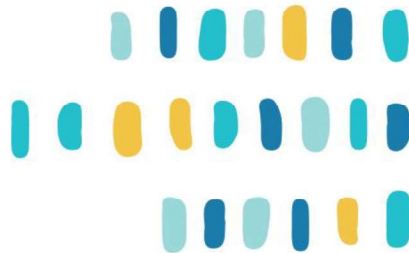




Government of **Western Australia**  
Department of **Communities**



XXXXXXXXXX

**Commented [A1]:** New name will be inserted here and throughout as indicated by XXXXXX

***Working together for a better future  
for children and young people with a  
care experience***

**Commented [A2]:** Communities Corporate Communications will:  
•Insert some graphics for the cover and pics throughout the document.  
•Re-design how the info/quotes in boxes is presented; and  
•Work with partner agencies on branding.

**DRAFT**

**Note: branding, layout and design in  
this document is not indicative of final  
framework**

Name of framework to be inserted here

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## **Acknowledgement of Country**

The Department of Communities proudly acknowledges the Traditional Owners and recognises their continuing connection to their lands, families and communities. We pay our respects to Aboriginal and Torres Strait Islander cultures and to Elders past present and emerging.

The first step in living alongside and working with the Aboriginal community is built upon establishing respectful relationships. Crucial to these respectful relationships is acknowledging the history of Aboriginal people and recognising the importance of connection to family culture and country.

Name of framework to be inserted here

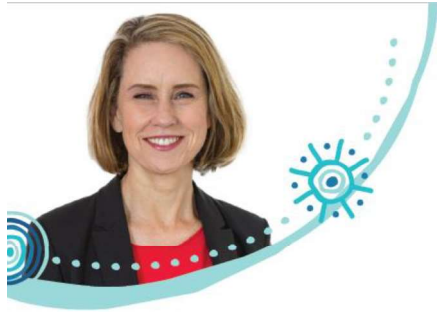
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Name of framework to be inserted here

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## Message from the Minister for Child Protection

Approved text to be inserted here.

Simone McGurk MLA

**Minister for Child Protection**

## Glossary of terms

**Advice** – means an opinion or recommendation offered to a person.

**Carer** – refers to a foster carer, family carer, significant other carer, or special guardian.

**Care leaver** – is a young person aged up to 25 years old who has been in the CEO's care and at any time after the person reached 15 years of age was —

- the subject of a protection order (time limited) or a protection order (until 18); or
- the subject of a negotiated placement agreement in force for a continuous period of at least six months; or
- was provided with placement services under section 32(1)(a) of the *Children and Community Services Act 2004* for a continuous period of at least six months.

**CEO** – means the Chief Executive Officer of the Department for Communities.

**Facilities** – refers to something designed or built to serve a specific function affording a service, for example an education, training or health facility, community building or hospital.

**Family carer** – a relative of a child in the CEO's care who is approved to provide care. Section 3 of the *Children and Community Services Act 2004* defines 'relative'.

**Foster carer** – a community member who volunteers and is approved to care for a child in the CEO's care.

**Out of home care** – the provision of care arrangements outside the family home to children who need protection and care, through the application of the *Children and Community Services Act 2004*.

**Prioritise a request for assistance** – a public authority gives weighted and preferential consideration to a request for assistance concerning a child or young person as outlined in section 22(4AA) of the *Children and Community Services Act 2004*.

**Services** – a system supplying a public need such as transport, utilities or facilities.

**Significant other carer** – an adult approved to care for a specific child in the CEO's care, as they know and have demonstrated an active interest in the child and/or their family for a significant period.

**Special guardian** – a person who provides care to a child under a protection order (special guardianship). A special guardian has all the duties, powers, responsibilities and authority that by law parents have for their children.

**Trauma informed care and practice** – an approach that recognises and acknowledges trauma alongside awareness and sensitivity to dynamics in all aspects of services delivery, creating opportunities for children and young people to rebuild a sense of control and empowerment<sup>1</sup>.

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<sup>1</sup> Mental Health Coordinating Council, NSW. [Online] <https://www.mhcc.org.au/project/trauma-informed-care-and-practice-ticp/>

## Introduction

It is nationally and internationally recognised that children<sup>2</sup> who require protection and are taken into care are some of the most vulnerable people in our society and experience higher than average levels of homelessness, contact with the justice system, physical and mental health issues, and poor employment outcomes as adults.

In Western Australia (WA), the number of children entering care due to abuse and neglect has been increasing, and the needs of these children are now more complex and challenging. Children are also entering care at a younger age and staying in care longer<sup>3</sup>.

Aboriginal and Torres Strait Islander children now represent more than half of all children in care in WA<sup>4</sup>. ~~The over-representation of Aboriginal and Torres Strait Islander children in the child protection system is a national issue.~~<sup>1</sup> The reasons for this are complex and need to be considered in the context of Australia's history of dispossession and discriminatory laws, policies and practices on Aboriginal people, which has resulted in ongoing social disadvantage and inter-generational trauma.

Early childhood represents an important and modifiable period of change to lessen vulnerability and improve outcomes. Research shows that early intervention can prevent the consequences of early adversity. ~~When children enter care, there is a critical timeframe to improve their health and wellbeing both in the short and longer term.~~<sup>2</sup>

~~Additionally, there is a positive correlation between quality preparation and support for children transitioning from care to independence and improved life outcomes<sup>5</sup>. This highlights the importance of early collaborative planning and access to appropriate supports and services for this group of young people.~~<sup>3</sup>

~~State Government services and supports that children and young people may require to address their needs and difficulties include health and developmental screening, education and training support, dental checks and treatment, speech and occupational therapy, access to stable accommodation, mental health and wellbeing services (including alcohol and other drug services), transition support to adult services, and access to community activities such as sport and recreation.~~<sup>4</sup>

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<sup>2</sup> Child means a person who is under 18 years of age, and in the absence of positive evidence as to age, means a person who is apparently under 18 years. Section 3 of the *Children and Community Services Act 2004* (Terms used).

<sup>3</sup> *Building a Better Future: Out-of-Home Reform in Western Australia*, April 2016. Department for Child Protection and Family Support, Government of Western Australia.

<sup>4</sup> Department of Communities 2018-19 Annual Report, p 26.

<sup>5</sup> Philip M, Guy J and Badal M. (2012). *Young People Transitioning from Out-of-home Care and Relationships with Family of Origin: An Examination of Three Recent Australian Studies*, Child Care in Practice.

# Summary of Comments on Rapid Response - First draft of new framework.pdf

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Page: 6

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Number: 1 Author: admin Subject: Inserted Text Date: 17/08/2020 3:20:37 PM

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There is an opportunity here to acknowledge the over representation of Aboriginal and Torres Strait Islander children in WA, and the unique problems and context in which this framework will be applied.

Number: 2 Author: admin Subject: Inserted Text Date: 17/08/2020 3:32:43 PM

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It is unclear what message is being communicated here, this paragraph is missing the importance of highlighting that early intervention is critical to preventing of children coming into care.

Number: 3 Author: admin Subject: Inserted Text Date: 17/08/2020 3:24:47 PM

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There is some current research by Melissa O'donnell from Telethon Kids that provides contextually appropriate information about outcomes for care leavers in Western Australia.

Number: 4 Author: admin Subject: Inserted Text Date: 17/08/2020 3:26:06 PM

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Need to include a reference to counseling services that target trauma.

Name of framework to be inserted here

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"Children in care deserve the best help and services in Australia...they are little people who need compassion in order to turn their lives around..."

Source: Department of Communities survey undertaken with carers (foster, family and special guardian carers) between 10 October and 1 November 2019 regarding access to State Government services for children and young people with a care experience

## Background

### National Framework

In 2009, the Commonwealth Government released the *National Framework for Protecting Australia's Children 2009-2020* (National Framework). The National Framework highlights that protecting children is everyone's responsibility and children's interests must be placed firmly at the centre of everything we do. It outlines that a unified approach is needed to recognise that the protection of children is not simply a matter for statutory child protection bodies.

The National Framework notes that children have a right to receive services they need to enable them to succeed in life. This involves working together in areas of shared responsibility and a commitment to better link the many supports and services provided by government agencies – avoiding duplication, coordinating planning and implementation, better sharing of information, and innovation.

### Rapid Response

XXXXXX builds on the Rapid Response initiative introduced in WA in 2009. Rapid Response was a Cabinet endorsed, cross government framework to provide a prioritised service response to children in care and care leavers.

It outlined that a unified approach is needed to recognise that the protection of children is not simply a matter for statutory child protection bodies and all government agencies have a role to play in responding to the needs of these vulnerable children and young people to improve their life outcomes.

### Western Australian Auditor General's Report

The 2018 Auditor General's Report *Young People Leaving Care*<sup>6</sup> outlined that agencies and providers do not effectively collaborate to improve access to critical services. ~~It noted that poor information exchange between the Department of Communities and service providers can affect whether a young person accesses support.~~<sup>1</sup>

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<sup>6</sup> 2018 Office of the Auditor General Western Australia. Western Australian Auditor General's Report, *Young People Leaving Care* – Report 2 August 2018-19, p.8



The auditor general's report identified there were a number of significant barriers to effective collaboration between Government agencies and service providers. The exchange of information between and within government agencies, and with service providers was highlighted as one barrier.

## Rights of children

Like other children in the community, those in care have a right to be safe, cared for and have access to services that will give them the opportunity to reach their full potential later in life.

The United Nations Convention on the Rights of the Child (CRC) sets out all the basic rights that children need to do well. The inherent message is equality of opportunity. The CRC makes it clear that every child has rights irrespective of their circumstances, and adults and governments should work together to make sure all children get all their rights.

The National Standards for out-of-home care (National Standards) state that children in care should have their rights respected and be treated in accordance with the CRC. The National Standards focus on the key factors that directly influence better outcomes for children in care. National Standards relevant to XXXXXX are:

**Standard 5** – Children have their physical, developmental, psychosocial and mental health needs assessed and attended to in a timely way.

**Standard 6** – Children access and participate in education and early childhood services to maximise their educational outcomes.

**Standard 7** – Children up to at least 18 years are supported to be engaged in appropriate education, training and/or employment.

**Standard 8** – Children are supported to participate in social and/or recreational activities of their choice, such as sporting, cultural or community activity.

~~When young people with a care experience were asked about State Government services in education, young people talked largely about TAFE. Several young people spoke about the positive impact of being involved in education that met their needs. Young people said that being involved in a positive education experience made them feel valued, wanted and that they were contributing to society.~~<sup>1</sup>

Source: Access to State Government Services – consultation with young people with a care experience. CREATE Foundation WA. February 2020.

## Strategic intent

~~The intent of XXXXXX is for children in care, care leavers and those under a protection order (special guardianship) (SGO) to get access to the right services and supports delivered by State Government agencies,<sup>2</sup> enable them to thrive and reach their full potential.<sup>3</sup>~~

The Department of Communities is committed in our journey with our partner agencies to work together to make meaningful change, so these children and young people have improved life outcomes.

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Number: 1 Author: admin Subject: Inserted Text Date: 17/08/2020 3:39:35 PM

These seems to relate to Standard 6 & 7, it looks a bit disjointed.

It might be better to use the words of young people, or a better paraphrasing of the voice of young people.

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Number: 2 Author: admin Subject: Inserted Text Date: 17/08/2020 3:41:59 PM

State Government Departments and agencies.

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Number: 3 Author: admin Subject: Inserted Text Date: 17/08/2020 3:45:15 PM

Is the intent of this framework to only refer to government departments/agencies to work more collaboratively. If this is the case then the references to other agencies and service providers needs to be more explicit and clear. Is there an opportunity to explore what a coordinated system looks like.

Name of framework to be inserted here

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"When we co work a case with other agencies it is good that we all have the same goals to work towards."

Source: Department of Communities survey of child protection workers undertaken between 10 October and 1 November 2019 about access to State Government services for children and young people with a care experience.

## XXXXXX partners

The following State Government agencies support the implementation of XXXXXX:

- Department of Communities
- Department of Education;
- Department of Justice;
- Department of Local Government, Sport and Cultural Industries;
- Department of Training and Workforce Development;
- Mental Health Commission;
- WA Health<sup>7</sup>;
- WA Police Force.

## Legislative mandate

Section 22 of the *Children and Community Services Act 2004* (the Act) is about cooperation and assistance. In performing functions under the Act, the CEO must endeavour to work in cooperation with public authorities, non-government agencies and service providers.

Under section 22(2) of the Act, the CEO must promote the establishment, implementation and regular review of procedures that facilitate such cooperation, particularly in relation to the protection and care of children and the provision of financial or other assistance.

Section 22(3) of the Act outlines that if the CEO considers a public authority or service provider can assist in the performance of functions under the Act, the CEO may request the assistance of that authority or provider, specifying the assistance that is being sought. Under section 22(4A), assistance referred to in subsection (3) includes the provision of advice, facilities and services<sup>8</sup>.

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<sup>7</sup> WA Health comprises the Department of Health, North Metropolitan Health Service, South Metropolitan Health Service, East Metropolitan Health Service, Child and Adolescent Health Service, WA Country Health Service, and Health Support Services

<sup>8</sup> Advice, facilities and services are not defined in the *Children and Community Services Act 2004*. The usual meaning of these terms would apply - refer to the Glossary of terms.

Name of framework to be inserted here

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Section 22(4) of the Act states that a public authority or service provider must endeavour to comply with a request under subsection (3) promptly if compliance is consistent with its functions and does not unduly prejudice the performance of its functions.

Section 22(4AA) of the Act outlines that a public authority prescribed by the regulations<sup>9</sup> as a public authority to which this subsection applies must prioritise a request for assistance under subsection (3) to the following:

- a child in the CEO's care;
- a person who under section 96 of the Act qualifies for assistance under Part 4 Division 6; and
- a child under a protection order (special guardianship).

Under section 22(4AB), if a relevant officer<sup>10</sup> for a public authority to which subsection (4AA) applies forms the opinion that the public authority cannot comply with a request under subsection (3) consistently with its duties and responsibilities or so as not to unduly prejudice the performance of its functions, the relevant officer must, at the request of the CEO, give the CEO written reasons for the opinion.

**Commented [A3]:** Proposed new powers to be included under s.22 of the Children and Community Services Act 2004 – these can't be published until the Amendment Bill is passed, including footnote 10 about s.22(4AC) of the Act

## Principles

- For children in care, care leavers, and those under an SGO, State Government partner agencies recognise;<sup>11</sup>
  - the need for collaboration in addressing the complexity of their needs and vulnerability;
  - when making decisions about their needs
    - the paramount consideration is the best interests of the child<sup>11</sup> <sup>12</sup>,
    - they should be involved in those decisions in a manner that is commensurate to their age and level of understanding,<sup>12</sup> and
    - people significant in their life (carers, parents and other significant people) are given the opportunity to participate where possible and appropriate;
  - that better outcomes may be achieved when responses to their needs are coordinated whenever possible; and

**Commented [A4]:** The Amendment Bill 2019 proposes a change to the wording to section 7 of the C&CS Act. Principle and reference in footnote is worded as per the Bill.

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<sup>9</sup> It was agreed in 2018 through the Cabinet consultation process on proposed amendments to section 22 of the *Children and Community Services Act 2004* that the WA Police Force will not be a prescribed public authority.

<sup>10</sup> Relevant officer is defined in the *Children and Community Services Act 2004* – section 22(4AC).

<sup>11</sup> *Children and Community Services Act 2004* – section 7, Paramount consideration is best interests of child.

<sup>12</sup> Convention on the Rights of the Child 1990, Part I Article 3.

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Number: 1 Author: admin Subject: Inserted Text Date: 17/08/2020 3:57:34 PM

This needs to contain a statement to the effect - State Government Partner Agencies Commit to providing a priority service response to eligible children and young people

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Number: 2 Author: admin Subject: Inserted Text Date: 17/08/2020 3:53:26 PM

This needs to explicitly include the ability for young people to have informed consent about how and to whom there information is shared.

Name of framework to be inserted here

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- a commitment to equity in access to services and responses to their needs must be promoted.
- State Government partner agencies will cooperate and assist the Department of Communities to support better outcomes for children and young people.
- Services are person-centred and culturally responsive, where there is recognition and acknowledgement of children and young people's identity, culture, experiences and diverse needs.
- Services provide trauma informed responses and practice that acknowledges the effect of individual trauma experiences on behaviour and resilience.

## Eligibility

The following persons ~~are eligible~~<sup>1</sup> receive a priority service response:

- a child in the CEO's care<sup>13</sup>;
- a young person who qualifies for assistance under section 96 of the Act (i.e. a care leaver under 25 years of age);
- a child under an SGO.

~~A child or young person (or their carer) can seek information and referral assistance from the Department of Communities via their caseworker (if relevant) or duty staff.~~<sup>2</sup>

## Sharing relevant information

Information sharing is a two-way process to promote the safety and wellbeing of children and young people, and their families.

Sharing relevant information in a timely manner enables more effective planning and delivery of integrated and targeted support services to an individual.

The State Government has endorsed the Policy Framework and Standards for Information Sharing between Government Agencies<sup>14</sup> (Policy Framework) to assist the sharing of relevant information between government agencies. ~~The Policy Framework recognises that the community expects seamless services from agencies.~~<sup>3</sup> outlines that sharing of important information is frequently needed to achieve benefits for the client and to better coordinate services.

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<sup>13</sup> A child is 'in the CEO's care' if the child is – (a) in provisional protection and care; or (b) the subject of a protection order (time-limited) or protection order (until 18); or (c) the subject of a negotiated placement agreement; or (d) provided with placement services under section 32(1)(a). *Children and Community Services Act 2004*, section 30.

<sup>14</sup> The Public Sector Commissioner's Circular 2014-02: Policy Framework and Standards for Information Sharing Between Government Agencies can be found at [www.publicsector.wa.gov.au](http://www.publicsector.wa.gov.au).

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Number: 1 Author: admin Subject: Inserted Text Date: 17/08/2020 4:07:33 PM  
This should read 'must be provided'

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Number: 2 Author: admin Subject: Inserted Text Date: 17/08/2020 4:08:42 PM  
Does this fit here? It seems to reflect practice guidelines and process.

This also creates a significant reliance on district offices to link care leavers with supports, a system that is struggling to meet needs under its current structure.

There is also a risk of potential gatekeeping of access to priority access services.

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Number: 3 Author: admin Subject: Inserted Text Date: 17/08/2020 4:09:27 PM  
Need to more clearly define who the agencies are.



Name of framework to be inserted here

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The Act also has information sharing provisions:

- section 23, CEO etc. may disclose or request relevant information; and
- Part 3 Division 6 – Information sharing, which enables sharing of relevant information between agencies to protect the wellbeing of children and an adult victim of family and domestic violence.

The Act allows relevant information to be shared despite any other WA law that prohibits or restricts its disclosure, provided the information is shared in good faith and in line with the legislation.

~~Information should be shared with the child or young person in a way that is respectful to them and appropriate to their age and development.~~<sup>1</sup>

~~It is important to consider the role of carers when working with a child. Carers have the primary role in safeguarding and promoting the wellbeing of a child in their care and should be supported in carrying out that role. Carers should be listened to, respected and positively responded to, and be given the level of information necessary for them to provide effective and safe care.~~<sup>2</sup>

Responses by carers (foster, family and special guardian carers) and child protection workers in surveys undertaken by the Department of Communities between 10 October and 1 November 2019 about what worked well when accessing State Government services for children in care:

"When they spoke directly to me, as the carer I know the most about the child." (Carer)

"Good communication at appt between health staff and carer." (Carer)

~~"The staff were committed to the child's wellbeing."~~ (Carer)

~~"Information sharing can be very useful and ensure transparency of service delivery and keep providers on the same page. Reduces double up of work."~~ (Child protection worker)

~~"The type of information that other agencies provide is extremely helpful in making assessments."~~ (Child protection worker)<sup>3</sup>

## Integrated service delivery

Partnerships, collaborative case management and planning between agencies results in enhanced service provision and coordination for clients.

Partner agencies commit to work together to collaborate and coordinate their supports, services and interventions to this cohort of children and young people. This may involve developing pathways through the service systems – for example: new referral pathways or how children and young people transition between different services and across different systems.

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Number: 1 Author: admin Subject: Inserted Text Date: 17/08/2020 4:11:13 PM

This includes ensuring young people are consulted prior to sharing information and give informed consent for their information to be shared.

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Number: 2 Author: admin Subject: Inserted Text Date: 17/08/2020 4:19:44 PM

This section also needs to specifically reference how information is shared with community service organisations, biological family and others involved in supporting the child or young person.

The statement that restricts the level of information shared as being that which is defined as necessary is not consistent with the principles of two way information sharing.

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Number: 3 Author: admin Subject: Inserted Text Date: 17/08/2020 4:17:43 PM

Need to include comments from the Foster Carer refresh, and the voice of Departmental Foster Carers and Community Service Organisations.

Name of framework to be inserted here

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~~Ensuring that the needs of this vulnerable group are responded to in a prompt manner requires service responses that address structural barriers between and within agencies – such as information sharing practices and service access criteria – and any identified service gaps.~~<sup>1</sup>

Responses by carers (foster, family and special guardian carers) and child protection workers in surveys undertaken by the Department of Communities between 10 October and 1 November 2019 about what worked well when accessing State Government services for children in care:

"Dental - Once organised, I was able to coordinate use of the dental service easily." (Carer)

"Educational Support - My child has an exceptional teacher who happens to have a Special Needs Assistant in her classroom because of other children with needs. This has been a significant support to both the teacher and my child." (Carer)

"Accessing health nurses for annual assessments is fast." (Child protection worker)

"Some schools are taking a positive step towards trauma-informed practices." (Child protection worker)

## Regional context

XXXXXX partner agencies share a common commitment to children and young people, that no matter where they live and what their abilities, we will support them to maximise their potential as an individual and as valuable members of society.

Children in care, care leavers and children under an SGO live across WA, with many residing in regional and remote areas. As outlined by the Regional Services Reform Unit<sup>15</sup>, state-wide government policies and programs in WA are often framed around the needs of most of the State's population, which is based in the greater Perth metropolitan area.

Further, these policies and programs do not always take account of the significant differences in demographics, geography, environment and economy in the regions, or the differences between regions.

Many children and young people in regional and remote communities may not have access to the specialist services they need and limited access to infrastructure such as transport and facilities.

~~There is the opportunity in this context to consider solutions for the delivery of culturally appropriate place-based services in the regions.~~<sup>2</sup>

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<sup>15</sup> Retrieved at <https://regionalservicesreform.wa.gov.au/p/place-based-services>

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Number: 1 Author: admin Subject: Inserted Text Date: 17/08/2020 4:24:08 PM

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This sentence needs to be reworded for clarity.

It speaks to the real work required in this space; to develop the implementation plan, that leads to effective practice and process that will ensure improved access to services as a result of this framework.

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Number: 2 Author: admin Subject: Inserted Text Date: 17/08/2020 4:28:28 PM

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Given the large number of Aboriginal children in care in Western Australia, there needs to be reference to a broader commitment to supporting ACCO's to build their capacity to support families, children and young people.

Resourcing, funding and access need to be prioritised for those in regional and remote locations.

Name of framework to be inserted here

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## A shared interest and responsibility

Although the primary audience of this framework is for the XXXXXX partner agencies, other government agencies and their funded services, non-government organisations, and private and Commonwealth service providers have an important role to play in addressing the needs of this vulnerable group of children and young people.

It is recommended that the intent of XXXXXX be adopted by all service providers in WA with a shared interest and/or responsibility for children and young people. This includes but is not limited to:

- other State Government agencies such as the Department of Transport;
- National Disability Insurance Scheme (NDIS) providers;
- WA Primary Health Alliance;
- general practitioners, psychiatrists and psychologists;
- private dental services and the UWA Oral Health Centre of WA;
- mental health, and drug and alcohol services;
- occupational and speech therapy services; and
- non-government schools.

Providing these children and young people with early access to services to address their needs would greatly improve outcomes in adulthood and reduce long-term financial and social costs to government and the community.