

## SUBMISSION

### The Economic and Finance Committee

Uniting Communities Submission to issues paper

*Inquiry on children and young people in out-of-home care in SA*

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## Introduction

We believe that whenever it is safe to do so, the best outcome for children and young people is to live with their families. Currently, our child protection system is focused on the crisis end (removals) instead of avoiding the need for statutory intervention by supporting at-risk families when they need it most. This results in many children and young people in care who with the right support, could have remained safely living at home. There needs to be a substantial redirection of funds and resources to help vulnerable families in the community to decrease removal rates. This approach reflects a public health framework for child protection that focuses on universal and targeted services that reduce the need for statutory intervention.<sup>1</sup>

Currently, out-of-home care (OOHC) placement options are unable to meet the demand of children entering care. Although recruitment, support and remunerations of foster carers is an important issue, South Australia needs to urgently redirect its focus to prevention and the reunification of those already in care. This shift in focus and resources will ultimately lead to a significant reduction in the demand and current pressures on our out-of-home care sector.

The most recent Report on Government Services (ROGS) by the Productivity Commission (2023) illustrates the over-representation of children and young people in SA's OOHC system. The report shows:<sup>2</sup>

- **That the rate of children in OOHC in SA (at 11.9 per 1000 children) is 48.7% higher than the national average (of 8.0 per 1000 children)**
- **If SA's rate of children in OOHC was at the national average, we would have 1,455 fewer children and young people in care**
- **Based on the average cost of a child in care (\$329 per placement night) SA would save \$174.7M a year by reducing the number of children in care to the national average**
- **80.1 per cent of total child protection expenditure was on 'care services' (cost of caring for children once they are removed)**
- **Less than 20% of total child protection expenditure was spent on early intervention (protective intervention services, intensive family support services and family support services). These services are aimed at supporting families to keep children safely at home**
- **This is compared to a national average of 38% on early intervention and 62% on care services**
- **South Australia spends 64% less than the national average on early intervention services (protective intervention services, intensive family support services and family support services)<sup>3</sup>**

If ever there was a compelling economic case for changing the investment patterns of our child protection interventions in SA. It is what the Federal Productivity Commission's ROGS reports have been consistently reporting now for well over a decade.

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<sup>1</sup> *Protecting Children is Everyone's Business*, An initiative of the Council of Australian Governments, 2012, p. 8 & 20.

<sup>2</sup> Productivity Commission, Report on Government Services 2023, Child protection services, < <https://www.pc.gov.au/ongoing/report-on-government-services/2023/community-services/child-protection> >

<sup>3</sup> Calculated based on Table 16a.8 of the 2023 Productivity Commission, Report on Government Services.

## **Decision-making is based on ‘safety’ rather than ‘best interest’**

The best interests of children and young people are served when they are able to remain safely living within their family and community. Currently ‘safety’ is the paramount consideration in legislation and policy within child protection in South Australia. The focus solely on ‘safety’ has in large part led to the high removal rates and limited chances for reunification. The term ‘safety’ alters the perception of risk and how to approach risk. Any perceived safety risk to the child leads to fear-based decision-making and bias to removals rather than an evidence-based assessment of risk and consideration of the broader best interests of the child. There are many voices in the community that have argued that safety is but one of the considerations in decision-making in relation to child protection responses. Child safety is one, albeit important, element in relation to children's interests and well-being; however, all dimensions of well-being (including the sometimes-harmful impacts of removal) should be considered to ensure robust, defensible and evidence-based decisions are made.

## **Overrepresentation of Aboriginal children and young people in out-of-home care**

There is a need to address the growing number of Aboriginal children in out-of-home care. Despite Aboriginal and Torres Strait Islander people representing around 2.4 per cent of the population in South Australia, Aboriginal children make up around 37 per cent of children and young people in out-of-home care.<sup>4</sup> This number has increased in recent years, preventing Closing the Gap targets from being met. There is a strong need for more early intervention, and culturally safe family support to reduce the rate of Aboriginal children entering care and increase the chances of reunification.

### **Placement of Aboriginal children in out-of-home care**

Only 3 in 10 Aboriginal children and young people entering care are placed with Aboriginal families or kin, with this rate decreasing.<sup>5</sup> When the home is not a safe option for Aboriginal children and young people, it is crucial that they are matched with an Aboriginal and/or Torres Strait Islander family which allows them to stay connected with family, community, land and culture.<sup>6</sup> When Aboriginal children are placed with non-Aboriginal carers, this impacts their cultural identity, and social and emotional well-being. The preservation of a sense of identity for Aboriginal children and young people is crucial for their well-being and development.

## **A lack of pre-removal and post-removal support**

### **Pre-removal**

Currently, the legislation and policies underlying the Department for Child Protection (DCP) are not explicit or directive about the need to refer at-risk families, pre-removal, to supportive services that could prevent removal from occurring. This is inhibiting a crucial opportunity to enable more children and young people to remain safely living within their families with the necessary support

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<sup>4</sup> Aboriginal children entering state care in SA at ‘worsening rate’, data shows, ABC news, 2021, <<https://www.abc.net.au/news/2021-05-13/proportion-of-aboriginal-children-in-sa-care-getting-worse/100136520>> and ABS, South Australia: Aboriginal and Torres Strait Islander population summary, 2022, <<https://www.abs.gov.au/articles/south-australia-aboriginal-and-torres-strait-islander-population-summary>>

<sup>5</sup> April Lawrie, Commissioner for Aboriginal Children and Young People, 2022, <<https://7news.com.au/news/public-health/inquiry-into-indigenous-children-in-care-c-7369574>>.

<sup>6</sup> Department of Families, Housing, Community Services and Indigenous Affairs, An outline of National Standards for out-of-home care, 2011, p. 6.

and supervision. This support will reduce the growing need to fund more care services at a high cost when children could safely be maintained within their own families and communities. A redirection of investment is needed into early intervention and support for at-risk families that would prevent abuse and neglect from occurring to reduce the growing number of children in out-of-home care.

## **Post-removal**

The current child protection system is not set up for long-term reunification work, due to practices and legislation. Once a child or young person is under guardianship, neither DCP, the Department of Human Services or any external agency assumes responsibility for the family of the child or young person. There is no obligation to provide ongoing support to parents. After removal, parents require support to improve their parenting capacity and increase their chances for reunification. This would reduce the number of children and young people in our care system in comparison to other Australian and international jurisdictions.

Funding this therapeutic support for parents/families will involve a substantial redirection of investments into supporting more families when help is most needed and for longer to reduce the number of children and young people entering and languishing in care.

## **Uniting Communities Newpin model**

Uniting Communities Newpin (New Parent and Infant Network) program aims to return children in care in South Australia to their parents. The program is funded under a social impact bond and has shown in its brief history to be a highly effective model of reunifying children safely to their birth families and in turn, saving the government considerable future costs for children remaining in our care system. Since its commencement in July 2021, Newpin has experienced a reunification rate of 75% across its Smithfield (Opened July 2021), Port Adelaide (Opened March 2022) and Christies Beach (Opened July 2022) centres. Newpin was initially expected to have six successful reunifications. As of December 2022, it has successfully reunified 31 children from 19 families, with two additional families in transition to home plans.

At Newpin, parents and their children regularly attend a centre-based program for up to 18 months to engage in a range of activities that promote wellbeing, improve parenting capacity and support the development of positive family relationships. Through a combination of Uniting Communities' Newpin program and our other therapeutic services, (including DV men's behaviour change program and New ROADS AOD service) we have provided a wraparound response to families at risk.

The Newpin SA Social Impact Bond (SIB) offers investors the opportunity to generate a financial return whilst creating a lasting difference in the lives of vulnerable children and families in South Australia. Investor returns are linked to the effectiveness of the Newpin Program in reunifying children in out-of-home care to their families. Refer to figure 1 below for a breakdown of the SIB process.

Figure 1: ([Social Ventures Australia](#) breakdown of the Newpin funding model)



## Mandatory reporting

The current threshold for mandatory reporting is too low which has resulted in high rates of reporting and investigation. This has led to a skewing of precious resources for detection and investigation and away from providing timely and sufficient responses for those children and young people at greatest risk of harm. Many notifications received are for children who are not receiving optimum care but do not meet the threshold for substantiation. These notifications prevent DCP from helping those at the greatest risk of harm. Instead, these families require support to fulfil their care responsibilities.

It is estimated that 1 in 3 children over the course of their childhood will be the subject of a child protection report as families deal with complex issues including domestic and family violence, substance misuse and mental ill-health.<sup>7</sup> Approximately half of these notifications meet the threshold to be screened-in for a response from either DCP or other government and non-government agencies.<sup>8</sup> The sheer volume of notifications congests the child protection system and the ability to respond in a timely and appropriate manner. In 2010/11 the number of notifications made to CARL was 12,189 of which 3,145 were investigated and 1,810 substantiated (that's 14.8% of notifications resulting in a substantiation). In 2020/21 notifications were 21,351 in SA with 4,519 investigations and 2,444 substantiations (down to 11.4%).

The current legislation requires the following test to be applied to determining an obligation to report – 31 (1) the person suspects on reasonable grounds that a child or young person is, or may be, at risk; the Act defines at risk in a variety of ways but one of these is the following 18 (1) (b) there is a likelihood that the child or young person will suffer harm (being harm of a kind against which a child or young person is ordinarily protected). This provides an excessively broad net in which people are required to make a report and, in a risk-averse environment contributes to the overload in reports being made which the Chief Executive of the Department is required to assess.

## Foster carers

### Demand for foster carers

Currently, there are not enough foster carers to meet the demand of children entering out-of-home care. Current carers are ageing, and new carers are hard to recruit, resulting in more children in non-family-based care. As of December 2022, out of a total of 4810 total children in care under 18 years,

<sup>7</sup> Department for Child Protection, Children and Young People (Safety) Act 2017, Discussion Paper, p. 15.

<sup>8</sup> Department for Child Protection, Children and Young People (Safety) Act 2017, Discussion Paper, p. 15.

there were 4093 children in family-based care, leaving 717 children in non-family-based care.<sup>9</sup> Although there is a need to address recruitment and retention of foster carers Uniting Communities believes priority must still be made to reducing the number of children entering care and supporting reunification.

### **Limitations and restrictions on foster/kinship carers**

The out-of-home care system is heavily reliant on foster and kinship carers. However, there are currently many limitations and restrictions placed on carers that prevent them from carrying out their parenting responsibilities and make their role more challenging. To retain more carers, the practices and policies must be improved so that carers feel respected and supported.

DCPs 'Statement of Commitment' objectives includes ensuring carers are informed, supported, consulted, valued, and respected. Despite this, there are discrepancies in the level of support and responsibilities given to the carer, which are vastly different depending on the DCP office and sometimes individual DCP case managers. The majority of challenges relating to being a foster carer stem from this discrepancy. The objectives of the Statement of Commitment include empowering 'carers to make decisions for children to take part in everyday activities,' and 'involve carers in decisions about the children and young people in their care.' Despite this being a commitment, many carers are not feeling supported and experience difficulties having to fight DCP on every aspect of the decision-making for the child. This is prohibiting their ability to parent. These barriers can have negative implications for children and young people in care because it creates instability and insecurity when simple activities such as going for a haircut require approval from a DCP worker.

### **Lack of support for children and young people leaving care**

The evidence shows that having had a care experience increases the risk for parents that their children will also experience child protection intervention. Therefore, the provision of support, including transition support represents a key prevention strategy. This support may include health services, employment assistance and accommodation. Such support should be a right for all young people leaving care although not all young people will require or avail themselves of such support.

Currently, young people aged 18 who live in residential and emergency care must leave care. Young people in care who have gone through some of the most traumatic experiences are expected to be capable financially and emotionally to care for themselves at the age of 18. They are often not ready to leave care at 18 and should have the option to remain in care. Ongoing support creates opportunities young people usually have such as attending university without the pressures of having to financially provide for themselves. Currently, those leaving care at 18 are faced with many barriers including a shortage of housing that often results in homelessness.

### **Active work is needed to support a connection with siblings**

There is currently no obligation to pursue a continued connection with siblings when children and young people enter care. In circumstances where it is not safe to keep a connection with siblings in person, alternative means of connection such as phone calls, letters or video calls could be

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<sup>9</sup> Department for Child Protection, Reporting and statistics, 2022, <<https://www.childprotection.sa.gov.au/departments/reporting-and-statistics>>.

implemented. A continued connection with siblings is so important to the well-being of children and young people in care. Adults who have previously been in care have reported that the most significant thing they missed was sibling connection. Siblings are often raising and looking after each other in some capacity. Maintaining relationships with siblings in care helps them develop the skills to learn how to have important relationships later in their life. When children have continued contact with their family it has a positive impact on how they see themselves, and their sense of self-value and identity.<sup>10</sup>

## **Inconsistencies in practice by DCP workers**

There is no universal understanding of legislation and policy among DCP workers. For instance, the interpretation of the *Children and Young People (Safety) Act* can be vastly different from worker to worker, team to team and office to office. Whether it's the removal of a child or reunification, there is inconsistency in practice due to varying interpretations of the legislation, particularly the assessment framework and decision-making. For example, when removals have involved families with alcohol and other drug issues, some DCP workers say clearly that there needs to be abstinence to return the child home, whereas other workers take a harm minimisation approach, and for some continued use is accepted. DCP must ensure that every worker has a consistent understanding of how to implement legislation and policy.

## **A lack of resources and experience among DCP staff**

Resources and experience are lacking in DCP, this is largely due to a high staff turnover. Senior practitioners, supervisors and managers change regularly and often have minimal experience in the Department before becoming the main decision-makers. Some families must work with multiple case managers which impacts decision-making and progress. DCP workers are regularly reporting under-resourcing to service providers. As a result, the overload of work DCP workers are facing affects their ability to make adequate assessments. Changes to mandatory reporting will help to reduce this burden and enable staff within DCP to better direct their efforts and work (refer to the previous paragraph on mandatory reporting).



Simon Schrapel

Chief Executive

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<sup>10</sup> Queensland Government, *Maintaining family connections*, 2018, <<https://www.qld.gov.au/community/caring-child/foster-kinship-care/information-for-carers/everyday-caring/maintaining-family-connections>>.