

# STAGE ONE LISTENING REPORT

THE NEXT ITERATION OF

## A STEP UP FOR OUR KIDS

OUT OF HOME CARE STRATEGY 2022-2032
AUGUST 2021





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#### ACKNOWLEDGEMENT OF COUNTRY

The ACT Government acknowledges the Ngunnawal people as traditional custodians of the Canberra region and that the region is also an important meeting place and significant to other Aboriginal groups. The ACT Government respects the continuing culture, and the contribution that Aboriginal and Torres Strait Islander peoples make to the life of this city and surrounding region.

#### **PROJECT**

Across the Child and Family Services System, the ACT Government is progressing ambitious and transformative reforms to improve the wellbeing of children and their families. These reforms include changes across statutory and non-statutory services and contribute to building a Child and Youth Protection Services system that is restorative, contemporary, and underpinned by transparent decision-making and communication.

A Step Up for Our Kids Out of Home Care Strategy 2015-2020 (the Strategy) guides the delivery of out of home care services in the ACT.

The vision of the Strategy is: Children and young people in care – growing up strong, safe and connected.

The Strategy initiated extensive reform of the ACT's out of home care sector by designing a therapeutic, trauma-informed system of care, while also funding services to prevent the placement of children and young people in care and restoring children and young people to family.

Over the past five years, the Strategy has been transformational in reducing the number of children and young people who enter care, and in lifting expectations for the outcomes experienced by children and young people who are unable to live safely with their biological family.

The Strategy is delivering real change for families. We are building on this as we take the next steps in this reform and develop the next iteration of this Strategy.

We are committed to improving outcomes for children and young people by:

- > providing earlier supports;
- > supporting all families to flourish, while actively responding to families living in complex environments;
- > reducing the over-representation of Aboriginal and Torres Strait Islander children and young people in the child protection and out of home care systems;
- > improving the experience of children and young people in out of home care; and
- > improving pathways to restoration.

In 2021, the Community Services Directorate is developing the next iteration of the Strategy that will provide a platform for out of home care for the next ten years. The next iteration will be informed by what we have heard and learnt over the five years of reform, including our national and territory commitments, and will continue to build on the reform agenda to improve outcomes for children, young people and families.

#### CONVERSATIONS

The Strategy was developed by the Community Services Directorate in consultation with young people, carers and community organisations, including out of home care agencies and peak bodies, and government services over a two-year period.

During the five years of implementation from 2015-2020, the Community Services Directorate has heard from diverse stakeholders on their reform experience. This includes insight from people with lived experience of the out of home care system, community leaders and members of the Aboriginal and Torres Strait Islander community, out of home care providers and the workforce.

These conversations have occurred across the ACT during external governance meetings with our community partners funded under the current Strategy; surveys conducted by Community Services Directorate staff and external consultants; community forums, meetings, and discussions; and research projects with input from people with lived experience.

Since the release of the Strategy, the ACT Government has responded to the 36 recommendations arising from the 2019 *Our Booris, Our Way* Final Report. The Government has made a firm commitment to fully implement the recommendations of this important review which is informing systemic improvements to child protections, policies and practices in the ACT.

In 2021, we continue these conversations with a focus on seeking the views of people with lived experience. Consultation on the next iteration of the Strategy has included hearing from young people with lived experience of the out of home care and the youth justice system, Aboriginal and Torres Strait Islander community members with lived experience of out of home care, agencies funded under the current Strategy, the workforce who implement the current Strategy, oversight agencies and bodies and supporting Directorates. Conversations have focused on what worked and didn't work, as well as what the focus should be in the next iteration.

We have spent time thinking about what you told us, what it means and how we can build on it to progress ambitious, contemporary and evidence-based reforms across the Child and Families Service System.

This document summarises what we have heard.

#### WHO WE HEARD FROM

So far, we have heard from:

- > children and young people in care or who have experienced care;
- > birth and biological families;
- > carers including kinship and foster carers;
- > members of the Aboriginal and Torres Strait Islander community;
- > the community sector, including current out of home care providers, peak organisations and organisations not funded to deliver services under the current Strategy;
- > oversight agencies and bodies;
- > ACT Government directorates and agencies; and
- > Child and Youth Protection Services workforce.

#### WHAT WE HEARD: KEY INSIGHTS FROM STAKEHOLDERS

Strengthening the voice of children and young people in decision-making

'Young people feeling like they matter – that they have a place in the world'

Young person with lived experience of out of home care, 2021

'Feel included - being asked, welcomed'

Young person with lived experience of out of home care, 2021

We clearly heard from stakeholders that children and young people have a right to feel included and have a stronger voice in their arrangements and decision-making. We heard that we need to continue our efforts to empower children and young people to be involved in individual case decisions and the development of systemic policy and practice. This involves consistently encouraging children and young people to express their views and wishes and to facilitate their meaningful participation in decision-making processes and recording these.

We heard that staff require the skillset to use strengths-based language in all record keeping and communication with children and young people. Staff need to facilitate regular input from children and young people, and explain in a developmentally-appropriate manner what is happening and why.

Improving the experience of out of home care for children and young people

Young people want to feel loved, cared for and valued. They want to remain connected with people important to them.

Key message from discussion with young people with lived experience of out of home care, 2021

We have heard that building a child's or young person's relationships, connection and community will improve their experience of out of home care. Young people also feel strongly about staying connected to their siblings, regardless of the circumstances, and have shared how important connection to family and community is to them. To maintain strong connections to culture and community, there is broad support to prioritise kin to care for children and young people who are unable to stay at their family home. There is also significant support for innovative and flexible care options for children and young people that is based on their needs as they change.

Children and young people have told us that they want a consistent support person or mentor who checks in, follows up on commitments, listens and genuinely cares. They would also like direct and more frequent access to support people, who are powerful advocates, and that staff turnover has a significant impact on their experience.

We have heard that more needs to be done to support children and young people when there is a change in their circumstances. This includes transitions into care, transition to leaving care and after-care support. We have heard that support to remain engaged in some form of education or training is important as part of preparation for employment.

We have heard about a current support gap for young people (over 12 years), families living in complex environments and flexible mental health and therapeutic support. There is also agreement that more effort is required to provide evidence-based trauma-informed services for young people, particularly over 12 years old, regardless of whether they are in a stable or settled care arrangement or not and should include young people who opt out of a care arrangement.

In instances when a child or young person has returned home, we have heard that the level of support, services and funding received in care should continue. That it is important someone checks in with the child or young person.

Moving forward, we need to continue to improve the care and support for children and young people through an individualised approach to addressing the support needs, and not just risks, of each child or young person in care. Wrapping care and support around the child and family needs to start early and continue throughout the school years and beyond.

#### Supporting families earlier

#### 'Families need to feel safe to ask for help'

Aboriginal and Torres Strait Islander community member with lived experience of out of home care, 2021

There is strong support for diverting families away from child protection and youth justice by providing early, intensive, strengths-based and culturally safe family support, including prenatal support and father inclusive programs. Earlier support to families is likely to reduce the need for crisis driven work and needs to include practical parenting supports, services and financial help for families. This needs to continue when a child or young person has returned to their family's care.

Feedback confirmed the importance of dedicated, trusted, culturally responsive, and voluntary prenatal teams to build relationships and help build support that meets needs during pregnancy. We heard that if there is mutual respect, good communication and transparency, active listening and a non-judgemental approach whilst working with families prenatally, this will likely lead to a positive experience with better outcomes for families. There was strong agreement that community-led support was most appropriate to families during pregnancy.

Strong support also exists for family-led decision-making wherever it safe to do so and increasing the range of support options for families. We heard that a collaborative understanding of legislation and policies, with everyone understanding their rights, strengthens family-led and informed decision-making. We also heard that family support practice requires strong communication, transparency and an understanding of achievable goals and timelines.

We heard of long wait lists to access support that discourage families, the need for someone to work for families and the importance of having at least one worker who believes in the family. Support for a family would work with intergenerational and parental trauma and make reasonable adjustments for families, especially for those experiencing disability. Support needs to be strengths-based, whereby family strengths are recognised and built on. We have also heard that a strong working relationship between support workers and families is important in improving outcomes.

As we move forward, the community needs to focus and enhance earlier support for families to divert them from child protection, when safe to do so.

#### Community-led decision-making

'We must exercise our self-determination, culture and our knowledge of the needs of our children to protect and prepare them for the world'

Our Booris, Our Way Final Report 2019

There was broad agreement that we need to strengthen efforts in community-led decision-making and service design to improve outcomes for Aboriginal and Torres Strait Islander children and young people. This includes co-design methodologies in policy and program development. We need to draw on the

knowledge of the community when it comes to policy and program design and take a systemic approach to reducing the over-representation of Aboriginal and Torres Strait Islander families in the child protection and youth justice systems.

To achieve this, we heard the need to strengthen relationships, honest and open communication, collaboration and partnerships between decision-makers and the community. To build trust, we also heard the Aboriginal and Torres Strait Islander community needs a greater role in finding family members to care for a child or young person who has entered care; community advocates, such as elders or family members, need an equal role at the decision-making table and time to inform decisions; and community members to be involved in the development of policy and practice.

There was particular support for Aboriginal Community Controlled Organisations in the child protection service system and the need for strong Aboriginal and Torres Strait Islander voices to be included in the decisions about Aboriginal and Torres Strait Islander children and young people.

#### Collaborative and transparent decision-making

This focus area elicited strong responses as decisions have an impact on all those involved in out of home care. We heard that we need more transparency regarding decision-making, across a child protection continuum from early risk assessment through to application for Court Orders, case management and restoration. To achieve this, there is a need to develop culturally appropriate and specific risk assessment tools for Aboriginal and Torres Strait Islander families. These would include appraisal tools, carer assessment tools and restoration tools. This would provide a culturally appropriate risk lens for First Nations children, which recognises the strengths of Aboriginal and Torres Strait culture.

We have also been told that we need to make sure that all families we work with understand the decision-making process, its legal basis and have an opportunity to seek review of decisions which they do not support. This needs to begin with ensuring all information provided to the public is clear and accessible, from forms to web content and in the one-on-one conversations we have with parents. In practice this means easy and plain English information guides for parents which should be translated into multiple languages, the use of advocates, translators and support people at meetings and case conferences, supported decision-making processes for parents who have a disability or learning difficulty, reasonable adjustments for parents and young people with disability, and use of culturally specific risk and carer assessment tools when parents are of First Nations heritage.

We have also heard that there should be a greater tolerance of risk. We heard that roles and responsibilities in decision-making need to be clearly defined and explained, so that decisions can be transparent and if appropriate, reviewed both internally and externally. There was strong support for decision-making to occur in a timely manner and for all parties to be involved in the decision-making process so that they are immediately aware of the status of a decision. We heard that time delays around decisions and decision-making in isolation is unacceptable to families.

Young people also want to understand why decisions are being made about their lives and have input to the decision, at the time it is being made, so that decisions can be reconsidered and made in partnership. Families would like a higher level of trust, ongoing engagement and a recognition of their expertise. All stakeholders have expressed that they would like greater communication and access to information, with young people specifically wanting multiple opportunities and input to the information being captured. We also heard that case management measures need to be in place for an individualised approach to decision-making that considers the unique needs and circumstances of every child and young person.

#### Increasing access to advocacy and support services

#### 'People are entitled to know their rights up front'

Aboriginal and Torres Strait Islander community member with lived experience of out of home care, 2021

'Be realistic in what you're asking or you'll instantly set people up to fail'

Aboriginal and Torres Strait Islander community member with lived experience of out of home care, 2021

'There should always be a support person present for children'
Kinship carer, 2021

'There should be no barriers to an advocate being present, regardless of who the advocate is'

Aboriginal and Torres Strait Islander community member with lived experience of out of home care, 2021

We heard that everyone involved in out of home care should have the right to access independent advocacy and support to help families input to decisions, to understand the impact of decisions, and to help make the right decisions about children, young people and their families. Children and young people need to be informed of advocacy and support services they can access; families require culturally appropriate advocacy and support to navigate the child protection and legal system and to better understand how to improve their circumstances; and carers would like to be more involved in decision-making. In addition, we heard that best interest decisions for Aboriginal and Torres Strait Islander children and young people need to be strengthened by being informed by advice (a submission) from a member of the Aboriginal and Torres Strait Islander community and/or community service.

There was also particular support for an independent Aboriginal and Torres Strait Islander Children and Young People Commissioner in the ACT to strengthen oversight, advocacy and the voice of the community in the decisions on Aboriginal and Torres Strait Islander children and young people.

#### Strengthening pathways for children and young people to safely return home

We clearly heard from the community that restoration to family needs to be improved. This requires effort to plan restoration as soon as a child is removed from the care of their biological parent/s. In respect of Aboriginal and Torres Strait Islander children, we need to make sure that where possible, children should be returned to family as soon as it is safe to do so. This means ensuring full compliance with the *Aboriginal and Torres Strait Islander Child Placement Principle*, across the continuum of care and protection. It means preventing children from entering care, safely restoring them to parents as soon as possible, placing them with kin if necessary and ensuring when they are in care that they are connected to family, culture, country and spirituality, as much as possible.

We also heard that all efforts should be trauma-informed, based on the individual needs of the child or young person and cognisant of critical periods of growth, development and attachment. We have heard about the importance of family-led decision making, drawing on the skills and advice of extended family, extensive family finding and mapping efforts, using kin for placements wherever possible, and timely restoration.

We have heard that it takes time to build trust with Aboriginal and Torres Strait Islander families, due to our history, past and recent practices, and sometimes unconscious bias. We know that we need to draw on our community organisations and culturally responsive staff to help forge positive partnerships moving forward. We also hear that the workforce needs further development, training and monitoring to ensure culturally appropriate decisions are made. We have also heard the fears of the community about

re-traumatising Aboriginal and Torres Strait Islander children when they are taken into care. There is a need for trauma-informed diversionary and restorative practices in which definitions, understandings and outcomes are shared across the child protection system.

#### Working towards settled arrangements

'Have not too many moves...this could make you feel like an object...need to feel wanted...have stability'

Young person with lived experience of out of home care, 2021

'Why is adoption so hard?'

Young person with lived experience of out of home care, 2021

There is acknowledgment that decision-making in a child's or young person's best interests can be complex. However, there is strong support that relationships and connections are vital for a child or young person to feel 'settled' within a home environment. We have heard circumstances vary and that decisions need to be made based on the true best interests of each individual. This requires considering a holistic non-biased view of circumstances including relationships, culture, attachment and development, safety and the child's or young person's views and wishes.

Within the ACT, there is acknowledgement that adoption is not an option for Aboriginal and Torres Strait Islander children and young people which is supported by the ACT Government. There is also strong support for balancing the need for consideration of restoration where a child is not placed in accordance with the *Aboriginal and Torres Strait Islander Child Placement Principle*, with an Aboriginal and Torres Strait Islander child's right to stability and permanence. When it comes to First Nations children, the concept of permanence needs to be a culturally appropriate one and may look different from other children.

Moving forward, parallel planning within contemporary evidence-based practice will be important to ensure culturally safe and trauma-informed decisions are being made in the child protection system.

#### Strengthening support for foster and kinship carers

There was strong support to strengthen the voices of carers and to ensure their diverse experiences are heard in decision-making and policy development. We heard from kinship carers the importance of being involved at all points of decision-making about the child in their care, to be involved in care team discussions and for their rights as carers to be understood and acknowledged by workers.

Carers would like more training and opportunities for respite; an increased role in decision-making; further opportunities to network with other carers; access to health and wellbeing support; and support during transition periods including when children and young people are between homes and placements, are transitioning back to their kin or family home, or transitioning from care when they turn 18 years.

To strengthen the care they provide, we have heard that carers would like access to more information about the child or young person in their care, more information and contribution to therapeutic care plans, reduced delays in decision-making and further information on the child protection and out of home care systems. Carers also require support for their own wellbeing to continue their roles. We heard that kinship carers would like access to the same level of training and support as foster carers.

There was support for using data on carer profiles to inform how best to support, develop and equip carers and assess their individual needs. There was also recognition of the diverse skills and expertise required to care for children and young people at different stages of care. For instance, carers equipped to care for children during a time of crisis or carers skilled in supporting children whilst efforts are being made to return to their families.

We heard that carers are the backbone of our system and their role in providing a safe home and care for children who have experienced abuse or neglect, is one of the most difficult and undervalued roles in the community. We also heard of a difference between foster carers, who chose at the right stage of their lives to take on the additional responsibility of providing care to a child or young person in need, and kinship carers who are usually asked to step in at short notice, usually with no preparation or pre-planning, to provide immediate care for a family member. This is can be disruptive to family relationships, apart from the unexpected financial and emotional strain.

We also heard that further investment in carers is required as a critical enabler to improve outcomes for children and young people.

#### Improving residential youth services

This focus area elicited strong responses with agreement that residential youth services in the ACT need attention. This includes ensuring support provided in residential care is therapeutic, trauma-informed, relationship-based and built around the holistic needs of a young person. There was strong support for therapeutic residential care that responds to the safety, development and healing needs of a young person. It was identified that therapeutic care needs to be relationship-based, culturally safe and should enable increased participation in decision-making and connection to community.

We heard young people with a lived experience of residential care are frustrated with the current residential care model. Young people expressed a strong desire for improved relationships with care staff through staffing being consistent, staff being more present and available, and built on mutual respect to reflect the types of relationships typical of strong families. Young people expressed a desire for a residential care house to be a safe and secure environment that is well kept and 'home-like', both indoors and out, to look like other homes in the street and avoid any resemblance to an institution or facility. Young people also identified opportunities to improve residential care in the ACT by allowing their family and friends to visit their home and onsite transition to independent living to support and guide them through their life experiences in ways more congruent with their peers.

#### Strengthening the transition to adulthood for young people who have experienced care

We heard that transitioning from care when a young person turns 18 years can be a rocky start to adulthood and that young people transitioning from care would like the same opportunities as their peers who are not in care. There was strong agreement that effort is required to support young people as they transition to adulthood and this includes financial support for carers. We heard a proposal that 'ageing out' should occur at a minimum of 21 years old and at least to the age of 25 years, and that access to support should be a right with a provision to opt out.

There was strong agreement that young people should be provided support at the time they need it, not only in crisis, and for as long as they need it. There was particular support for accessible and safe housing as the first priority, health care and education. There was also broad agreement amongst young people that it is important to learn how to build healthy relationships, peer networks and community connections and to know who to call when you need help or advice.

We also heard that further investment in considered planning for this transition with young people is required. This would include reviewing the language of 'post-care' / 'after-care' that can be intimidating for young people, utilising therapeutic life story work and other similar tools that relays a young person's story to them in a supportive manner, and providing case management support that adapts to changing circumstances and needs.

Strengthening appropriate and accessible mental health, disability and therapeutic services

## '[There is a] need for trauma-informed care and the ability to give more opportunities to focus on mental health'

Young person with lived experience of out of home care, 2020

There is particular support for a needs-based child protection and out of home care systems embedded within a human rights framework with appropriate identification of mental health issues and illness, disability, of reasonable adjustments and the recording of this data. To strengthen services, a recognition of intersectionality is required to address diversity in the people supported by the child protection and out of home care systems.

We heard clearly that coordination of services is required to navigate the numerous touch points for a person accessing support. We have also heard that more accessible services such as outreach services would benefit the families we work with.

We heard that reasonable adjustments, supported decision-making, advocacy and advocacy support are required when assessing parental capacity and capability and tailored support is needed to assist parents with a disability or mental illness to divert families from out of home care. This relies upon a highly skilled and trained workforce which is disability and mental health aware and capacity to facilitate supported and informed decision-making. It also requires easy and plain English guides, easy access to trained advocates and interpreters, and changes to usual timeframes to accommodate a more appropriate pace of rapport building, assessment and decision-making.

#### Building the out of home care workforce

Child and youth protection workers support the most vulnerable children and young people in the ACT. We have heard that more effort is required to build the skills and capacity of the workforce and to increase retention rates.

As families experience multiple complexities, it is important the workforce is supported in culturally responsive and trauma-informed practice and to navigate the impact of mental health, drug and alcohol misuse and family and domestic violence on the families they work with. We heard that we need to have a focus on improving understanding and responses to young people who are in the child protection and out of home care systems. We have also heard that residential care workers require highly specialised skills to support the therapeutic needs of the children and young people they support.

We heard that there is a need for shared and coordinated training and practice development to create consistency in language and understanding of roles, responsibilities and specialities across the child protection, youth justice and out of home care workforces. It is also necessary to retain experienced and trained staff, over longer periods of time, to foster collaboration with community and consolidate partnerships within the service system. We also clearly heard that extensive efforts are required to recruit Aboriginal and Torres Strait Islander and culturally and linguistically diverse staff to build a culturally responsive workforce.

#### Restorative practice

There is overwhelming agreement that respectful and collaborative relationships are central to individual, service and sector wellbeing. We have also heard that the community want to feel heard and listened to. Restorative practice involves shared approaches to problem solving and focuses on building and repairing relationships amongst individuals and communities. We know that restorative approaches are required to

improve and strengthen current practice, system and service changes and the need to progress common outcomes across sectors supporting children, young people and families.

There is strong support for restorative practice to be utilised more broadly to consider the impact of trauma and to incorporate reasonable responses and approaches to move forward together. We heard that this is particularly relevant when working alongside Aboriginal and Torres Strait Islander communities and building a community response to child protection and out of home care.

#### Strengthening accountability and ensuring a high-functioning care system

We heard that a lot has been achieved in the ACT's child protection and out of home care systems in a challenging fiscal environment.

We heard that the external governance arrangements with community sector partner agencies funded under the Strategy are important to understand each other's roles and responsibilities; to share information, risk and decision-making; develop shared practices in data integrity, education, training and record keeping practices; and to build on shared understandings and common goals to keep children and young people in out of home care strong, safe and connected.

To continue the good work achieved in the external governance of the Strategy, governance arrangements need to focus on strengthening current partnerships and developing new ones; building on current services and welcoming innovative ideas to improve practice; and have shared goals for children, young people and families. They need to include the voices of people with lived experience of child protection and the out of home care systems and, most importantly, to continue working collaboratively to improve the system in the ACT.

Moving forward, it will be important to ensure appropriate governance arrangements are in place to collaboratively implement a Strategy on an ongoing and coordinated basis. The sharing of implementation experience, knowledge and practice can improve outcomes for families, encourage strategic partnerships and continue building an effective system that best supports the needs of children and young people.

#### Moving forward: Strengthening the child protection and out of home care systems

#### Out of home care policy and strategy – a maturity model

We heard the intent of the current Strategy was bold and on point however the ACT's child protection and out of home care systems requires more time to build on change. We heard that extensive reform needs time to mature. There was support for the development of a framework that will provide long-term direction and continue to build on reform.

#### Evidence-based and contemporary models of care

We clearly heard from the community that we need a focus on evidence-based programs and practices to strengthen the maturing model and an evidence base on what works in the ACT. Feedback also confirmed the value of standardised tools and outcomes measurement and the benefits of a single, coordinated performance/evaluation framework. We also heard that contemporary practice is child-centric, recognises that connection, identity and culture is central in children and young people's wellbeing and sees the importance of collaborative, family-centred planning that incorporates choice and control.

#### Contemporary service provision

We heard that contemporary service provision ensures we are using evidence-based practice on a day-to-day basis, utilising practices that have worked well with families and adapting these to the ACT context. Evidence-based practice is informed by data and analysis but there is also strong agreement for including qualitative points of view in the overall consideration of policy and practice directions and in program or support service development and implementation. Contemporary service provision involves holistic

multi-agency approaches to meet the needs of families living in complex environments. It also includes coordinated services across government and the community sector that collectively and flexibly bring resources together and commit to the overall health and wellbeing of families.

#### WHAT'S NEXT

This important feedback will inform the development of the next iteration of the Strategy and a set of principles to guide the way we work together that can evolve over time.

The ACT Government will continue to have ongoing conversations with stakeholders and inform the broader community as we work to ensure that children and young people are growing up strong, safe, connected and live their best life.

For information and updates on our stakeholder engagement to develop the next iteration the Strategy visit A Step Up for Our Kids | Children and family services reform | YourSay ACT

To find out more about this Strategy visit our website

For any questions, enquiries, or further feedback, please email us at cbrstepsup@act.gov.au

#### Key timings

The ACT government will continue conversations with stakeholders to strengthen service delivery and improve outcomes for children, young people, and families.

- > **July September 2021:** What We Know report published. A summary of the current state of out of home care and what we know from five years of implementation.
- > July September 2021: Paper on Permanency, Placement Stability and Attachment published.
- > Late 2021: A second stage Listening Report will be published.
- > Late 2021: A renewed Strategy will be launched.

Below is the advice we heard from young people on what language we need to switch for the next iteration of the Strateay.



#### **THANK YOU**

At the Community Services Directorate, we wish to thank everyone who gave their time and effort to share their views and insights, these are very important to us.



