



STAGE TWO LISTENING REPORT

TO INFORM

NEXT STEPS FOR OUR KIDS

OUT OF HOME CARE STRATEGY 2022-2032

NOVEMBER 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

The ACT Government is committed to progressing reforms to improve the wellbeing of children, young people and their families. These reforms include changes across statutory and non-statutory services, such as providing earlier supports to families, delivering change under the Children and Young People Core Area of the ACT *Aboriginal and Torres Strait Islander Agreement 2019 - 2028* and implementing Child Safe Standards¹ across all services. Reforms will contribute to building a child protection and out of home system that is restorative, contemporary and underpinned by transparent and inclusive decision-making. Reform in out of home care will provide a platform to strengthen evidence-based policy and practice and continue to prioritise improving outcomes for children, young people and families where they are vulnerable and at risk.

A Step Up for Our Kids Out of Home Care Strategy 2015-2020 has guided the delivery of out of home care services in the ACT for over five years. The Strategy has delivered a continuum of quality care services from targeted child protection to post 18 years support, as well as the innovation and expansion of successful programs to support families, including Uniting Child and Family Service / Intensive Family Support Services and *Functional Family Therapy* and *Family Group Conferencing* for Aboriginal and Torres Strait Islander families.

In 2021, the Community Services Directorate is developing the next stage of reform to out of home care. It is being informed by extensive review and consultation on the benefits and challenges experienced since 2015.

Taking what we have learned over the last five years of reform the next Strategy provides a platform for out of home care for the next ten years. *The Next Steps for Our Kids (2022-2032)* will continue to build on the reform implemented during 2015 to 2021 to improve outcomes for children, young people, and families.

The experiences of people with lived experience of child protection and out of home care were central to this consultation. *The Next Steps for Our Kids (2022-2032)* reflects these experiences and seeks to retain and mature the successful elements of the first Strategy while making important changes to better respond to the needs of children, young people and their families.

CONVERSATIONS

During the six 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.

¹ On 19 February 2019 the Council of Australian Governments (COAG) endorsed the National Principles for Child Safe Organisations (National Principles). The National Principles embed the child safe standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse.

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.

In 2021, we continued these conversations with a focus on seeking the views of people with lived experience.

Consultation to inform our next stage of reform in out of home care 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.

Insights and feedback from these conversations were compiled in the [Stage One Listening Report](#) that focused on what worked and didn't work, as well as what the focus should be in the next Strategy. We have continued discussions since the *Stage One Listening Report* with the aim to strengthen the diversity of voices and experiences of the out of home care and the youth justice systems. These conversations are outlined in this *Stage Two Listening Report*.

WHO WE HEARD FROM

In this *Stage Two Listening Report*, we heard from:

- > young people in care or who have experienced care
- > biological families
- > carers including kinship and foster carers
- > members of the Aboriginal and Torres Strait Islander community
- > the community sector, including community organisations working alongside diverse communities.

The *Stage Two Listening Report* has also been informed by the *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability* (2020), the *Writing Themselves In 4* National Report and its Australian Capital Territory summary report (2021) and the *Disability Justice Strategy* (2019-2029).

WHAT WE HEARD: KEY INSIGHTS

Improving the experience of children and young people has been central to the conversations that are informing the next stage of reform to the child protection and out of home care system. We know that identity impacts people's experience of systems, often adding unique challenges, and explored what this means for children, young people, biological families and carers in out of home care in the ACT.

Improving the experiences of out of home care for all children and young people

'Basically we know that everyone in care has PTSD'

Young person with lived experience of home care, 2021

'Feeling safe in your home is the most important thing'

Young person living in the ACT, 2021

Impact of fear, stigma and discrimination on children and young people

Young people told us of the stigma of being in 'care' and the specific needs of young people in care who have disability, are from a culturally and linguistically diverse background, are a member of the Aboriginal and Torres Strait Islander community or have diverse sexuality and/or gender identity.

We heard that fear, stigma and discrimination can limit access to services and participation in decision-making. We also heard that the experience of stigma and discrimination can lead to a mistrust of systems that can limit earlier efforts aimed at diverting children and young people from out of home care and youth justice systems.

Mental health

There was strong agreement that the mental health of children and young people in care was a significant concern which has been compounded by isolation and uncertainty associated with the COVID-19 pandemic.

We heard there is a need for clear policy and practice guidelines to support the safety of children and young people with suicidal ideation and coordinated support plans for children and young people that include safety plans. There was also support for effective and consistent relationship and sexuality awareness training, that is trauma informed, addresses the needs of people with disability and/or learning difficulties and includes a trans perspective.

The *Writing Themselves In 4* ACT summary report (O'Hill et al, 2021) provided valuable insight into the lives of young people living in Canberra with diverse sexuality and/or gender identity. The report highlights the additional challenges experienced by young people in care with diverse sexuality and/or gender identity. In the ACT, 46.3 per cent of young people surveyed in the report identified as having a long-term disability or a long-term health condition with 41.2 per cent having self-harmed within the past 12 months. We also heard that expressing one's identity can lead to family breakdown and that engaging family support services for a parents or carers with diverse sexualities and/or gender identities can be difficult due to fear and stigma.

Community connections

Connections to community, culture and family have been raised throughout our conversations on the next stage of the Strategy and were highlighted in the *Our Booris, Our Way* Review Report (2019).

These connections demonstrate the importance of community inclusion and ensuring adequate and appropriate relationship-based service provision for all children and young people in child protection and out of home care. They also highlight the marginalisation and associated discrimination, violence and stigma experienced by some children and young people.

Young people with lived experience of out of home care also raised the importance of appropriate care arrangements with families that understand their sexual orientation and/or gender identity, cultural backgrounds or their experience of disability and have skills to advocate for, encourage and empower the children and young people in their care.

The *Writing Themselves In 4* ACT summary report points to the need for early support and holistic multicomponent programs which are culturally safe, enhance opportunities for community connection and invest in support for families (O'Hill et al, 2021). The *Darlington Statement* (2017) also highlights the fundamental role of affirmative peer support for people born with variations of sex characteristics as well peer support for parents, caregivers, families, friends and partners of people with variations of sex characteristics.

Moving forward, there is a need to understand the unique experiences of children and young people in out of home care. This requires ongoing commitment to understand, support and encourage diversity and lived experience, work in partnership with diverse communities and develop policy and practice within a human rights framework.

Supporting biological families earlier and strengthening restorative practice

“Communication, communication, communication”

“It’s important for me to be heard and actually listened to”

“Being treated as an equal, being listened to and taken seriously, more transparency and information sharing that involves people’s children that they have a right to know about”

Biological parents, 2021

Improving the experience of biological families has been a focus of conversations informing the next stage of the Strategy. We have heard that once a child enters the care system, the focus of case management can shift toward stabilising the child in a new care arrangement, and sometimes the needs of biological families may be overlooked. It is essential that biological families are engaged with support services, as quickly as possible, and progress is monitored to prepare for the child and young person’s safe return home. We know that restorative approaches when working with families will improve and strengthen current practice and provide more tailored and supportive assistance to families.

We know that relationships between CYPS and biological families can be challenging for a range of reasons. Damage can be done to positive working relationships when children and young people are placed into care, particularly if they come into care at a time of parent or family crisis. The separation of a child or young person from their biological parent/s is always marked by trauma and distress, regardless of the circumstances. It is difficult to build partnerships at this time and to redress the power imbalance inherent in the role undertaken by a statutory agency. These relationships are also compounded by the experiences of colonisation and the Stolen Generations for Aboriginal and Torres Strait Islander families.

Feedback from parents and families has indicated that the power imbalance can be addressed to some extent through greater access to advocacy services and legal representation. Advocates need to be engaged early on, and to be part of all conversations and meetings with parents. We also heard that more effort is required in making reasonable adjustments to cater for parent/s with disability and/or learning difficulties or mental health concerns.

There is strong support for restorative practice that will consider the impact of trauma and incorporate reasonable responses and approaches to move forward together. Strengthening restorative practice will provide shared approaches to problem solving and a focus on building and repairing relationships with individuals and communities.

We heard that prior to court action, families are not often engaged with support services. This points to the need for earlier support and communication to families, in respect of risk escalating in a family, and therefore increasing potential need for legal action. Open and clear communication after assessing risk in the family, accompanied by warm referral to support services, could reduce risk, and prevent children coming into care.

Other communication obstacles identified include the need for plain English information guidance for parents and clear case planning and language about what needs to change. Parent/s and family members want to be part of all decision-making in respect of their child and kept informed of any changes to the child's situation in care. Parents and family members have also said that they want greater involvement in family connection decisions and more opportunities to have their views heard.

Impact of fear, stigma and discrimination on biological families

We have heard that many parents fear that their parenting will be perceived as 'not good enough' and are fearful to engage with child protection workers. This impacts the capacity to provide both support and clear communication on the child, the family's needs, and risk. Aboriginal and Torres Strait Islander parents have told us that they mistrust the child protection service and services who are referred by them, because they do not believe they are independent of government. There is a need for culturally appropriate services that can support families in their home, help reduce risk and build parenting capacity through an appropriate cultural lens. Parents spoke of being assessed and judged by a 'white' standard, not a culturally informed one.

Many families had stories of previous involvement with the child protection service which was not positive. These experiences or the experiences of their community, had influenced their willingness to communicate with child protection staff more recently. There was support for the use of advocates and support people, as long as they can have a voice at meetings and contribute to discussion. Use of 'submissions' to decision-making on behalf of Aboriginal and Torres Strait Islander children and young people, was not something people had experienced, and it was agreed that submissions would be helpful. Community members discussed there being 'safe' people to work with, and others who were not safe, in government agencies.

Conversations with culturally and linguistically diverse community representatives highlighted barriers to communication with government services, including translation difficulties, lack of interpreters, fear of authority and lack of experience or knowledge of the role of child protection services, due to its absence in their country of birth. Other barriers included where English is spoken by families, but certain terminology or acronyms create confusion or misunderstandings. This barrier prevents participation in decision-making for culturally and linguistically diverse parents and may disadvantage them in an assessment or legal process.

We also heard that social and cultural barriers can impact information sharing, including the significance of age and/or gendered roles within families. For instance, this can impact a father's role in child protection processes. Community feedback also highlighted the importance of child protection staff communicating as clearly as possible to families in general, how risk is defined and assessed in the ACT's statutory system and decision-making timeframes.

It is important that reasonable adjustments for language and cultural difference are made, as well as for disability and mental illness. Information should be provided through a variety of mechanisms including easy English guides and translated information.

There was strong agreement that earlier support for families will require addressing access issues to divert families from crisis and child protection and out of home care. Access barriers can include the availability of appropriate interpreting and translating services that safeguard an individual's privacy in a small community.

We also heard of the barriers for parents with disability in accessing support. This can include families who are considering pregnancy, pregnant or with children and in need of support, to early or ongoing support services. We heard the importance of people with disability being connected to early, tailored supports by non-child protection staff, especially given the barriers to disclosing disability directly to child protection staff: fears (or experiences) of negative assumptions, stigma, unconscious bias, discrimination, and the risk of a child or young person being removed from their care (Booth, Booth & McConnell, 2005). We heard of additional barriers that include the mental and cognitive functioning of biological parents and the need for early, practical, and sustained support to develop parenting skills and capacity for people with disability.

Accessible and targeted early information and support to navigate and understand the child protection and out of home care systems, would alleviate some of the fear and stigma associated with these tertiary systems. These should be made available in culturally and linguistically diverse formats, in particular for Aboriginal and Torres Strait Islander biological families and parents from culturally and linguistically diverse backgrounds.

We heard that effective messaging and community awareness starts with building relationships with community leaders and members and that relationship-based engagement can sometimes demystify government agencies and the work they do. We have also heard of the importance of workers being culturally sensitive, non-judgemental, and taking the time to acknowledge parent and family strengths and achievements as well as identifying risk.

Finally, we heard that time and effort is needed to listen to the concerns of biological parents and include them as far as possible in decision-making about their children and young people. Taking the time to listen and build trust with parents is central to accurate information gathering and provision of appropriate support to keep children safe at home.

Independent advocacy and legal support

Feedback from the community sector indicates that a lack of access to timely and subsidised legal advice, frequently affects parent/s who become party to Care and Protection Court proceedings in respect of their child/ren. Often timeframes and financial constraints can prevent access to private legal representation, leaving parent/s unrepresented at their first appearance in court. This can disadvantage the parent/s due to a lack of prior contact with their representative and may cause decision-making delays (adjournments) which can result in children being in care for longer.

We also heard that advocates undertake an important role in working alongside parents with culturally and linguistically diverse backgrounds whilst also keeping children and young people safe at home.

There was agreement that parents with disability need access to independent, rights-based advocacy support to actively participate in decision-making and to ensure they are aware of their rights, responsibilities and to understand child protection processes. There is strong support for individuals and families experiencing disability to access independent advocacy supports of their choice. The *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability* also heard of the need for advocacy and other supports for First Nations people with disability and their families involved with child protection.

There is strong agreement that access to independent advocacy and supported decision-making approaches strengthen transparency and accountability in child protection systems as well as ensuring a human rights framework. There is also strong agreement for parents with disability to be well supported to access legal services if needed, and for legal support to be available through the entirety of all legal processes.

Communication

We have heard that families can often feel misled when services are not upfront about child protection concerns and the impacts on children and young people. Literature suggests that this can occur when staff are inexperienced, not adequately trained, not culturally competent, time poor and/or concerned about their own safety (Morrison, J., and Flegel, K; Munro et al, 2016). Sometimes during a time of trauma, it is difficult for a family member to recall exactly what was said to them, and what it means for their family. The investigative nature of statutory involvement can also result in parent/s feeling overwhelmed by what the worker has said to them, as well as uncomfortable, confused and/or embarrassed.

Leaving information which is clearly written behind for a parent to read, has been child protection practice for many years, however this information has not always been provided in easy English or in hard copy formats.

We have been told that many Aboriginal and Torres Strait Islander families do not want to retrieve information from a website, and that they want immediate advice about where to go for advocacy services and support. It is important that staff take the time to discuss things slowly and clearly, with an awareness of the impact their presence (and process) is having on the parent/s' wellbeing and sense of safety. We have also been told that parents want a phone call before people arrive at their house, to arrange a meeting that suits them and do not like being called in on unexpectedly.

There were also support for flexible and non-stigmatising or intimidating locations for meetings, visits with children, assessments, and case conferences. We also heard of the limitations of public transport, people's variable ability to pay costs of petrol and parking, and waitlists that are barriers to contact with child protection services as well as other agencies.

Strengthening support for foster and kinship carers

Kinship carers are an essential component of the care system and have not usually planned to provide this care arrangement in future planning for advanced age and retirement. Kinship carers manage not just the responsibility of providing daily care for a child/ren, but also the emotional and relationship impacts this arrangement may have on their own children as parents, and the extended family dynamics. Kinship carers have told us that they want support with respite which is culturally safe and will not jeopardise their care arrangement or make people think they are 'not coping'. They would like to have access to voluntary training opportunities, run at flexible times, and clear information on financial and other support. We have also heard that the role of kinship carer would be easier if there was greater awareness of the role and its associated responsibilities. This would make interactions with education and health easier and result in better support of the children and young people in their care.

We have heard that in caring for teenagers, kinship carers are seeking specialised advice and support with parenting. They want support to keep their homes safe and secure for the teenager, but not at the cost of their own health, financial security and/or relationships. Support of this nature (training, advice, therapeutic services) has been traditionally provided only to foster carers, and there is strong agreement that it should be extended to kinship carers.

Carers, including foster and kinship carers, have also expressed their interest in obtaining independent advocacy, to support them during interactions with the child and youth protection system. Carers who felt that they were sometimes at odds with their case managers, expressed the need to be heard and understood in all conversations with the child protection service as well as out of home care providers.

Carers have also expressed their concern about children and young people being returned to their biological families, without being sure that adequate risk and safety planning is in place. While there are privacy considerations in respect of the biological family's circumstances to consider, we heard that reassurance is often needed for carers to help them actively support a restoration where the family has achieved significant change during the period of a child's time in care. There was agreement that restoration planning needs to occur in a transparent and inclusive way, so that clear milestones are set and agreed on.

Most importantly, we have heard that carers want to be part of decision-making and information sharing processes, which impact them and/or the child or young person they are caring for. Sadly, some carers had stories of being excluded from Care Team meetings, and not feeling respected or validated by some professionals for the vital role they play in a child or young person's life. The need for respectful engagement through shared decision-making forums and transparency in case planning, have been common themes from carers.

In the context of adoption, carers trying to adopt children in their care expressed frustration at the timeframes required by adoption processes and spoke of feeling insecure and afraid that the child might be restored to their biological families.

We heard that carers want to be kept up to date on changes to child protection and out of home care policy and process which impact on them. They want to see the consistent application of agreed procedures, across the sector, so that boundaries, roles and expectations are clear. There was also support for joint training and collaboration on policy projects with carers, along with increased access to support services for all carers. It is noted that the *Our Booris, Our Way* Review Report (2019) recommendations include easy English carer guides on a range of subjects.

Improving data collection

We clearly heard that data integrity needs to be improved to ensure that systems are meeting the needs of the community members with which it is working, as well as to monitor and evaluate improvements in practice and measurable outcomes. There was acknowledgement of the challenges inherent in this, given that children, young people, families and carers need to build trust to feel safe enough to be able to disclose aspects of their identity.

For instance, we heard of the intersectionality of families experiencing disability with other social issues such as family and sexual violence, although the service system is limited in the identification and collation of data on disability. We clearly heard that data integrity needs to be improved to allow reasonable adjustments to be made throughout the system.

WHAT'S NEXT

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 stage of 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.

- > **September-October 2021:** *What We Know Overview* published.
- > **November 2021:** Paper on *Permanency, Placement Stability and Attachment* published.
- > **Late 2021/early 2022:** A renewed Strategy will be launched.

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.

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