



Legal and Social Issues Committee

Inquiry into the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015 Submission

Centre for Excellence
in Child and Family Welfare Inc.



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July 2015**

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Background

The Centre for Excellence in Child and Family Welfare (The Centre) is a peak body established to improve the lives of vulnerable children and their families.

The evolution of the Centre marked a natural progression for CWAV from a peak body that was set up in 1912 to a Centre for Excellence with a wider reach of valued members, extended scope to form new partnerships and a renewed mission to serve vulnerable children, young people and families across Victoria.

Centre's role

The Centre and its members deliver early childhood, child, youth and family support services, and out-of-home care services, including kinship care, foster care, residential care and services providing support for children moving on from care.

The Centre works with these organisations and those employed in child and family services to strengthen the quality and capacity of services. It does this through workforce development and learning, policy development research and advocacy for children and families.

The Centre provides independent analysis, dialogue and cross-sectoral engagement to address factors that perpetuate disadvantage and vulnerability.

The Centre is incorporated under the Associations Incorporation Act and is governed by an elected Board of Directors of 9 members and up to 2 independent expert directors.

Centre's objects

Affirming that each child and young person has the right to the security, nurture and relationships of continuing family life, and that each family, however constituted, has the right to support and protection within society, the objects of the Centre for Excellence in Child and Family Welfare Incorporated shall be:

- To provide a means by which organisations in the child, youth and family welfare sector can work together in their mutual interest, and for the benefit of the people they serve.
- To contribute to the well-being of children and young people and the support and strengthening of family life particularly where there is poverty and disadvantage.
- To promote leadership and excellence in child, youth and family services.
- To actively represent the interests of Members to government and to the community.
- To facilitate communication between Members.
- To develop and influence policies in child, youth and family welfare.
- To provide policy advice to government in respect of child, youth and family welfare.
- To promote ongoing research and evaluation in child, youth and family welfare.

The Centre has a small Secretariat that supports members through a range of services. We are represented on all significant Department of Health and Human Services advisory groups. Our Secretariat provides a program of training, a Quality Improvement Initiative, information, a state wide foster care recruitment hotline, advice, publications, a program of policy/practice forums,

networks of support groups, public relations, liaison with other peak bodies and relevant interest groups and research and project work related to service delivery.

Context

We need to acknowledge from the outset that Child Protection operates at the intersection of children's rights, parent's rights, sibling rights, extended family member's rights, carer's rights, community values and the appropriate role of the State and courts. The matter of permanency planning for vulnerable children in particular triggers all these rights which results in a highly contested space.

However, the need for stability for all children but particularly children in out of home care is widely acknowledged. A lack of stability for children in out of home care can occur when plans are not clearly articulated and pro-actively managed resulting in lost opportunities for a stable, permanent home with loving parents or carers. The consequences of poor stability in out of home care can have life-long consequences for the child, including effects upon their education and employment prospects, their future relationships and mental health. For some children in out of home care, a lack of stable living and parenting arrangements can lead to problematic behaviours including offending, drug and alcohol abuse, high risk behaviours, self-harming and suicide ideation.

Child Youth and Families (Permanent Care and Other Matters) Act 2014

The background to the legislation under consideration by the Legal and Social Issues Committee is provided below:

- In early 2014 the then Department of Services (and now the Department of Health and Human Services (DHHS)) provided a confidential briefing to the Centre on proposed legislative amendments to improve stability planning and other matters.
- The reforms were informed by previous inquiries such as the *Protecting Victoria's Vulnerable Children Inquiry* (the Cummins Inquiry), and internal Department of Health and Human Services work including the *Stability and Permanent Care Project* and the *Future Directions for Permanent Care and Adoption* project.
- The issues for children in out of home care are not new and are well documented in Victoria and other jurisdictions nationally and internationally. These reports provide useful benchmarks to assess the reforms.
- Following this briefing, Centre members expressed some reservations regarding aspects of the proposed measures given that they were significant in nature and as such would merit further consultation, such as through a discussion paper or exposure draft. One such issue for our members was the revocation of registration which had not been raised during DHHS briefings and we have continued to advocate for changes to the wording to better reflect the intended purpose which was revoke registration where organisations gave back the service to DHHS. Unfortunately the timeframes following the Bill did not allow for detailed analysis to enable any issues to be addressed.
- Despite this, the Centre supported the reforms to ensure that vulnerable children and young people experience improved stability and outcomes in care.

Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015

This Bill proposes to reinstate provisions that were removed in legislation passed last year in the *Children Youth and Families Amendment (Permanent Care and Other Matters) Act 2014*. The provisions relate to the powers of the Children's Court of Victoria to make a protection order based

on reasonable steps taken by the Secretary to provide the services necessary in the best interests of the child or to enable the child to remain in their parents' custody.

The Andrews Government is reinstating this provision following the Children's Court and legal stakeholders expressing a range of views and they are best placed to comment on whether this new Bill addresses these concerns. The role of the Children's Court, DHHS and the sector are all important elements of the child protection system designed to ensure children and young people's safety, stability and well-being.

We hope the permanent care reforms align and drive more timely decisions to create a more stable and permanent environment for children and young people, either in their parents care or alternate care. At the Centre we hope to continue to strengthen our relationship with the Children's Court with the recent addition to our board of a retired Magistrate of the Children's Court. All stakeholders have a shared interest to ensure that the system supports children's best interests.

Implementation of the proposed reform

The legislation will be tested in its implementation and we are encouraged that there will be a review six months following its implementation in March 2016. We hope that the review will continue beyond the six months, as it will take much longer to see the unintended consequences and or benefits of the proposed new provision.

The Centre will be actively contributing to the implementation and review of these reforms with a particular focus on whether the new provisions improve stability for children in care, particularly Aboriginal children.

We are also encouraged that the Andrews Government has provided additional funding to support these reforms including:

- Funding for Child FIRST and Family Services, - early intervention services that target families before they reach crisis point and prevent them from entering the statutory child protection system and assist families to be reunited where they have been separated to ensure the child's safety.
- Funding to remove barriers to permanent care by funding a team to undertake intensive case planning and support for children and carers as they move to permanent care and enabling access to flexible funding to meet the costs of permanent care.
- Funding to improve the out of home care system
- Additional child protection workers to meet demand

The Centre supports the proposed 2015 Bill under consideration by the Committee and hope that the reforms and funding will bring together change to improve timely decisions for children in out of home care. Children's best interests must always remain paramount as required under s.10 of the *Children, Youth and Families Act, 2005*¹ in all decisions and that they are in stable placements whether with their parents, kin or alternate care. Children in care need timely services to address the trauma they have experienced and their families to be provided with timely access to prevention and early intervention services to ensure children's are provided with the care and stability they need to meet their full potential.

¹ s10. Best interests principles

(1) For the purposes of this Act the best interests of the child must always be paramount.