

## Submission:

### *Implementing the successor plan to the National Framework for Protecting Australia's Children 2009-2020*

The Centre for Excellence in Child and Family Welfare (the Centre) welcomes the opportunity to provide a submission on *Implementing the successor plan to the National Framework* for consideration by the Department of Social Services.

The Centre is the peak body for child and family services in Victoria. For over 100 years we have advocated for the rights of children and young people to be heard, to be safe, to access education and to remain connected to family, community and culture. We represent over 150 community service organisations, students and individuals throughout Victoria working across the continuum of child and family services, from prevention and early intervention to the provision of out-of-home care.

We write our submission at a time when children and young people are being profoundly affected by the impact of COVID-19 and of government strategies to control the spread and severity of the pandemic. The Victorian Commission for Children and Young People (CCYP) has released its latest snapshot reports which show a growing and cumulative impact on children's mental health, wellbeing, education, safety and security.<sup>1</sup> The implementation plan must take into account the ongoing and significant impact of the pandemic on children now and in the future.

We welcome the focus of the successor plan on early intervention and targeted support and on children and families with multiple, intersecting and complex needs. Our submission draws on feedback from members about the issues affecting children's lives and the changes needed to keep them safe and thriving.

In this submission we outline a series of actions that would enable the successor plan's first five-year implementation plan to bring about real change and create improved outcomes for children and families experiencing vulnerability and disadvantage. In particular, we argue for an implementation plan that genuinely captures and embeds the voices of children and families.

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<sup>1</sup> Commission for Children and Young People (CCYP) 2021, Growing pandemic impacts revealed in new survey of Victoria's children and young people released today, 23 July, viewed 26 July 2021, <<https://ccyp.vic.gov.au/news/growing-pandemic-impacts-revealed-in-new-survey-of-victorias-children-and-young-people-released-today/>>.

***Strategic priority: A national approach to early intervention and targeted support for children and families experiencing vulnerability or disadvantage***

- Create meaningful opportunities for the views of children and parents nationally to be embedded in the successor plan and other allied frameworks relating to child and family wellbeing and safety
- Recognise the profound short-and long-term impacts of the global pandemic on children's wellbeing and safety
- Initiate a poverty reduction plan and national vision for ending social disadvantage in Australia with a specific focus on children
- Support reform of the social security system to create a fair and equitable model by increasing payments above the poverty line and removing punitive compliance measures
- Establish a senior, cabinet-level Minister for Children with responsibility for improving outcomes for children and young people and leading the government's vulnerable children initiatives
- Develop a comprehensive child and family wellbeing plan that commits all levels and departments of government to action
- Fully integrate the Convention on the Rights of the Child, including best interest principles, in domestic law
- Ensure that children and families from culturally and linguistically diverse communities are provided with appropriate outreach services to facilitate early engagement to meet needs
- Reinforce the critical importance of service providers being trained in culturally sensitive practice approaches to meet the needs of culturally and linguistically diverse families
- Establish the collection of data on culturally and linguistically diverse children and families in the child protection system
- Promote the importance of community-controlled services for LGBTIQ+ children and families
- Support jurisdictions to amend legislation to include a requirement for health assessments and follow up services for children entering care within a set time frame
- Fund a nation-wide rollout of multi-disciplinary clinics, such as the successful Pathway to Good Health, to enable the delivery of health and mental health assessments and reviews for all children and young people in out-of-home and all children known to child protection within the timelines agreed to in the *National Standards for out of home care*
- Expand the co-location of health clinicians within child protection and child, youth and family service teams.

***Strategic priority: Addressing the over-representation of Indigenous children in child protection systems***

- Embed the principles of self-determination and self-management across the country, and support jurisdictions to provide adequate and proportionate resourcing to Aboriginal Community Controlled Organisations for the delivery of supports across the service continuum
- Establish a national Aboriginal Children's Commissioner.

***Priority group: families with multiple and complex needs***

- Support jurisdictions to increase investment in evidence-based programs that intervene early in a child's life to support families experiencing multiple and complex needs, including family violence
- Ensure infants, children and families are appropriately supported by the mental health system and connected service systems at all levels of government
- Commit to raise the age of criminal responsibility to at least 14 years of age for federal crimes and support states and territories to legislate to raise the age.

***Priority group: children and young people experiencing or who have experienced abuse or neglect***

- Urgently expand the reach of therapeutic, evidence-informed programs across the country so that all children in contact with the child protection system have timely access to therapeutic support
- Align closely with the development of the new National Strategy to Prevent Child Sexual Abuse.

***Priority group: children and young people with disability and/or parents and carers with disability***

- Support jurisdictions to invest in initiatives to strengthen the connection between family services and disability services to support family functioning and prevent entry into care, ensuring learnings are shared between jurisdictions.

***Priority group: young people leaving out-of-home care and transitioning to adulthood***

- Work to achieve a nationally consistent leaving care system by supporting all jurisdictions to extend care to 21 years of age and to offer quality, holistic transition and post-care supports
- Scale up the Raising Expectations program to improve access to post-secondary education for those with care experience.

## The Victorian context

There have been various reports and inquiries examining Victoria's child protection system over the past few years, including by the Commission for Children and Young People (CCYP),<sup>2</sup> the Royal Commission into Institutional Responses to Child Sexual Abuse,<sup>3</sup> the Victorian Ombudsman,<sup>4</sup> the Victorian Auditor-General's Office<sup>5</sup> and the Sentencing Advisory Council.<sup>6</sup> These reviews have drawn attention to significant failings in the system, with a common theme of steadily increasing demand pressure, where often the basic needs of children and young people are not being met.

As a society we expect that outcomes for children in care will be better than if they had remained at home, however this is often not the case. Too many children in our care system experience multiple placements, struggle to engage in education, have poor health outcomes, experience sexual abuse, exit care into homelessness, and enter the criminal legal system.<sup>7</sup>

Among Australian jurisdictions, Victoria had the lowest rate of children in out-of-home care on 30 June 2020 as a proportion of the population (6.3 per 1000), and the second lowest rate for the 2019-20 period (8.9 per 1000).<sup>8</sup> However, the rate of children in out-of-home care continues to rise each year.

On 30 June 2020, 79.1 per cent of Aboriginal children were placed with relatives/kin or other Aboriginal caregivers, the highest percentage in the country.<sup>9</sup> However, Aboriginal children were in out-of-home care in 2019-20 at a rate of 99.9 per 1000 compared with 4.7 per 1000 for non-Aboriginal children, the worst rate nationally and one that also continues to rise.

While the Victorian government is implementing a significant reform agenda to address care system challenges, more needs to be done to uphold the rights of children in, and at risk of entering, care with greater coordination and support at the national level.

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<sup>2</sup> Commission for Children and Young People (CCYP) 2021, [Out of sight: systemic inquiry into children and young people who are absent or missing from residential care](#), CCYP, Melbourne; Commission for Children and Young People (CCYP) 2019, ['In our own words': systemic inquiry into the lived experience of children and young people in the Victorian out-of-home care system](#), CCYP, Melbourne.

<sup>3</sup> [Royal Commission into Institutional Responses to Child Sexual Abuse \(2017\)](#).

<sup>4</sup> Victorian Ombudsman 2020, [Investigation into complaints about assaults of five children living in Child Protection residential care units](#), Victorian Ombudsman, Melbourne; Victorian Ombudsman 2017, [Investigation into the financial support provided to kinship carers](#), Victorian Ombudsman, Melbourne.

<sup>5</sup> Victorian Auditor-General's Office (VAGO) 2018, [Maintaining the mental health of child protection practitioners](#), VAGO, Melbourne.

<sup>6</sup> The Sentencing Advisory Council (Vic) conducted a study titled 'Crossover kids': sentenced and diverted children known to the child protection service and released [three reports](#) on the findings released in 2019 and 2020.

<sup>7</sup> Australian Institute of Health and Welfare (AIHW) 2019, [Data tables: specialist homelessness services 2018-19](#), AIHW, Canberra; Department of Education and Training 2019, [The state of Victoria's children report: a focus on health and wellbeing 2017](#), Victorian Government, Melbourne.

<sup>8</sup> Australian Institute of Health and Welfare (AIHW) 2021, [Data tables: Child protection Australia 2019-20](#), Child Welfare series no. 74, Cat no. CWS 78, AIHW, Canberra.

<sup>9</sup> Ibid.

## A national approach to early intervention and targeted support for children and families experiencing vulnerability or disadvantage

A national approach to early intervention and targeted support for children and families experiencing vulnerability or disadvantage must reflect the needs and views of these children and families. The implementation plan will need to include national mechanisms for capturing the perspectives of children and parents. Despite a strong focus on co-design across multiple fields and disciplines, governments do not always substantially incorporate the views of service users or place these at the heart of policies and frameworks. There is an opportunity with the first five-year implementation plan to create meaningful opportunities for the views of children, parents and carers to be embedded.

A national approach also needs to take into account the massive impact of COVID-19 on children and their families. A recent CCYP snapshot found a high proportion of children and young people struggling with poor mental health and lack of access to services, increased tensions within families as the economic and social impacts become more profound, the educational effects of lockdown on engagement with learning, and the recurring theme of children feeling uncertain and anxious about their future.<sup>10</sup>

The Centre recognises that prevention and early intervention are paramount in a child protection service system that is overwhelmed by acute demand. Prevention is about identifying and addressing the reasons why people experience disadvantage, vulnerability and risk factors for child abuse and neglect, and building a strong foundation for wellbeing. Early intervention is about providing the earliest possible help, when challenges first emerge, to prevent escalation that may lead to statutory intervention. The first implementation plan must include key actions that build the capacity of parents to meet the needs of their children, reduce risk factors and strengthen protective factors.

In November 2019, the Centre and Berry Street commissioned Social Ventures Australia (SVA) to conduct financial modelling to examine the impact of greater investment in early intervention programs.<sup>11</sup> This analysis was updated in August 2020 in response to COVID-19 and found that investing approximately \$193 million every year over ten years would deliver cumulative net savings of \$1.99 billion to the child protection and care system alone. Most importantly, SVA estimated that up to 1,460 children could be prevented from entering out-of-home care or progressing to residential care during this ten-year period.<sup>12</sup>

Investment in earlier intervention continues to be exceeded by spending on statutory services across Australia. In Victoria, there are positive signs that this will begin to shift, as the Victorian Government has invested in the development of an Early Intervention Investment Framework that will ultimately guide Treasury in the preparation of the state budget. The Framework will inform measures across

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<sup>10</sup> Commission for Children and Young People (CCYP) 2021, COVID-19 engagement, viewed 26 July 2021, <<https://ccyp.vic.gov.au/upholding-childrens-rights/covid-engagement/>>.

<sup>11</sup> Social Ventures Australia (SVA) Consulting 2019, *The economic case for early intervention in the child protection and out-of-home care system in Victoria*, SVA Consulting, Melbourne.

<sup>12</sup> Social Ventures Australia (SVA) Consulting 2020, *Keeping families together through COVID-19: The strengthened case for early intervention in Victoria's child protection and out-of-home care system*, SVA Consulting, Melbourne.

government and for child and family services will mean early intervention programs to divert more families from involvement in statutory interventions. This process has been kickstarted with investment in a trial to embed family services in universal settings such as schools, early years services and community health hubs to provide more accessible services for vulnerable families. Co-location can support families to meet the challenges of raising children by connecting with them where they are and will enable schools and family services to identify emerging vulnerabilities within families and could facilitate holistic supports to families while also providing a soft entry point for more intensive services as needed. The Early Intervention Investment Framework model could be considered nationally to guide Commonwealth funding in evidence-based early years strategies and programs.

The Centre recommends that the implementation plan:

- Creates meaningful opportunities for the views of children and parents nationally to be embedded in the successor plan and other allied frameworks relating to child and family wellbeing and safety
- Recognises the profound short-and long-term impacts of the global pandemic on children's wellbeing and safety.

## **Poverty alleviation and addressing economic neglect**

The Preamble of the Convention on the Rights of the Child, notes that:

the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community.<sup>13</sup>

Yet in Australia, an estimated 774,000 children under 15 years of age are living in poverty, largely driven by the failure of the social security system to provide payments sufficient to lift incomes above the poverty line.<sup>14</sup> Furthermore, many low-income parents with young children are subjected to harsh compliance measures such as payment suspensions that see families going without food.<sup>15</sup>

The social security system should be a key prevention measure, providing an adequate standard of living to support family functioning by meeting basic needs and minimising sources of stress. The Centre considers current Australian social security settings to be a form of economic neglect that must be urgently rectified. For children to be free from harm and neglect, the Commonwealth needs to recognise the intersectionality between poverty and a range of other factors that affect children's lives, including housing insecurity and homelessness.

Poverty limits the capacity of services to work constructively with families. Our members repeatedly tell us of the impractical task of engaging families in parenting supports when the family is struggling

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<sup>13</sup> See <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

<sup>14</sup> Davidson, P, Bradbury, B, Hill, T & Wong, M 2020, *Poverty in Australia 2020: part 1, overview*, ACOSS/UNSW Poverty and Inequality Partnership Report No. 3, ACOSS, Sydney.

<sup>15</sup> Tennant, D & Bowey, K 2019, *The impact of social security reforms on single mothers and their children*, Centre for Excellence in Child and Family Welfare, Melbourne.

to feed themselves and keep a roof over their head. This sees resources increasingly diverted to emergency relief.

The first five-year implementation plan needs to explicitly recognise the need to increase social security payments above the poverty line and do away with punitive compliance measures that exacerbate child vulnerability, cause undue stress and push families further into poverty and hardship.

The *National Framework for Protecting Australia's Children 2009-2020* (the National Framework) did not seek to address poverty as a structural contributor to vulnerability and rising numbers of children entering care. There has been extensive civil society advocacy on this issue, including in the [Beyond 2020](#) report by Families Australia. If governments are serious about addressing child abuse and neglect, then poverty as a key driver of disadvantage and vulnerability must be addressed.

The Centre recommends that the implementation plan:

- Initiates a poverty reduction plan and national vision for ending social disadvantage in Australia with a specific focus on children
- Supports reform of the social security system to create a fair and equitable model by increasing payments above the poverty line and removing punitive compliance measures.

### **Placing children at the centre through child-focused governance**

Greater effort is required to place children and their best interests at the centre of decision-making, and this can be supported through a range of actions to strengthen governance and coordination of effort. As noted in the discussion paper, the PwC evaluation of the National Framework recommended that the successor plan 'establish a governance structure enabling greater involvement of other relevant portfolio areas'. This role could be fulfilled by establishing a senior, cabinet-level Minister for Children with carriage of the Successor Plan who could coordinate efforts to improve child wellbeing across the nation. A Minister for Children could achieve a strengthening of the interface between services by developing a child and youth wellbeing strategy, similar to that found in New Zealand.

Too often, the rights of children are ignored. We must strengthen our child rights frameworks to uphold our responsibilities under the Convention on the Rights of the Child by embedding children's rights in domestic law.

The Centre recommends that the implementation plan:

- Establishes a senior, cabinet-level Minister for Children with responsibility for improving outcomes for children and young people and leading the government's vulnerable children initiatives
- Develops a comprehensive child and family wellbeing plan that commits all levels and departments of government to action
- Fully integrates the Convention on the Rights of the Child, including best interest principles, in domestic law.

## **Culturally and linguistically diverse families**

People from culturally diverse, migrant and refugee backgrounds often experience significant barriers to the support and services they need, and their experiences and challenges remain largely invisible in mainstream discussions.<sup>16</sup> Existing service systems are not adequately tailored or nuanced to recognise or respond to the needs of these families.

We must give renewed attention to how cultural diversity impacts on how families experience, understand and access family services and related service systems. Key steps include promoting cultural awareness, addressing intersectionality, capturing lived experiences, building evidence, developing family-centred approaches, and strengthening capacity to address the challenges faced by culturally diverse communities.

Given that take-up of family violence and other services may be relatively low because culturally diverse communities typically rely on intra-familial rather than external support,<sup>17</sup> the implementation plan needs to recognise the need for service providers to respond appropriately and early to the needs of culturally and linguistically diverse families. Responses to culturally and linguistically diverse families can be strengthened by investing in the capacity of child and family services to provide culturally safe services through cultural awareness capacity building, funding of dedicated Practice Lead (CALD) positions, and recruitment of a pool of bi-cultural and bilingual workers.

Australia does not have an aggregated and accurate dataset of the number of CALD children in out-of-home care. National data collection is needed to understand the prevalence of CALD children in care to inform service responses for CALD families. In line with the strategic priority to improve information sharing, data development and analysis, the plan must take action to establish the collection of data on culturally and linguistically diverse children and families in the child protection system.

The Centre recommends that the implementation plan:

- Ensures that children and families from culturally and linguistically diverse communities are provided with appropriate outreach services to facilitate early engagement to meet needs
- Reinforces the critical importance of service providers being trained in culturally sensitive practice approaches to meet the needs of culturally and linguistically diverse families
- Establishes the collection of data on culturally and linguistically diverse children and families in the child protection system.

## **LGBTIQ+ children and families**

To best support LGBTIQ+ children and their families, investment is needed in community-controlled services. The implementation plan should have a focus on supporting and sustainably funding the

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<sup>16</sup> Ethnic Community Services Co-operative 2021, [Feedback on the new Early Childhood Approach](#), Ethnic Community Services Co-operative, Sydney.

<sup>17</sup> Sawrikar, P 2019, 'Child protection, domestic violence, and ethnic minorities: Narrative results from a mixed methods study in Australia', *PLoS ONE*, vol. 14, no. 12.



LGBTIQ+ sector to enable service provision to LGBTIQ+ children and families across the country, in parallel to efforts that build the inclusive capacity and knowledge of mainstream services.

The Centre recommends that the implementation plan:

- Promote the importance of community-controlled services for LGBTIQ+ children and families.

### **Strengthening the interface between child protection and health**

Children in out-of-home care and families with complex needs experience significant barriers to health and mental health services. Health is a key area in which coordination between national and state and territory governments could benefit children.

Children living in the care system are known to have higher rates of physical, mental and developmental health needs than the general population.<sup>18</sup> It is critically important that all children in out-of-home care have opportunities for early identification of health and developmental needs for their wellbeing and future outcomes to prevent disengagement from school and to disrupt a potential trajectory into the justice system.

The *National Standards for out of home care* require that 'children and young people have their physical, developmental, psychosocial and mental health needs assessed and attended to in a timely way'. While the *National Clinical Assessment Framework* requires an initial health check within 30 days of the child entering care and a comprehensive assessment within three months,<sup>19</sup> data shows that these standards are not being achieved for Victorian children in out-of-home care.<sup>20</sup>

In Victoria, around 250 children have access to comprehensive health assessments through Pathway to Good Health (PTGH) multi-disciplinary clinics across North and West metropolitan Melbourne and Gippsland. Research has shown that rates of attendance at paediatrician and mental health clinics increased after the introduction of PTGH compared to areas without. It was intended that all children entering out-of-home care and all those living in residential care across the two regions would have access to these assessments, however this has not eventuated.<sup>21</sup> Our members describe positive outcomes from this promising program, which has unfortunately experienced long-term funding uncertainty.

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<sup>18</sup> McLean, K, Little, K, Hiscock, H, Scott, D & Goldfeld, S 2019a, 'Health needs and timeliness of assessment of Victorian children entering out-of-home care: an audit of a multidisciplinary assessment clinic', *Journal of Paediatrics and Child Health*, vol. 55, no. 12, pp. 1470-1475.

<sup>19</sup> Department of Families, Housing, Community Services and Indigenous Affairs & National Framework Implementation Working Group 2011, *An outline of National Standards for out-of-home care: a priority project under the National Framework for Protecting Australia's Children 2009-2020*, Commonwealth of Australia, Canberra, p. 10.

<sup>20</sup> McLean et al. 2019a.

<sup>21</sup> Department of Health and Human Services 2018, Vulnerable children, viewed 28 March 2019, <<https://www2.health.vic.gov.au/about/populations/vulnerable-children>>; McLean, K, Little, K, Hiscock, H, Scott, D & Goldfeld, S 2019b, 'Health needs and timeliness of assessment of Victorian children entering out-of-home care: an audit of a multidisciplinary clinic', *Journal of Paediatrics and Child Health*, pp. 1-6; Senate Community Affairs References Committee 2015.

Co-located health clinicians within child protection and child, youth and family service teams have also been shown to facilitate more timely healthcare for highly vulnerable children and young people. National coordination could assist with a broad rollout of these roles, in partnership with the relevant local health services, so that it is no longer the 'luck of the draw' for a child entering out-of-home care as to whether their health needs will be identified and addressed.

The Centre recommends that the implementation plan:

- Supports jurisdictions to amend legislation to include a requirement for health assessments and follow up services for children entering care within a set time frame
- Supports funding for a nation-wide rollout of multi-disciplinary clinics, such as the successful Pathway to Good Health, to enable the delivery of health and mental health assessments and reviews for all children and young people in out-of-home and all children known to child protection within the timelines agreed to in the *National Standards for out of home care*
- Expands the co-location of health clinicians within child protection and child, youth and family service teams.

## Addressing the over-representation of Indigenous children in child protection systems

A reduction in the number of Aboriginal children entering care can be achieved through self-management and proportionate funding across the continuum of services.

The Victorian Government and the sector are working hard to address the overrepresentation of Aboriginal children in care. *Wungurilwil Gapgapduir: Aboriginal children and families agreement* is a tripartite agreement between the Aboriginal community, Victorian government and community service organisations to reduce the number of Aboriginal children in out-of-home care by building their connection to culture, country and community. It includes the transfer of responsibility for the care and support of Aboriginal children in out-of-home care to Aboriginal service providers and families and building the capacity of Aboriginal organisations who wish to assume responsibility for contracted case management of Aboriginal children in out-of-home care.

Aboriginal Children in Aboriginal Care (Nugel) is a program that realises the implementation of Section 18 of the *Children, Youth and Families Act 2005* (Vic), enabling Aboriginal organisations to assume custody or guardianship responsibilities for Aboriginal children in out-of-home care. A recent evaluation of the program indicates that there was a 22 per cent reunification rate for children case managed through Nugel, compared to 5 per cent managed by the Department of Families, Fairness and Housing.<sup>22</sup> Self-determination has been shown to work in keeping Aboriginal children out of care, with family and in community.

Continuing commitment to self-determination and investment to strengthen Aboriginal Community Controlled Organisations (ACCOs) is critical to preventing Aboriginal children from entering care, and in providing culturally safe, appropriate and quality care to Aboriginal children in care. National

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<sup>22</sup> Victorian Aboriginal Child Care Agency (VACCA) - Sector Briefing on the learnings from Aboriginal Children in Aboriginal Care, 13 July 2021.

leadership is needed to drive this process and represent the interests of Aboriginal children and their families, including those in contact with the child protection system. We support the advocacy of the Aboriginal community for a national Aboriginal Children's Commissioner to elevate the voices of Aboriginal children and drive positive change.

The Centre recommends that the implementation plan:

- Embeds the principles of self-determination and self-management across the country, and supports jurisdictions to provide adequate and proportionate resourcing to Aboriginal Community Controlled Organisations for the delivery of supports across the service continuum
- Supports the establishment of a national Aboriginal Children's Commissioner.

### **Priority group: families with multiple and complex needs**

The Victorian Government has invested in a range of evidence-based initiatives to support families with multiple and complex needs.

Partially in response to the expected increase in demand arising from COVID-19, the government funded a targeted family preservation and reunification intervention model for high-risk and at-risk families. The model is being delivered through evidence-based, connected and coordinated practices between providers and child protection. The primary aim is to keep families together and reduce the number of children and young people entering and/or remaining in care. As part of the model, the government has developed an evaluation framework developed to monitor the response. While it too early to assess outcomes for children, early data is very promising in terms of the difference the model is making to practitioner skills and family outcomes.

Additionally, the Victorian Government funded a trial of seven evidence-based programs in Victorian child and family services, including:

- SafeCare®
- Functional Family Therapy - Child Welfare®
- Family Foundations®
- Multisystemic Therapy – Psychiatric®
- Tuning Into Kids™ and Tuning Into Teens™
- Triple P®
- Parents Under Pressure™

Despite the success of these programs reported by our members, they are yet to receive ongoing funding that would consolidate efforts to uphold the rights of children to live safely with family.

Several of these programs also assist families when a child comes into contact with police. An annual survey by the Youth Parole Board found that 67 per cent of children and young people detained on sentence and remand in Victoria have experienced trauma, abuse or neglect.<sup>23</sup> Often, these children come from families with multiple and complex needs, as indicated by data showing that 68 per cent

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<sup>23</sup> Department of Justice and Community Safety 2019, [Youth Parole Board annual report 2018-19](#), Victorian Government, Melbourne.

of children in the study had been exposed to five or more adverse and challenging circumstances or events.<sup>24</sup>

Of particular concern is the over-representation of young people with child protection backgrounds in the youth justice system. Research shows these 'cross-over kids' have been significantly affected by cumulative adversity and harm.<sup>25</sup> It is critical that there is an early service response for these children and their families to prevent child neglect and trauma and to divert children's lives from a trajectory of criminal justice.

In addition to a stronger focus on preventative programs and services, we need also to consider responses to early offending. In Australia, children as young as 10 can be charged with a crime and sent to prison, yet data clearly shows that the younger a child is when they enter the youth justice system, the higher the likelihood that they will reoffend.<sup>26</sup> Protecting Australia's children means keeping them out of environments and systems that are harmful and providing evidence-based supports to children and their families to prevent a trajectory into the justice system. For very young children, this means raising the age of criminal responsibility to at least 14 years of age and connecting these children and their families to services and supports that can address their complex challenges.

Other challenges facing children and families relate to the lack of specialist mental health and family violence services available to respond to the needs of children. The Royal Commission into Victoria's Mental Health System found limited focus on the mental health and wellbeing needs of infants and children under 12. With parental mental health a key driver of entry into care, the implementation plan needs to make sure that infants, children and families, particularly those in contact with the child protection system, are appropriately supported by the mental health system and connected service systems at all levels of government.

In Victoria, members report a lack of specialist family violence response for children and a long waitlist for the few services that do exist. It has been a challenge to have children recognised as victim survivors of family violence in their own right with specific risks and needs, even though we know from a growing body of evidence that family violence can affect children's subsequent behaviour, their engagement with and performance at school, their cognitive development and their physical and mental health. Family violence is also a leading cause of homelessness and has been linked to intergenerational transmission of violence and re-victimisation.

Despite significant family violence reform investment in Victoria, there is still much to be done if children are to be supported as victim survivors in their own right, given agency in the decisions that affect them, and provided with early access to specialist support services.

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<sup>24</sup> Baidawi, S & Sheehan, R 2019, '*Cross-over kids*': effective responses to children and young people in the youth justice and statutory Child Protection systems, report to the Criminology Research Advisory Council, Australian Institute of Criminology, Canberra.

<sup>25</sup> Ibid, p. 8.

<sup>26</sup> Sentencing Advisory Council 2016, *Reoffending by children and young people in Victoria*, Sentencing Advisory Council, Melbourne.

There are even fewer specialist and coordinated supports available for children who are victims of crime.

The Centre recommends that the implementation plan:

- Supports jurisdictions to increase investment in evidence-based programs that intervene early in a child's life to support families experiencing multiple and complex needs, including family violence
- Ensures infants, children and families are appropriately supported by the mental health system and connected service systems at all levels of government
- Commits to raising the age of criminal responsibility to at least 14 years of age for federal crimes and supporting states and territories to legislate to raise the age.

### **Priority group: children and young people experiencing or who have experienced abuse or neglect**

Access to therapeutic or specialist supports for children who have experienced adverse life circumstances, including those known to child protection and with an experience of out-of-home care, is crucial, yet too many children miss out. Not only do these children need support to heal from the abuse, neglect and trauma they have experienced, many also need support to process the loss experienced through removal from family. When supports are unavailable there can be flow-on effects for mental and physical wellbeing and other life outcomes that affect social and economic participation.<sup>27</sup>

Therapeutic models of care are underpinned by a guiding framework that incorporates theories of attachment, trauma and neurological development, provide specialised and ongoing assessment and develop an individualised therapeutic treatment plan.<sup>28</sup> Despite the existence of some excellent therapeutic models, insufficient investment means these have limited reach.

An example in Victoria is the Take Two program, a specialist state-wide service for children and families impacted by abuse, neglect and trauma. It has been operating since 2002 and provides an intensive, therapeutic and developmental outreach service through a partnership between child and family services, mental health services, Indigenous services and academics.<sup>29</sup> This integrated approach shows strong outcomes for children's wellbeing across a range of domains and the program is underpinned by a robust evidence base.<sup>30</sup>

Due to the rising number of children entering out-of-home care, the program is only available to a very small percentage of children and young people and the waiting list is long, preventing a timely response for many families who could benefit from support upon first contact with child protection.

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<sup>27</sup> Sentencing Advisory Council 2016.

<sup>28</sup> Department of Health and Human Services 2016, *Program requirements for the delivery of therapeutic residential care in Victoria*, Victorian Government, Melbourne.

<sup>29</sup> Frederico, M & Jackson, A 2010, *More than words – the language of relationships: Take Two – third evaluation report*, Latrobe University, Bundoora.

<sup>30</sup> Frederico & Jackson 2010.

The Centre welcomes the Australian Government's commitment to developing a 10-year, whole-of-government, National Strategy to Prevent Child Sexual Abuse which aligns with current and future National Plans to Reduce Violence against Women and their Children, and with Closing the Gap. It is also critical that the National Strategy aligns closely with the successor plan's first five-year implementation plan if a coordinated approach to protecting children is to be delivered.

The Centre recommends that the implementation plan:

- Urgently expands the reach of therapeutic, evidence-informed programs across the country so that all children in contact with the child protection system have timely access to therapeutic support
- Aligns closely with the development of the new National Strategy to Prevent Child Sexual Abuse.

### **Priority group: children and young people with disability and/or parents and carers with disability**

The child and family services sector in Victoria works with a high number of families with disability.

Article 23 of the *Convention on the Rights of Persons with Disabilities* states that 'In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents' and 'States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities',<sup>31</sup> however families with disability frequently fall through the gaps in service systems and are not sufficiently supported in their parenting role. Our members tell us that too many families are relinquishing the care of their child with disability due to a lack of needed support, and we know that removal of children from the care of their parents is disproportionate among parents with disability, in particular, parents with a cognitive disability.<sup>32</sup> Children with disability continue to be overrepresented in out-of-home care in Australia, with the latest data showing that 15.3 per cent of children in out-of-home care have a disability.<sup>33</sup>

Over the past two years, the Centre has worked with the Association for Children with Disability to train more than 2,000 child and family services practitioners in how to support families to access and navigate support from the NDIS. This has resulted in children and families with disability who are experiencing vulnerability and complex challenges gaining access to higher levels of support than they would otherwise have received or support which they may have missed out on entirely.

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<sup>31</sup> United Nations 2006, Convention on the rights of persons with disabilities and optional protocol, viewed 29 April 2021, <<https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>>.

<sup>32</sup> Ellem, K, Wilson, J & Chenoweth, L 2016, 'When families relinquish care of a child with a disability: perceptions from birthmothers', *Australian Social Work*, vol. 69, no. 1, pp. 39-50;

Nankervis, K, Rosewarne, A & Vassos, M 2011b, 'Why do families relinquish care? An investigation of the factors that lead to relinquishment into out-of-home respite care', *Journal of Intellectual Disability Research*, vol. 55, no. 4, pp. 422-433; Office of the Public Advocate (OPA) 2015, *Rebuilding the village: supporting families where a parent has a disability – report 2: child protection*, Office of the Public Advocate, Melbourne.

<sup>33</sup> AIHW 2021. This figure is likely to be much higher as disability status remains unknown for 37.3 per cent of children in care.

In recognition of demand pressure for family services, Family Services Disability Specialist Practitioners and the Children with Complex Disability Support Needs Program have been funded in Victoria to connect families experiencing vulnerability with the National Disability Insurance Scheme (NDIS). Securing needed disability support is essential to strengthening family functioning and preventing family breakdown and early data on these interventions are promising.

The Centre recommends that the implementation plan:

- Supports jurisdictions to invest in initiatives to strengthen the connection between family services and disability services to support family functioning and prevent entry into care, ensuring learnings are shared between jurisdictions.

### **Priority group: young people leaving out-of-home care and transitioning to adulthood**

In 2020, the Victorian Government universally extended the care leaving age from 18 to 21. Young people in care can now stay with their existing kinship, foster or permanent care families up to 21 years of age, or move to an independent living arrangement, while receiving support to transition to adulthood. While it is too early to see outcomes in our state, international evidence shows marked improvements in lifetime outcomes.

While these changes are positive and welcome, a recent study by the Commission for Children and Young People (CCYP) found limited post-care supports available for young people after leaving care in Victoria.<sup>34</sup> Post-care outcomes for people who have left care in Australia continue to be below average across all wellbeing domains.

There also remain significant challenges for people with care experience when it comes to engagement in tertiary education, an issue with implications for their future life outcomes.

The Raising Expectations program provides a unique platform for government, universities, TAFEs and the community sector to work together to improve access, provide dedicated support and enable successful completion of vocational and/or higher education study for individuals who have been in care.

The model has contributed to tangible improvements in the education and life opportunities for individuals who have been in care, seeing the number of care leavers enrolled in further or higher education rise to 366 students across three institutions in 2020. Scaling up this proven model across the country could improve the life opportunities for many more care leavers through improved access to post-secondary education.

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<sup>34</sup> Commission for Children and Young People (CCYP) 2020, [Keep caring: systemic inquiry into services for young people transitioning from out-of-home care](#), CCYP, Melbourne.

The Centre recommends that the implementation plan:

- Works to achieve a nationally consistent leaving care system by supporting all jurisdictions to extend care to 21 years of age and to offer quality, holistic transition and post-care supports
- Scales up the Raising Expectations program to improve access to post-secondary education for those with care experience.

## Conclusion

While it has been challenging to comment on the implementation of the successor plan prior to the release of this plan, feedback from our members has highlighted the issues raised in our submission and the reforms being undertaken in Victoria with promising results. A key theme to emerge from the data we have collected over the past year from our sector, via surveys, consultations and interviews, has been the critical importance of recognising the impact of poverty on child development, of listening to the perspectives of families in need of additional support to thrive, and of recognising that protecting children is everyone's business. The Department of Social Services has an opportunity in developing the implementation plan not only to integrate the concerns and promising solutions raised in our submission but also to drive policy change across the country and make real change for children and young people growing up in a global pandemic.