

Response to PSP Discussion Paper for Foster Care and Preservation Providers



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Introduction

Barnardos Australia (Barnardos) welcomes the opportunity to respond to the discussion paper published by the Department of Communities and Justice (DCJ) in November 2021. It is understood that the purpose of the paper is to facilitate discussion between Funded Service Providers (FSPs) and the Department around the Permanency Support Program (PSP), with a specific focus on Foster Care and Family Preservation, in the context of upcoming recommissioning in 2022.

Barnardos, as a long-standing provider of family preservation and out of home care (OOHC) services in NSW, is fully supportive of the intent of the PSP in respect to:

- reducing the need for children to enter or re-enter OOHC by better supporting families to safely care for their children;
- reducing the length of time that children spend in care by supporting safe restoration of timely identification of an alternative permanent outcome, such as guardianship or adoption;
- addressing the over-representation of Aboriginal children in the OOHC system by maintaining connections with family, kin, community, culture, language and country;
- enhancing the experience of children within the care system by better supporting their individual needs.

We have observed throughout the period of PSP implementation to date, that there have been significant challenges both in maintaining commitment to actions upholding the original intent of the current child permanency reform (current NSW Premier's Priority area) and avoidance of unintended consequences of the reform. Noting the complexity of this reform, and that sector changes require adequate time and investment in support of the transformation, it is essential that more needs to be done to align activity across the sector so as to achieve the intent and desired outcomes under the PSP. We take this response as an opportunity to consider and comment on the questions raised by DCJ within the discussion paper, but also to highlight a number of other critical areas that require attention and action as we move into the second PSP contract period.

It is relevant at this point to note that the PSP currently only applies to the services delivered by non-government providers. DCJ continues as a major provider of OOHC to NSW children and carers, largely Aboriginal and Torres Strait Islander children and children in kinship care. However, these DCJ services are operating outside of the requirements that apply to FSPs under the strategy. As a result, we continue without an 'even playing field' and the system as a whole is not firmly orientated to the outcomes that PSP is seeking to promote. This is highly problematic for vulnerable children and their carers due to the close interface between statutory child protection decision making and OOHC.

Collaboration between DCJ and FSPs

In opening our response, we feel it is critical to identify the significant and ongoing issues around collaboration and partnership between DCJ and their non-government sector partners, which have become increasingly evident over the first PSP contract period. While it is recognised within the PSP that working in partnership is an important component to move the reform forward, this has been often absent in practice. The need for an authentic commitment to genuinely listening and taking on board the views and perspectives of FSPs at all levels is a component element in progressing and achieving desired child permanency outcomes together. As an example, this Discussion Paper poses a series of four questions to FSPs inviting a response, without acknowledging that FSPs may have additional and different concerns around the PSP implementation and outcomes that warrant serious discussion. This is a worrying reflection of the approach of the Department to collaboration, which is characterised by superficial attempts at consultation, rather than fundamental change.

A distinct gap in the approach to PSP implementation has been the absence of systematic consultation with FSPs around challenges and available opportunities to create change together. Instead, there have been numerous examples, such as amendments to DCJ policy and approach to PSP implementation with FSPs, that have occurred without transparency or appropriate consultation. This damages trust and undermines the efforts of the FSPs as they continue to work to align practice with strategic intent. In some instances, the approach and response have been so problematic, that FSPs are unable and unwilling to make the proposed changes. This is not characteristic of a high collaboration, high functioning sector, well placed to support transformative change.

As an example, during 2021, DCJ communicated a decision to Barnardos, seeing a change to PSP business rules to remove from our contracted placement numbers, matters which attract the 'Case Coordination' package¹. Upon receipt of the formal correspondence, Barnardos responded with concerns and requested that the issue be discussed, as it was our view that this constituted a material variation and was not in keeping with the original intent of the PSP and performance-based contracting. However, this process was not followed and DCJ gave effect to the change. Of particular concern to Barnardos is that DCJ advised that this reflected that NSW PSP contracts are not, and were never intended to be, performance or outcomes based. This statement is in direct contradiction with the stated intent of the PSP reform, and the Premier's Priority for NSW children.

Noting the financial impact on Barnardos of this result and the associated cost saving to Government, the role played by both incentives and abatements to promote child permanency outcomes needs to be re-considered going forward, with an approach that encourages rather than disincentivises FSPs to further embedding work that is aligned with the aims of the PSP.

Collaboration between DCJ and FSPs would be better supported if there were further effort within the Permanency Case Management Policy to define roles and responsibilities of each in terms of primary and secondary case responsibility.

¹ With particular reference here to 'Case Coordination' packages paid in respect to supporting families and children following the restoration of the child to the care of the parent/s.

Additional investments required to support permanency

Commissioning of My Forever Family (MFF) and investment in carer recruitment

It is certainly the case that DCJ investment in MFF assists in efforts to provide greater training and support resources to carers. However, this investment has had no discernible direct impact on attraction and growth of the available carer pool. Given that carer assessment and authorisation responsibility sit with the accredited provider, there is a genuine concern around value for money achieved out of this investment. There is a lack of available data on transition to caring rates from MFF enquiries which contributes to this concern.

Additional investment is required, focussed at a system level by need and location, rather than on an individual agency by agency basis. Acknowledging that some very effective strategies for carer recruitment, television advertising for example, are too costly and largely beyond the means of individual FSPs, we suggest that broader efficiencies be explored.

Introduction of Permanency Coordinators

It is pleasing to note that the Permanency Coordinators within DCJ have recently been transitioned from the Districts to the Office of the Senior Practitioner. This provides opportunity for further work that focusses on engagement of the Coordinators with FSPs during the time that a care matter is before the Children's Court and before the making of Final Orders, which we believe will directly assist improved permanency planning for children. Please see further commentary on this issue later in this paper.

PSP Learning Hub

The PSP Learning Hub is a positive initiative and provides excellent resources for practitioners in the sector who are implementing the PSP and must be funded on an ongoing basis. However, there is a gap in available data in terms of understanding the impact on the system of making these resources available and intersections with other centrally funded training and development initiatives, including within DCJ. This data is necessary in terms of understanding how the sector is performing in relation to capacity development.

Additionally, we would argue that there is broader investment required in developing sector wide capacity, to ensure that family preservation/child protection/OOHC is not only a preferred employment sector for welfare professionals, but one that is characterised by the delivery of high-quality services and focus on employee wellbeing in order to drive down attrition rates. This requires careful analysis and understanding of workforce trends, noting the evolving expectations of prospective employees around professional development opportunities and employee wellbeing schemes.

Successes of PSP Service Delivery

The Discussion Paper identifies five key areas of success under PSP implementation to date. On these we would note as follows:

Entries to OOHC remained low across recent years, despite ROSH reports increasing since PSP implementation – this is a significant achievement of note. However, this success has not seen a corresponding growth in the number of exits to a permanency outcome.

PSP Family Preservation packages have been delivered to around 1700 children – acknowledging this as a very positive outcome, increased investment to ensure availability of packages to more families experiencing vulnerability is necessary.

Exits to permanency outcomes, including open adoption and guardianship – the achievement of these permanency outcomes is a positive result. More needs to be done to support timely permanency casework and decision making and this is discussed in further detail below.

Increase in the number of Aboriginal providers to offer Aboriginal Foster Care – this positive outcome achieved during the period of the PSP highlights the need for further investment from Government in the development of capacity within the Aboriginal and Torres Strait Islander Community Controlled sector. We understand that Aboriginal Foster Care providers are eager to accept transfer of placements of Aboriginal children and their carers from DCJ and this should be a priority action to facilitate achievement of goals within the PSP reform environment.

The accreditation of two new Adoption Service Providers – we note this very welcome outcome. In support of the PSP, there is a need to address how non-adoption accredited FSPs can achieve open adoption outcomes under the strategy. This is an inherent problem in the system that requires solution-focussed consideration.

Performance based and re-investment commissioning – the original intent of the PSP was to divert and exit children from OOHC and re-invest this funding into enhancing preservation. However, as a result of the failure to achieve the size and scale of permanency outcomes within two-year timeframes, and an inability to capture and report in a timely manner on permanency outcomes, FSPs have been subject to an increased administrative burden. PSP intent was that FSPs would retain funding package residues for re-investment where permanency was achieved within two years, however this has not eventuated.

Response to questions 1-4

In respect to the questions posed within the Discussion Paper, please find Barnardos' comments below.

1. *What adjustments to the PSP service system could be made to maximise opportunities for greater compliance of the Aboriginal Child Placement Principles to enable more Aboriginal children to be supported by Aboriginal agencies, cared for by Aboriginal carers and receive culturally appropriate supports?*

Barnardos holds firmly to the view that Government must commit to appropriately resourcing a strong and sustainable Aboriginal community-controlled sector that helps to align all efforts to the Aboriginal and Torres Strait Islander Child Placement Principles (ATSICPP), with a

particular focus on capacity building and the 'front end' efforts to support service responses that enable preservation of children within their family, community, culture and on Country. This investment needs to be in addition to existing resourcing of the non-Aboriginal service system in order to create the opportunities that the question posits. This is not simply a matter of moving resources around.

Family finding is well recognised as an essential component in achieving greater compliance with the ATSICPP. More needs to be done to build capacity within DCJ to support better family finding from the earliest stages. Acknowledging that the question asks about support to Aboriginal children by ACCOs, by Aboriginal carers and cultural support, we would argue that the most elemental compliance with ATSICPP requires that everything possible is done to wrap supports, including those provided by family and kin, around children and their parents when they are experiencing vulnerability.

Barnardos makes note of a particular concern around referral for the OOH placement of Aboriginal children, specifically that we are receiving broadcast referrals from DCJ where there has been no initial discussion with any ACCO about their capacity to provide a service. This is unacceptable, recognising the previous point around the necessity of effective family finding. We remain concerned that all elements of the Aboriginal Case Management Policy have not been implemented, which weakens compliance with the ATSICPP. It is imperative that there is a focus beyond the immediate crisis and need for a placement, as to the long-term consequences of actions taken in respect of Aboriginal children. A capacity to balance immediate, short, medium and long term outcomes is necessary to genuinely support permanency within community. In Barnardos' experience, the lack of immediate action as described above creates delay and further work for FSPs, and the risk of exacerbation of trauma for these children.

The question as posed implies that there is a potential solution to this problem to be found by moving resources away from non-ACCOs into the ACCO sector. In our view this is not an acceptable way forward and jeopardises significant gains that have been made in reducing entries to care of non-Aboriginal children. As stated above, investments in both areas are a priority and it should not be a case of cuts in one service area in order to adequately resource another.

A matter that requires urgent clarification is the intent of DCJ to transfer the responsibility for children it case manages to ACCOs. Given that the majority of Aboriginal children remain under case management by the Department, this is an absolute priority. It is vital that the movement of case management to ACCOs is accompanied by the necessary resources to support this work.

2. *How do we attract more carers and improve placement matching to increase referral acceptance so that children are given their best opportunity to find permanency?*

The PSP focusses clearly on reorientating the system towards permanent outcomes for children. Unfortunately, despite this intent, this remains disconnected from what is occurring at the front end of the OOHC system, which is largely focussed on the need for ‘crisis’ or ‘emergency placement’ beds. An examination of the difficulties that exist in attracting carers to provide crisis care, must consider firstly placement need in conjunction with child legal status and case plan goal, and secondly the fundamental challenges around adequate resourcing of carer support and remuneration. Lack of process to support implementation of innovative alternatives and the Department’s predisposition for administrative bureaucracy are also impacting the capacity to have a pool of authorised home-based carers readily available to step in and provide care with limited notice.

Barnardos has undertaken actuarial analysis of its short term and permanent care programs and their outcomes for over twenty years². The results clearly demonstrate that specialist outcome focussed programs, which align to the needs of children, based on their legal status, are well placed to achieve permanency case plan goals in a timely manner. In presenting the findings of our actuarial analysis at the 2021 European Scientific Association on Residential and Family Care for Children (EUSARF) conference, Barnardos’ CEO Deirdre Cheers noted that adherence to model fidelity is critical to delivery of planned child outcomes. It is our view based on years of practice experience, and reflected in our research, that ‘general foster care’ does not and cannot deliver permanency outcomes within children’s developmental timeframes.

The associated reality that we must navigate is that foster carers come to our system with differential motivation to care for a child. Whilst it is tempting to think that carer education on the ‘realities’ of the system will shape carer behaviour, the fundamental motivation, whether this be to assist a child to be reunified with family or to welcome a child as a new family member, is likely to remain. As such, carer recruitment activity that is aligned with relevant child outcomes, followed by matching based on child case plan goal, is a necessary element to achieving PSP intent.

It is Barnardos’ observation that the complexity of the children and young people within the care and protection system is increasing. In our modern community with demands on individuals and families, there are challenges in attracting prospective foster carers who can respond to the level of need. The resourcing available needs to match the need and very little has changed in this regard over a long period of time. Innovative options are required that are both attractive to prospective carers and recognise the effort that they will invest in supporting a child, both at the intake phase and beyond.

² Actuarial analysis data from Barnardos NSW temporary and permanent care programs over an 8 year period between 2012 and 2020 was presented at EUSARF 2021.

Further work is required by DCJ, working in partnership with FSPs, to ensure timely decision making and achievement of permanency outcomes for individual children. Be it restoration, guardianship or open adoption. Too many children are languishing in long-term care and there are opportunities to use the expertise in the non-government sector where permanency outcomes are being achieved in a timely way. This would free up both resources, to re-invest in preservation, and short-term, emergency intake carers to accept new entries.

We identify the absence of high-quality, point in time and trend data relating to carers as problematic for the PSP reform to date. Ideally there needs to be well developed systems to help measure the success in recruiting carers across all care types. Gathering and analysing this kind of carer information and considering it alongside child placement data, would provide an exceptionally useful picture for the sector of what we are achieving and where we need to bolster our efforts or modify our approach.

3. What would help PSP providers drive additional permanency outcomes and prioritise permanency casework for children?

Barnardos is concerned that the permanency outcomes desired under the PSP are being seriously undermined by a lack of early concurrent case planning and appropriate Care Plan development by DCJ while a care proceeding is before the Children's Court. In our experience, there are numerous examples of the lack of DCJ consideration of permanent orders in the formulation of Care Plans for the Children's Court, which illustrates the need for a change in both culture and practice within DCJ, alongside better more consistent collaboration with FSPs in the planning and decision making. Developmental psychology tells us very clearly that children's time frames are not the same as adults, yet most legal practitioners and foster care systems continue to prioritise adult focussed decision making that risks prolonged trauma for already damaged children. Assertive and transparent concurrent planning is an essential part of developing Care Plans which promote timely permanency, particularly in respect to meeting the developmental needs of infants and young children. This is discussed further below.

In analysing Barnardos' data on FY 20/21, we identified that of the 33 children who achieved a final adoption outcome during that period, 45% did not have adoption (or guardianship) identified by DCJ as the appropriate permanency outcome in their Children's Court Care Plan. Of these 33 children, 9 had been in permanent placement less than 2 years at the time of adoption and 11 had been in permanent placement less than 3 years when the order was finalised. This speaks to a gap in practice in identifying the appropriate permanent goal, which was generally quickly identified by Barnardos once final orders were obtained as our agency has Delegated Parental Responsibility.

In our view, there is an opportunity for Permanency Coordinators to play a greater role earlier in the care journey of a child, to better inform DCJ practice around permanency planning. We observe considerable inconsistency in practice and decision making across CSCs, which also serves to undermine the PSP and its delivery on outcomes. This extends to the extent to which DCJ and legal representatives are willing to engage and collaborate with FSPs around

planning. Disappointingly, we find ourselves excluded from Dispute Resolution Conferences or not invited to contribute to decision making, often when we are putting forward a view that concurrent planning needs to occur for a child to support robust permanency casework.

Unfortunately, despite the implementation of the PSP, we still experience an unwillingness in the Children's Court context, to utter the 'A' word. Open adoption is an explicit permanency goal for some non-Aboriginal children under the strategy and it is frustrating that there are obvious barriers within both DCJ and the legal fraternity to its appropriate consideration for children with severe ongoing safety risks. Barnardos' practitioners are experienced in carefully navigating difficult discussions with birth family around concurrent planning and open adoption and it is this kind of expertise that underpins a more sophisticated approach to care planning. A sequential, rather than concurrent approach by DCJ caseworkers to working within the legislated permanency hierarchy is also problematic. Barnardos' experience is that the permanency hierarchy within current NSW legislation is frequently interpreted and enacted by DCJ as 'try restoration first, then kin, then long term foster care with a slower restoration period' at the expense of an appropriate child rights based approach to permanency planning for the whole of childhood.

Barnardos has noted a concerning increase in the amount of time it is taking for children in our Temporary Family Care (TFC) Program to receive final Children's Court orders. While we are aware that COVID-19 has exacerbated this recently, our analysis of time to achievement of permanency has highlighted the increase occurring before the onset of the pandemic. Since the commencement of the PSP the average length of time for children to achieve restoration in Barnardos' programs has increased from 9 months in 2017/18 to 16 months in 2020/21. Urgent analysis is required to better understand this trend, noting the very detrimental impact of delayed decision making, particularly on young children (and noting that children aged under 3 and under 5 continue to be the largest proportional groups within the cohort of new entries to care).

Barnardos actuarial data demonstrates (and has done so consistently over several years) that each year older a child is at entry to our permanency program, there is an associated reduced likelihood of an exit through open adoption. Simultaneously, we note anecdotally and with some concern, that an approach of 'restoration at all costs', is in evidence within some DCJ areas of practice. Barnardos' ability to supporting children and families towards restoration through our TFC programs is longstanding and evidenced in university research. We consistently have twice the number of children with a case plan goal of restoration than guardianship and open adoption. However, this is balanced with the need to work within children's developmental timeframes towards a permanency outcome whilst prioritising safety at all times, and stability for the whole of childhood. Despite legislated timelines which reflect the needs of young children, the drift in permanent decision making that is currently occurring within the PSP requires urgent attention.

There is currently no evidence that the legislatively based strategy of using short-term court orders to support permanency outcomes has been successful to date. There has been, in our observation, only very limited circumstances in which short term orders have been successfully

utilised, and it is apparent to Barnardos that the court is not seeing relevant evidence within DCJ Care Plans, which supports the making of a short-term order. As such, the status quo, being either a decision in favour of restoration, or alternatively an order allocating Parental Responsibility to the Minister until 18 years, remains as the default position.

Access to better quality data about children on interim orders within the system, is necessary to gain an in-depth understanding of the quality of permanency planning that is occurring. This extends to understanding where these children are going within the system, where they are being placed through NGOs and how the different parts of the system are performing in relation to achieving permanency outcomes. Furthermore, data that assists us to systematically monitor exits from care will strengthen our understanding of how successfully the PSP is being implemented.

4. *What system or program enhancements should be prioritised to minimise funding and package complexities? How can we partner together to increase information quality to enhance performance reporting and reconciliation processes?*

Ongoing and increasing challenges are apparent for FSPs in navigating the administrative elements of the PSP. An example of this was the process for application by FSPs for funding packages, which required 18 months of advocacy from Barnardos and other NGOs to achieve an outcome with DCJ, supporting the automation of this process. For the administration of the reporting and funding between DCJ and FSPs to be less burdensome, changes must be implemented efficiently and in a timely way.

FSPs experience duplicative processes in relation to accessing relevant funding, including having applications double handled (i.e., senior in principle approval and then re-application to same level to release funds). These contribute to delays in FSPs receiving appropriate funding allocations for the work they are undertaking. Additionally, the finalisation of Barnardos FY 18/19 reconciliation process by DCJ took 18+ months (and has only recently been completed), echoing the experience of FSPs sector wide. The impact of delays of this kind on NGOs cannot be underestimated.

The many challenges presented by ChildStory have created significant resource impact for FSPs. We have experienced numerous concerns since system implementation, with ChildStory clearly unable to meet the needs of the PSP reform in general. Specifically, we note inconsistency in use and interface with ChildStory across DCJ. In some instances, there is a lack of clarity about who is responsible for which aspects/tasks of data entry, with varying approaches by district. Additionally, we are often required to provide the same information to different parts of DCJ, which is frustrating and unnecessarily time consuming. The absence of appropriate interface between ChildStory and agency-based client management systems, which was an original intended outcome of ChildStory development, is both costly and problematic due to double handling and double entry of data by both government and NGO caseworkers – wasteful of both time and government PSP financial allocations. The requirement that all system access documentation is signed personally by the Principal Officer is unreasonably bureaucratic in our view. While this is a sample, not an exhaustive list of the

difficulties associated with ChildStory, it is indicative of the approach taken by DCJ through this implementation, which exacerbated the impost on funded services.

Barnardos has had less than 5 Alternate Care Arrangements (ACAs) over the current PSP contract period, however managing the associated administration processes with these placements creates significant additional and unfunded work. Barnardos' view is that the additional impost of this on the organisation is unreasonable, given it emerges from the lack of timely availability of ITC for a young person where this is assessed and agreed as the appropriate placement outcome.

Additional issues

As noted above there are several other issues of concern to Barnardos for which we request consideration as PSP recommissioning processes proceed.

Family preservation

As a critical component of the PSP reform, Barnardos holds considerable concern about the resourcing available to providers to deliver family preservation services, supporting the outcomes we are seeking for children and families. Further, our practitioners are raising concerns about preservation practice in the sector, with a specific focus on how children and young people are being kept safe, in the context of preservation. Barnardos regional Safety & Prevention programs report that the roll out of PSP packages in some of these districts has been slow, with limited packages available to support the obvious needs of families.

Gaps in service provision to vulnerable families – we hold real concerns that some families are not receiving the support they need to keep their children ongoingly safe. We note that some families, who are known to DCJ with significant risks presenting, are neither being referred to a FSP for support and preservation service, nor are they receiving these supports from DCJ. Published data for FY 19/20, shows that only 29% of those children who were subject of a ROSH report, were seen by DCJ. There remains a gap in data for the remaining 71% of children who were not seen, including what service some of these may have received from an NGO. The available data also brings into stark focus the increasing number of children reported to be at ROSH and the overall child protection reporting. Unfortunately, we are observing an ongoing emphasis on reporting, which diverts attention away from a system wide and shared approach to providing interventions for vulnerable families. A focus on data improvement around children and families who are intersecting with the child protection system is necessary and must inform enhanced responses to keeping children safe and within their families.

Case example – Four Aboriginal siblings, aged 9 years and under, came into Barnardos TFC program in 2016 with a restoration case plan goal. Restoration to their mother was achieved within 12 months. Following restoration, the mother was engaged in a range of supports provided by Barnardos, but ultimately withdrew from these after a period of time.

Following the disengagement of the mother from support, DCJ received several ROSH reports which identified educational, medical and environmental neglect and parental substance misuse. The children were allocated for DCJ response in August 2020 with DCJ reporting difficulties in engaging with the mother and working with her to address risks. The family were not re-referred to Barnardos. The children were re-removed from their mother's care in November 2021. One week prior to the removal DCJ agreed to refer the family back through Barnardos for support services, but unfortunately this was too late to avoid re-entry to OOHC. This example highlights gaps in provision of family preservation services even to those families where there is high risk of children re-entering care.

Application of SDM tools in DCJ practice – our family support services are apprehensive about the rigour that is in being observed in the application of the SDM Safety, Risk and Restoration assessments. It is noted that there is highly inconsistent application of tools, including failure to incorporate SDM definitions properly, a lack of focus on history to inform an assessment of future risk and problematic gaps in application of the SDM Restoration tool. The impact on external services is that our capacity to engage and support families with case plan goals is impaired, when this is not informed by a thorough and realistic evaluation of the level of risk.

Discussions around risk with families – we observe that there is a strong and admirable focus by DCJ staff on respectful practice with families. We share this focus but remain concerned that this should not preclude thorough assessments of risk and honest and transparent discussion about worries and concerns about significant ongoing risks to child safety.

Case example – Barnardos received a referral for a family into our Intensive Family Preservation Program concerning a parent pushing the face of a child into a plate of food, with the child losing several teeth and sustaining bruising as a result. The family had a long history of domestic violence. DCJ did not engage the parent in active casework, with the exception of one phone call where the parent denied the reported incident occurred. There was no exploration with the parent by DCJ around parenting or the use of violence, noting that DCJ viewed the past domestic violence as historical and not relevant to the current ROSH report.

The SDM risk assessment was undertaken with a resulting outcome of ‘high’. DCJ decided to override this result and put a ‘medium’ outcome in place. This decision was related to the view that the domestic violence was historical, however this had not been assessed at that point. This is not, in our understanding, aligned with SDM policy.

In this case, we formed the view that there was a tendency on the part of DCJ to believe the reports of parents without verifying the veracity of same. This is not consistent with a robust approach to assessing risk and establishing safety, nor with child safety based professional decision-making processes.

Further to this, at times we have also experienced difficulty in engaging with DCJ to become re-involved in circumstances where we are actively working with a family and we see risk either escalating or not substantially reducing. We would welcome better co-working in these matters.

Ensuring clarity about available service streams and referral processes – Expert practitioners in our Children’s Family Centres experience frustrations in trying to ensure that DCJ workers understand the programs that are available through our service and make correspondingly appropriate referrals.

Further, we are not confident that DCJ staff are clear with families about expectations of engagement and explain these when seeking the consent of the family to the referral. For example, the requirement of a visit to the family being at 3-5 times per week, is often not explained to the family by DCJ at the time of gaining their consent. Our practitioners find that when we commence our engagement, families are overwhelmed and not prepared for the intensity of the service provision. This issue impacts significantly on the level of engagement we get from families and the outcomes we can achieve.

Consideration of family safety networks as part of safety planning – Our practitioners understand the importance of employing family networks to provide practical and emotional assistance to parents who are experiencing vulnerability. However, inadequate consideration is being given to the safety of some of these arrangements for children.

Case example – Barnardos was working with a family through our IFP Program where the child was in an informal placement arrangement with the maternal grandmother, which DCJ considered to be a family arrangement with no need for risk assessment. Our workers arrived at the home to transport the child to an appointment, only to find the grandmother and other household members, drug affected. DCJ were apparently unaware there were other people residing in the home.

Restoration in practice

It is Barnardos' considered view that restoration practice in the sector could be significantly strengthened through a renewed effort to promote co-working and information sharing. As mentioned above, our practitioners are perplexed on occasion to the different approaches in districts and CSCs to their collaborative practice with FSPs. This extends as far as vastly different (and competing) viewpoints about the role and responsibility of FSPs in preparing reports and documentation for the purpose of Children's Court proceedings.

Case example - Barnardos TFC accepted a referral for a baby who had been removed at one month of age from his mother's care. His mother is young, with a traumatic history and her own experience in care. This was an 'out of area' referral, which meant the team were working with an unfamiliar CSC. Four months into the placement, TFC practitioners were experiencing challenges in engaging with the mother but were still hoping that with persistent efforts the situation might improve, when a phone call was received from DCJ advising that the matter would come before the Children's Court the following day and that final orders for PR to the Minister would be sought. This was surprising to our practitioners and came without notice. We were then told that we needed to provide DCJ with details of a proposed permanent placement for the child, contrary to our usual practice. Despite assurances of our Program Manager (based on her extensive experience in the same Children's Court) that provision of details of a permanent placement was not a necessary precursor to the making of an order, this was not accepted by DCJ staff.

Significantly and worryingly, there are ongoing gaps in information sharing by DCJ. Specifically, we understand that there is differential practice as to the willingness of CSCs to share the SARA with FSPs. Further, we have experienced some examples where even when the documentation is shared, there is a gap between the DCJ assessed level of risk and that observed by Barnardos once they are intensively involved with a family. While it is not unusual for there to be some differing views amongst professionals when assessing family dynamics and functioning, it is important that we can evidence as a system, how we can work together to best keep children safe.

Children's Court

The demands on FSPs relating to work arising through Children's Court proceedings is of real concern. There are a number of components to this, but key to note here include:

Family time – Our programs are reporting that they are required to supervise increasing levels of family time at the behest of DCJ or under order of the Court. Our analysis has shown that in excess of 30% of our caseworker time is undertaken supervising family time. We are concerned that the decisions about the appropriate levels of family time are not being made in discussion with our programs and there is minimal capacity to negotiate. Adult needs are being prioritised over those of children, exacerbating trauma. Further, there appears to be limited ability to re-assess the appropriateness of high levels of family time where parents are consistently not meeting restoration goals. This is detrimental to children and challenging for our programs. It is our view, that the purpose and goals of family time need to be carefully articulated and regularly reviewed to ensure it remains child focussed, meaningful and appropriate in the circumstances. PSP funding is clearly not adequate to support this investment of caseworker time, when considered alongside the other work that is required.

Assessments of prospective kinship carers – Practitioners in our TFC teams are experiencing increasing requirements of the Court to assess multiple prospective kinship carers concurrently. There are several concerns arising out of this, noting that the resourcing and timeframes for this to occur are often not realistic. It is common for there to be a requirement for multiple kinship carer assessments to be completed within 2-6 weeks. Noting the importance of comprehensive assessment to ensure a fulsome picture of the capacity of a prospective carer and the long-term sustainability of a placement arrangement, this is not a reasonable requirement.

Furthermore, and considering the delays in outcomes we are seeing, this appears to be happening at a later stage in the process, reflecting DCJ preference for sequential rather than concurrent approach to the legislative permanency hierarchy and proactive child focussed planning. We are also aware of circumstances where our practitioners are under criticism when before the Court for an organisational decision to exclude a prospective kinship carer from further comprehensive carer assessment on the basis of adverse probity outcomes and risk assessment, with pressure to proceed with further assessment processes. This appears on the surface to be a poor use of resources within a stretched system, only further serving to delay outcomes for children.

Permanent placement – In spite of the reform that has occurred under the PSP and noting Barnardos long standing practice of specialisation between short term care focussed on restoration and long term permanency programs, we are concerned to hear from our practitioners that there remain expectations from the Court that children can remain in a temporary placement as a long term option (with carers who are not approved or authorised to provide long term care) or alternately that a permanent placement must be specifically identified before a final order will be made. Our TFC carers are recruited with a specific and

clear purpose in mind, which is to support active restoration efforts. They bring their skills and experience to each placement, with the goal of supporting a child to return home to parents. They are a valued and critical part of TFC succeeding in this effort. However, they are not recruited or trained for the purpose of permanent or adoptive care and it is not appropriate that a child remain in that placement arrangement. This also exacerbates our ability to use these carers for new placements.

Our TFC and permanency programs have a long history of working to transition children who cannot return home successfully to placements with dually authorised prospective adoptive parents, pre-dating and aligning with the PSP reform intent. Our TFC carers can then focus on supporting another child and their family whilst restoration is pursued. It is disappointing that the well-established evidence-based practice of Barnardos is not influencing decision making within the Court context to avoid these issues delaying outcomes. We believe that better and more consistent collaboration between DCJ and FSPs and sharing of decision making, would assist in this regard.

Kinship Care

The explicit preference for kinship care when children cannot be restored to parents is appropriate and supported through Barnardos practice. The complexity of managing a child's family members in the same way as a non-relative foster carer is however considerable.

Case example – Barnardos placed a 15-year-old young woman with her uncle, when other placement arrangements broke down. The uncle has however refused to undertake a medical clearance or obtain certification for a backyard spa, arguing that these are bureaucratic requirements that don't relate to the safety or well-being of his niece, who is able to swim. He is unsure whether he can continue with the placement should the requirements be enforced and there is inadequate flexibility within the system to make exceptions based on individual circumstances.

The differential situation of relatives and kin warrants further thought in practice and in the context of child safety schemes. Additional consideration is also required in relation to the potential for making orders for Guardianship. Requirements on relative carers that apply to foster carers, are often perceived by them as unnecessary and invasive. These need also to be seen in the context of the additional pressures that many kinship carers experience due to family dynamics they must navigate. Many kinship carers do not welcome being identified as a 'carer', with all the associated requirements, when they are fulfilling what they see as their familial role. Compliance and safeguarding activities must be contextualised within the experience of relatives, so as not to undermine our efforts to prioritise kinship care above non-relative care, whenever this is assessed as safe and appropriate. With this in mind, it is suggested that a review of current probity and compliance activities as they impact on kinship care, should be considered a priority. Should kinship placements be unable to progress to

Guardianship this category of care is likely to become the new form of long term foster care, contrary to the intent of the PSP reform, and this area requires further consideration and close analysis.

Data

Mentioned above in this paper is the critical necessity of improved PSP related data sharing and analysis, specifically in terms of activity and process (what is occurring and how), the outcomes that are being achieved and timeframes in relation to the primary intent of the reform. As a result, Barnardos worked closely with ACWA during 2021 to produce a paper on PSP business and outcome reform data³, which outlined in detail the gaps and the opportunities that exist.

FSPs, including Barnardos, are frustrated and challenged by the lack of timely data availability. Current data sets are released months too late, with the most recent quarterly statistical report available (at the time of writing) for July to September 2020. Further, current data sets are too high-level to support sophisticated triangulation. An example being achievement of permanency outcomes against time in care. Data quality generated by DCJ on FSP activities and placements is consistently poor, requiring unfunded time-consuming remediation by NGOs such as Barnardos.

Amongst other deficits identified in relation to data outlined in this paper, is the limited available information on timeliness of permanency related outcomes for children in OOHC. It is absolutely critical that we continually work to improve the experience of this cohort of children and as such, we must have specific and detailed information about what happens for them, and how long they remain in the system.

In our view, DCJ and FSPs must collaborate to put in place cross sector governance arrangements, ensuring that all stakeholders have access to the relevant data as described without delay or lag in delivery, in order to analyse system performance and outcomes and make joint decisions that support improvements in the application of the strategy.

Conclusion

Barnardos remains firmly in support of the principles of the PSP and believes these should be re-affirmed as the Recommissioning process commences. It has been troubling to see this intent undermined as a result of implementation challenges and unforeseen consequences which have not been adequately addressed. The most fundamental threat to successful outcomes being achieved through the strategy lies in the unfortunate absence of consistent and genuine collaboration between DCJ and FSPs, with the agreed focus remaining firmly on

³ See 'Discussion Paper Improving access to key PSP business and outcome reform data March 21'

improving permanency outcomes for children. A commissioning approach provides the ideal environment in which to advance the practice of partnership and we look forward to the opportunity to work with sector colleagues and the Department to this end.