

Children and Young People Amendment Bill 2 2024



To:	Human Services Policy Team, Community Services Directorate
Email:	CYPAct@act.gov.au
From:	Barnardos Australia
Contact:	Dr Robert Urquhart - Head of Knowledge, Outcomes and Research
Subject	Children and Young People Amendment Bill 2 2024 Information Paper
Date submitted:	Tuesday, 14 th November 2023

Barnardos Australia (Barnardos) is a well-recognised and prominent not for profit children's social care organisation and registered charity, providing direct care and support to over 11,000 children, young people and their families in the Australian Capital Territory (ACT) and New South Wales (NSW) through our integrated Children's Family Centres (CFCs) each year (Moore, 2023). Barnardos CFC services are geographically located in, and targeted to reach, specific areas of poverty and socio-economic disadvantage. Barnardos also provides foster care for over 1,200 children, the majority of whom are referred to us by statutory child protection departments with poverty a directly contributing factor to childhood neglect.

We work in areas with significant Aboriginal populations such as Central West NSW, the South Coast, Western Sydney, Inner Sydney and the Queanbeyan-Palerang region. For close to 100 years, we have been working together with children, young people and families to break the cycle of disadvantage, and create safe, nurturing and stable homes, connected to family and community. For the last eight years, we have operated as the Lead Agency for the ACT Together Consortium, delivering services in partnership with the Community Services Directorate (CSD) for children and young people on ACT Children's Court orders.

Barnardos vision is to empower every child in Australia to reach their full potential. To ensure that all children reach their brightest future, vulnerable children and young people should be supported to recover and thrive despite the adversity they have experienced. Our practice approach to achieving these positive outcomes for children, young people and families is outlined in the Barnardos Practice Framework. The Framework is a major organisational strategic initiative, which is currently being implemented through to 2025 across Barnardos programs. It is underpinned by a collective understanding that children and young people thrive when the adults who care for them are supported and doing well.

Our knowledge of children and family services reform

Barnardos thanks the ACT Government for the previous opportunity to contribute our views on the proposed amendments to the Children and Young People Act 2008, which are well reflected in the themes of the Government's recently released *Listening Report: Changing the Children and Young People's Act 2008 – Stage 1*.

We welcome the Government's invitation to provide our feedback on the final amendments to modernise the *Children and Young People's Act 2008* in Stage 2 of the reform as outlined in the *Children and Young People Amendment Bill 2 2024 Information Paper*, based on our experience and knowledge of delivering effective evidence-based child protection and family support interventions to protect children from significant harm and always promote their best interests.

Barnardos has expertise in working with children and young people who are overrepresented in the child protection and youth justice systems, and knowledge of effective ways to reduce their involvement in crime through early intervention and prevention. For example, we deliver youth and homelessness services in the Australian Capital Territory and in the Sydney metropolitan, Western Sydney, Southern New South Wales regions.

Barnardos works with vulnerable children, young people and families with complex needs at risk of coming into contact with the child protection, out-of-home care and criminal justice systems to help them overcome the adversities and disadvantages they have experienced, ensure their best interests are protected and improve their wellbeing and life outcomes. We

work with our partners to strengthen care, justice, health, mental health, education, and housing responses to meet their needs and increase access for hard-to-reach populations, including:

- First Nations children and young people
- Children and young people who have been in contact with the child protection and/or youth justice systems
- Children and young people entering and living in out-of-home care
- Children and young people who are being reunified with their families and restored to their home
- Children and young people who are transitioning from care to be live independently as adults.
- Children and young people living in families in deep poverty
- Children and young people who are educationally disadvantaged
- Children and young people who have experienced family violence
- Children and young people at risk of or experiencing homelessness
- Children and young people with disabilities
- Children and young people experiencing mental health conditions including substance abuse disorders.

Overall, Barnardos supports the guiding principles of the legislative framework and welcomes the concepts and proposals outlined in the information paper that will inform the drafting of the proposed legislative amendments. We welcome adopting evidence-based risk assessment tools tailored to the ACT context. We also support the proposed changes to the Annual Review Report process (6.3), which is consistent with our current standard practice across all our out-of-home services.

Noting that we have already given written comprehensive feedback on the proposed legislative amendments in Stage 1 and that much of this feedback has already been integrated into Bill 2, our comments below are focused on areas where we believe draft Bill 2 can be best tailored to strengthen ACT families and keep children and young people safe. These comments are also in addition to the feedback given by our senior representatives at the Technical Workshop held on 27 October 2023.

Our concerns about how these principles and concepts will be operationalised, particularly regarding the challenges and barriers to effective implementation, are outlined below.

Tailoring draft bill 2 to address key implementation challenge and barriers

Information Sharing (2.1)

- Barnardos welcomes the ACT Government's recognition of the pivotal role of information sharing when working with vulnerable children, young people and their families, and we support the new information sharing model that has been proposed.
- Our long-standing views on the difficulties carers experience accessing critical medical information about their foster children due to existing legal and administrative barriers have previously been given in evidence to the ACT Legislative Assembly's inquiry into the territory's care and protection system and have been widely reported.¹
- In our experience, the existing ineffective and incomplete health information sharing arrangements continue to pose a significant risk to the safety of children and young people in foster care placements.
- It is our concern that, on the ground, health information sharing will remain ineffective despite the proposed reforms if these practical impediments are not systematically addressed and removed.
- Therefore, an alignment piece should be undertaken to prepare the way for implementing the reform, focussing on the health and out-of-home care interface to map the intersecting legislative and administrative requirements that often clash and propose the necessary practice and procedural remedies.
- The voice of young people and carers should shape the implementation of streamlined arrangements. We are aware that our young people and carers are keenly interested in the practicalities of sharing medical information and want better outcomes. The views of young people and carers should be further explored regarding what health information should be shared, with whom, when, and how frequently.
- This work could be steered by a small joint Government/NGO technical working group of key health, child protection and out-of-home care stakeholders to review and propose solutions to overcome challenges in cross-sectoral health information processes and procedures as part of system preparedness for implementing draft Bill 2.
- Barnardos would be happy to assist in developing suitable terms of reference for the technical working group and facilitating young people and carer input.

¹ See for example 'Extremely frustrating': Foster carers struggling to access critical medical records about children, group says". *The Canberra Times*, January 29 2020.

Mandatory Reporting (2.2)

- Barnardos acknowledges the expansion of mandatory reporting abuse types and particularly welcomes the inclusion of the risk of significant harm from exposure to domestic violence and neglect.
- We note from the presentation at the Technical Workshop accompanying the release of the information paper, that the Government believes the proposed reporting expansion will not result in a surge in reporting and an increased strain on services.
- However, our direct experience in the NSW jurisdiction has been that whatever the prediction has been by policymakers, in practice, legislative change and reporting expansion have almost always led to a heavy influx of reports that can be overwhelming for services.
- This being the case, it is critically important that the necessary support services are provided, including significant investment in training, infrastructure, and data analysis to ensure that reporting systems are equipped for an inevitable increase in reports.
- To assist the Government in building system preparedness and robustness for surges in reports, Barnardos is happy to share its in-depth experience of the extended impact of legislative reform and expanded reporting in the NSW jurisdiction on services and work in partnership with the ACT Community Services Directorate to help identify and enhance the likely weak points in existing reporting systems.

Orders: Better and more accountable case management (4.1 - 4.6)

- Barnardos strongly supports the Government's intent for the new orders and thresholds to deliver a strengthened approach to family preservation, reunification and stable and culturally appropriate care arrangements. We further welcome the accompanying provisions to enhance the quality of child protection case management.
- We strongly support applying the active efforts principle (1.6) to take proactive steps to prevent children's placement in out-of-home care or restore them to home if they have entered care. Where returning home is not feasible, or in their best interests, we strongly support placing them with family, kin or community.
- A challenge experienced across state and territory jurisdictions is that too often, once children have entered care, children's placements may drift, especially where purposeful child-centred actions with a sense of urgency are lacking. As a result, timeframes towards permanency continue to blow out despite legislative reform.
- It is therefore critically important that the active efforts principle be translated into concrete practice guidance accompanied by the necessary investment in training, support and data analysis to support timely, purposeful activity and consistent decision making. For example, these guidance elements could include (but not be limited to):
 - Achieving comprehensive restoration plans that are reviewed regularly
 - Accomplishing FFT referrals or family support as soon as possible for successful restoration

- Proactive family finding efforts
 - Family Group Conferencing
 - Supports in place to allow for risk tolerance in preservation efforts.
 - Family STAR action plan.
 - Flexible and assertive outreach (e.g., IIS)
- This essential training, infrastructure, and practice quality work should build on areas in the system where active case management, and provisions that support the delegation of powers to external organisations, are already working well.
 - Further, from our experience, we know that case management is most effective when decisions can be made by those working closest and in collaboration with children and families. For example, delegating parental responsibility to non-government service providers in NSW provides effective and timely decision-making. This has been evidenced since 2007 (when the delegation first came into effect in NSW) and diminishes duplication of roles and service delivery and enhances case management.
 - Barnardos has a proven track record in delegated responsibilities and is happy to provide suggestions on how the aspects of the system where a partnership approach is already working well could be leveraged to ensure the new orders and thresholds achieve their intent.

Further information

Our Chief Executive Officer, Deirdre Cheers, is available to provide detailed verbal feedback as part of the ongoing consultation process on the draft Bill 2 as it is further developed and the scope of a final Bill is determined.

Thank you once again for the opportunity to provide this written submission, and please contact Dr Robert Urquhart, Head of Knowledge, Outcomes & Research on rurquhart@barnardos.org.au, tel (02) 9218 2392 or mobile 0431 404 199 should you require further information on our feedback.