MICAH PROJECTS INC

**Breaking Social Isolation
Building Community**

Micah Projects Inc.

Submission to the Queensland Child Protection

Commission of Inquiry

April 2013

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1. Introduction

Micah Projects welcomes the opportunity to provide a submission to the Queensland Child Protection Commission of Inquiry (the Inquiry). We recognise the outcomes of the Inquiry will have a longstanding and significant impact on the future of Queensland's child protection system.

In response to the Terms of Reference for the Inquiry we provide below a proposal for significant reform to particular areas and focus of the current system.

Micah Projects submits that a responsive, effective and efficient child protection system in Queensland must investigate a new approach to child safety; place a much needed emphasis on partnerships across the child protection system; focus on effective and robust intake systems and entry points; invest effectively and efficiently in a strong secondary support system and evidence based models of secondary service provision; have flexible and innovative permanency planning processes; focus on parents' rights in the decision making processes within the child protection system; and, further recognise the impact of historical abuse and past mistakes in the child protection system and the intergenerational and longstanding impact of trauma.

In particular, through these options, we have addressed the following Terms of Reference:
- whether the current use of available resources across the child protection system is adequate and whether resources could be used more efficiently
- the current Queensland government response to children and families in the child protection system
- the transition of children through, and exiting the child protection system
- the effectiveness of monitoring, investigation, oversight and complaint mechanisms and ways to improve the oversight of and public confidence in the child protection system.

The submission also supports the Commissioner's task to include recommendations on the following issues:
- any reforms to ensure that Queensland's child protection system achieves the best possible outcomes to protect children and support families, and
- legislative reforms.

A number of the questions from the recent Discussion Paper are addressed throughout this submission.

2. About Micah Projects

Micah Projects is a community organisation working with vulnerable individuals and families living in Brisbane. Micah Projects provides services for people with a wide range of needs relating to homelessness, mental health, disability, historical abuse in institutions, domestic violence and social exclusion. **In 2011-12 we supported 2884 adults, and 1319 children in Brisbane**.

The majority of Micah Projects' funding is from the Queensland Government, with 34 contracts across the Department of Communities (Community, Child Safety, Homelessness, Women's and Disability Services) totalling more than $11 million.

Micah Projects is a secondary service, working with individuals and families who are at risk, in crisis or vulnerable in one or more ways.

Micah Projects' work with vulnerable children and their families differs based on service type, funding and eligibility. However this work can be broadly categorised in two different areas – 1) adult-focussed and 2) child and family-focussed services:

1. **Adult-focused services**

Micah Projects' adult-focussed services are funded to work with adults with needs relating to homelessness, mental illness or disability, historical abuse in institutions and social exclusion. However they have contact with significant numbers of parents presenting with their children, many of whom are vulnerable or at risk of harm. For example, last year our Assessment and Referral team supported **297 families with 526 children that were homeless or at imminent risk of homelessness** to find or maintain housing.

The main presenting reasons for families accessing these services are:
- homelessness or housing crisis
- domestic violence
- financial difficulty
- mental illness or disability
- historical abuse in an institution.

Secondary issues identified by individuals and common across individuals accessing Micah Projects' services are:
- substance misuse
- mental illness
- chronic disease
- financial difficulty
- housing stress.

There is increasing knowledge about the risks to children who are exposed to domestic and family violence, homelessness, parental mental illness and problematic alcohol and substance abuse.

In recent years, Micah Projects has worked proactively to improve our response to vulnerable children accessing our services, regardless of eligibility, funding stream or entry-point to the organisation. A recent Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) funded project under the child aware initiatives program saw the organisation

develop and trial an evidence-based practice guide for workers in adult-focused teams to assess for children's needs and implement brief interventions to respond to these needs (see attachment 1).

Micah Projects work with Forgotten Australians 1998-2013

Forgotten Australians are people who as children were placed in care in an orphanage, home, or other form of out of home care during the last century. Since our inception, Micah Projects has worked in partnership with Forgotten Australians for 15 years to seek justice for the abuse many experienced as children. We established the nation's first dedicated Forgotten Australians support service and resource centre in partnership with the Historical Abuse Network (a peer network for people who have experienced abuse in institutions, foster care and detention in Queensland).

Micah Projects Forgotten Australians Support Services are based at Lotus Place and include:
- state-wide information and referral
- drop in space for individual support and group activities
- community education, memorials and rituals
- Esther Advocacy and Redress Services, processing complaints through internal church and organisational processes, civil and criminal systems.

Micah Projects' extensive experience working with adults who were in care themselves as children, informs our approach to working with families and children today.

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2. **Child and Family-focussed services**

Micah Projects has worked proactively to develop and deliver **quality secondary family support services**. Currently, the organisation has the following services within our Family, Women and Children's Service Area:

Brisbane Domestic Violence Service – Brisbane's regional domestic violence service delivering information, crisis support, outreach casework support and programs for children.

Services Provided (Jan – Dec 2012)
- 2502 hours of general service availability information, advice and referral
- 5165 hours of counselling provided to adults, and 934 hours provided to children
- 27 community education events.

Young Mothers for Young Women – Supports young women who are pregnant and parenting through a model that brings together peer support, groupwork, early childhood programs and family support. Young Mothers for Young Women also partners with Mater Health Services to provide community facilities and support for their community antenatal clinics for more than 400 young women birthing at the Mater Mothers Hospital.

> **Services Provided (Jan – Dec 2012)**
> - casework support to 119 families with 124 children under five years of age
> - 72 women with 89 children participated in peer support and early childhood programs
> - 84 groups were held with an average attendance of nine women and 10 children under five years of age.

Family Support and Advocacy team – In 2012 Micah Projects integrated a number of family support positions across the organisation so that families needing outreach family support would receive the same service regardless of their entry point to the organisation, eligibility or needs. The team works with families who are homeless, at risk of homelessness, experiencing domestic and family violence, and young parents.

> **Families supported Jan – Dec 2012**
> - 40 families, with 105 children, at risk of homelessness
> - 44 families and 119 children who were currently homeless
> - 40 families with 45 children under five years of age.

3. Innovation, research and evaluation projects focused on vulnerable families

Micah Projects has a significant history of involvement in innovation, research and evaluation projects within this area.

In 2003 Micah Projects contributed to *More than Just a Roof: A study of family homelessness in Queensland*[1]. This study explored the needs of families experiencing homelessness, concluding that family homelessness is a phenomenon requiring more than just the provision of affordable housing. The impact of homelessness on the children of the families involved in the study was substantial, including emotional impacts, behavioural problems, schooling disruptions and difficulties attending school. The study highlighted the needs of parents for support, particularly around managing children's behavioural problems, accessing child care, and ameliorating the impact of stress and other negative feelings on their children.

Micah Projects continued to support research and evaluation in the area of vulnerable families and children, and in 2007 Professor Karen Healy conducted an evaluation of the *Walking Together Project*, a 12 month project by Micah Projects providing support to 12 families to protect, nurture and be connected with their children; and engage constructively with the Department of Child Safety and other stakeholders in addressing child protection matters[2]. Parents were referred from the Historical Abuse Network, and were former residents of Queensland children's institutions. The *Walking Together Project* was found to be successful in

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[1] Walsh, P., Milford, C. and Cain, L. 2003, *More Than Just a Roof: A Study of Family Homelessness in Queensland*, Queensland University of Technology Centre of Philanthropy and Nonprofit Studies, Brisbane.
[2] Healy, K. 2007, *Walking Together: Valuing Children, Engaging Parents*, Micah Projects, Brisbane.

advocating for parents and grandparents and increasing their engagement with child protection service systems and other human service systems.

In 2011 Micah Projects again revisited the issue of family homelessness, conducting a research project comparing vulnerable families' experiences of, and outcomes associated with, crisis intervention and outreach planned family support services. The project tracked an initial 88 families over a 14 month period. The report found a number of vulnerabilities for families outside of pure housing need. The families had high levels of involvement in child protection[3].

In 2012 Professor Karen Healy was contracted to evaluate Young Mothers for Young Women, a program of Micah Projects which provides antenatal support, family support, peer education, advocacy and early childhood programs to pregnant and parenting women under the age of 25 years. The evaluation identified a number of strengths and challenges for the program, with a key recommendation being to "Consider development of… a "family hub" within Micah Projects"[4].

Micah Projects has worked to continually improve our practice with vulnerable children and their families. Although Micah Projects is primarily funded to work with adults, the organisation supports large numbers of at-risk children through family, child and adult-focused service delivery teams. In 2012 Micah Projects received funding from the Department of Families, Housing, Community Services and Indigenous Affairs under the Child Aware Approaches funding. Micah Projects worked in collaboration with the Parenting Research Centre and Griffith University to both evaluate Micah Projects' efforts and progress in becoming more child aware; and extend and enhance the service and practice improvements the organisation has initiated over the past years. Critically, an evidence-based Child and Parenting Needs Practice Guide was developed to structure the work of adult-focused services in their engagement with children[5], as mentioned above.

4. Analysis and recommendations

4.1   A new approach

Western OECD countries have adopted two different approaches to child safety[6]; a child protection approach or a family service approach.

A child protection approach, which focuses on the early involvement of government if there is suspected abuse or neglect and includes coercive intervention at an early stage in any work with families. This is the current approach which is used in Queensland and up until recently in most Australian States. This approach focuses on preventing *possible* immediate harm to a child but

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[3] Healy, K. 2011, A *study of crisis intervention and planned family support with vulnerable families*, Micah Projects, Brisbane.
[4] Healy, K. 2012, *Evaluation of Young Mothers for Young Women,* Micah Projects, Brisbane.
[5] For more information see the Micah Projects webpage - http://www.micahprojects.org.au/services/innovation-research-and-evaluation-unit/child-aware-approaches-project
[6] Allen Consulting Group 2008, *Inverting the pyramid: Enhancing systems for protecting children,* Australian Research Alliance for Children and Youth, Melbourne.

unfortunately there is no evidence that this achieves positive longer term outcomes for the well-being of the child, in fact there is considerable evidence to the contrary. Please refer to section *4.8 Forgotten Australians – historical abuse* for more information regarding the historical context.

Recommendation:
Micah Projects recommends a family service approach to child safety. This starts with the recognition that, in all but a small percentage of cases, children are best cared for within the family. Family wellbeing and the parent-child relationship are the foci of support. Community based intervention and support to the family and child is normalised and parents feel comfortable in accessing services. The use of coercive statutory intervention is a last resort.

The goal of the new system: A new and reformed service system must be driven by a goal to prevent rather than respond to child abuse and neglect within their families.

The guiding value of the new system: The guiding value must be that abuse and neglect *can* be prevented in the vast majority of families, given adequate support early enough[7].

The role of primary, secondary and tertiary services in the new system:
- Secondary services providing targeted support to "at risk" families must be at the centre and the essential focus of the new system.
- Primary services should accept responsibility for working with complex family issues and be able to support secondary services.
- Tertiary child safety services should view themselves as a service of last resort dealing with the most extreme and self-evident cases. They must accept that a strong secondary service system is essential for the safety and well-being of the child and trust that this system has the ability to accurately assess risk and refer to and work with the tertiary system as necessary.

4.2   Partnerships

Relevant questions from the Discussion Paper:
- *What is the best way to get agencies working together to plan for secondary child protection services?*
- *What is the best way to get agencies working together to deliver secondary services in the most effective way?*

Partnerships across the **whole** child protection system are essential.

Micah Projects submits that the current system:

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[7] See p.29 of the Allen Consulting Group 2008, *Inverting the pyramid: Enhancing systems for protecting children,* Australian Research Alliance for Children and Youth, Melbourne.

- Has not developed essential models of partnership that are necessary to provide integrated services for families, in particular building an effective partnership between government and non-government services
- Has not provided avenues which enable the parent's views to be respected and fed into all levels of the system – at the policy and program level as well as at the intake and assessment stage and at the case planning and service provision level.

The Inquiry has recognised the importance of service agencies working together to improve responses to families and children to ensure the safety and well-being of children.

Micah Projects submits that mandated collaboration is not an effective response. A new and integrated response to delivering services requires a "partnership" approach, **not just between funded non-government services but also between government and funded services and between the services and families.**

Such an approach has been clearly supported in all recent research. A recent report published by the Australian Research Alliance for Children and Youth identified the need for collaboration across the range of primary, secondary and tertiary services that aim to prevent the occurrence or re-occurrence of child abuse and neglect[8]. This conclusion is supported by the experience of Micah Projects and the services it works with.

Recommendations:

Implement essential elements of partnerships in the child protection system

- **Shared vision**

All parts of the reformed service system (universal, secondary and tertiary, government and non-government) need to develop a shared vision around preventing child abuse and neglect. This system must focus on working with parents to meet their aspirations for their children and themselves as a family and on outcomes for the child both now and in the longer term. The articulation of a shared vision should be developed through joint planning and the identification of the desired **outcomes** for children and families and working "with" rather than "on" families. The "outcomes" focus is essential to redirect the system towards actual improvements in children's lives – as distinct from the current focus of the system on measuring system processes and outputs.

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[8] Allen Consulting Group 2008, *Inverting the pyramid: Enhancing systems for protecting children,* Australian Research Alliance for Children and Youth, Melbourne.

- **Culture change**

Building a supportive culture which ensures mutual respect and shared responsibility between professional groups and providers is essential. This will involve significant cultural change within organisations which will be helped by:
  - liaison officers to be embedded in another agency (an effective element of Child FIRST model in Victoria)
  - shared assessment frameworks around risk as well as a shared view of how to respond to it
  - joint training
  - integrated case management
  - possible co-location and integrated services.

- **Local area planning and implementation with an integrated governance model**

This needs to be at the local level, supported and facilitated by a similar integrated governance model at the central level. This submission supports the proposal in the Commission of Inquiry's Discussion Paper (pp.53-55) for a locally developed family support needs plan as a means to enable multiple agencies to work together to deliver services to families that require them.

Essential pre-requisites for successful joint planning and implementation are:
  - Resources for planning and building collaborative mechanisms that provide equal weighting to views of government agencies, local non-government service providers, as well as service users - local families and their children (we question the need for local government involvement as in most instances they are neither a service planner nor a service provider)
  - A governance model for local planning that involves all of the above partners and segregated funds to allow the planning to progress unimpeded (attempts at local area planning in human services have been unsuccessful in the past as they have relied on internal departmental resources that are progressively withdrawn as they are overtaken with more urgent service demands. As well they have been unsuccessful because of too much interference from centrally located policy and program "experts" in the department with little or no local knowledge and experience)
  - A shared vision and agreed power-sharing and/or partnering with non-government service providers as well as with service users, in particular vulnerable families and children
  - Delegation of resources to the regional level to allow effective implementation.
  - Recognition and resourcing of the costs of coordination to all participating agencies.

- **Reform to funding and accountability arrangements**

Current purchasing and contract management arrangements by the department encourage competition rather than collaboration between services at the local level. In addition, the Department's approach to contract management builds mistrust and blame-shifting between the funder and the service provider. Local funding arrangements which require the development of agreed local plans and collaborative contracting are strongly supported. Collaboration and cross agency work should be rewarded. A vastly improved relationship between government and non-government services is essential for professional partnerships and respectful and collaborative practice. It is important that collaboration and capacity to deliver services to match demand and expected outcomes are funded alongside each other to achieve improved outcomes for children and families, and a sustainable service system.

- **Strong leadership**

Strong leadership is essential for this change to occur and must come from the highest levels of government. Politicians as well as the media will need to reinforce the new approach rather than reacting negatively to any public instance of child abuse or neglect in a way that leads to back-tracking and reinforcing the current risk-averse approaches.

- **Partnerships with parents**

Micah Projects' experience of working with families indicates the absolute importance of respecting the perspective that parents bring to any discussion of what works in prevention and early intervention in the child protection system. Current programs are developed and delivered "top-down", involving some consultation with children through the work of the Children's Commission and advocacy organisations like Create, but no consultation at all with parents. Solutions are developed without an understanding of the values or the perceived needs of parents.

If the focus of a new child protection system is to be on providing improved and integrated primary and secondary services, then it is essential that parents are involved and their views taken into account at all levels of policy and program design and implementation.

At the policy and program level, Micah Projects has been actively involved in developing and supporting the Family Inclusion Network in Brisbane. We have conducted forums and collected evidence from our service users – parents whose children have been taken into care.

Their views have been brought together in Part 2 of a recent submission provided to the Child Protection Inquiry by the Brisbane Family Inclusion Network (January 2013). They have very clear views on what services they need to help them and their children to prevent the intervention of child safety and they have very clear views about who should provide them (pages 19-20). They can state clearly what is needed to ensure children are reunited as quickly as possible with their family (pages 20-24).

Micah Projects submits that:

- For a reinvigorated primary and secondary service system to work the views of parents must be taken into account and they must be actively involved, through organisations like the Family Inclusion Network, in both central and local area planning and implementation. The system cannot be improved without this advice about what works. New funding should be available for a system of family inclusion groups across Queensland.

The voice of parents in any child protection intervention is further explored in section *4.7 Parents Rights*.

4.3   Intake systems and entry points

Relevant questions from the Discussion Paper:
- *Which intake and referral model is best suited to Queensland?*
- *Should the department have access to an alternative response to notifications other than an investigation and assessment (for example, a differential response model)? If so, what should the alternatives be?)*

An essential element of the new child protection system must be the development of multiple intake points for the variety of concerns that presently clog up the child protection system. This system has become the central point for too great a range of matters. It has become unwieldy and unmanageable and the Child Safety Department is unable to continue to manage all of the concerns that are reported to it. Two concerns in particular require a specialist and separate intake point: domestic violence and child sexual abuse. Parallel to this there needs to be multiple community based entry points across the state for families to self-refer to secondary services.

Recommendations

Micah Projects submits that a reformed intake and referral system should include:
- **A single government intake system for <u>statutory child protection concerns</u>** with the capacity for differential response
- **The establishment of a specialist intake point for domestic violence related matters.** These matters are more appropriately dealt with in the first instance by the police, the courts and specialist domestic violence services. This should be the first and visible point of contact
- **The establishment of a specialist intake point for sexual abuse related matters.** These matters relate to criminal proceedings and an immediate and possibly forensic investigation is required. Specialists involving police, health, Attorney General's Department and sexual abuse services should more appropriately be the first point of contact.
- **The secondary service system must have a number of easily accessible and visible entry points where immediate help can be obtained.** This could mean one in each

region developed and funded on the basis of local area plans (discussed above under Partnerships). Access through a single point of contact (as envisioned in "dual referral pathway") will only lead to referrals and no immediate help from services, even though the need may be urgent.

- **Voluntary self referral to the secondary service system.**

A potential model for intake for domestic violence matters which should be explored for Queensland is the United States Family Justice Centres. These centres aim to co-locate comprehensive criminal justice and community services to reduce the number of family violence incidents, recidivism and homicides by making it easier for victims of domestic violence to seek assistance. The centres provide safety planning, counselling for victims and their children, civil legal information, meeting with a prosecutor, assistance with accessing shelter and applying for housing, assistance in filing police reports, support groups, and language interpretation [9].

A potential model for a specialist child sexual abuse intake system is the United States Child Advocacy Centres. Child Advocacy Centres are community-based child-friendly multidisciplinary services for children and families affected by sexual abuse or severe physical abuse. They bring together (often in one location) law enforcement, prosecutors and medical and mental health professionals together with child protection investigators to provide a comprehensive response to victims and their caregivers. A recent cost benefit analysis has indicated significant savings through this approach compared to the traditional approach through child protection and the police. And this excludes the longer term savings likely through addressing early the likely negative impact into the future on the child's physical and mental health and related problems including criminal activity[10].

Entry to the secondary service system. Simply replicating Victoria's Child FIRST model with its community based intake and dual referral pathway is not an appropriate road map for Queensland. The Victorian model was built on a much stronger and well funded secondary service system and only developed after extensive regional and local planning, partnership building and collaborative tendering. These systems and services need to be built first in Queensland. A coordinated regional secondary service system with a single entry point for a whole range of family supports may be one possibility but this would depend on many factors – geography, history, specific regional needs, existing services and how they work best together etc. When the secondary service system is well-developed, it is important that it should not be confused by parents with the child protection intake system. It must remain separate although this does not, of course, preclude professionals, including possibly an outposted child protection officer, supporting the agencies in decisions about the need for tertiary services.

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[9] Family Justice Center Alliance, n.d., *The Family Justice Centre Approach,* viewed 4 March 2013, http://www.familyjusticecenter.com/the-family-justice-center-approach.html
[10] Shadoin, A., Magnuson, S., Overman, L., Formby, J., Shao, L., 2006, *Cost-Benefit Analysis of Community Responses to Child Maltreatment: A Comparison of Communities With and Without Child Advocacy Centers*, National Children's Advocacy Center, Alabama.

There is clear evidence from a range of forums Micah Projects has held with parents, in concert with the Family Inclusion Network Brisbane, that parents often do not seek support because they fear it will be used against them by Child Safety:

> *"...it (the place to get help) should just be a safe place where you can be open and get help when you need support so it doesn't get to child (protection) services."* (FIN Submission to Inquiry p. 7).

Voluntary self-referral must be a keystone of the new system in Queensland.

If the various systems of intake and entry to the secondary and tertiary systems described above were adopted in Queensland, then the alternative pathways to the provision of appropriate responses becomes self-evident:

- a child and family welfare response
- referral to forensic child protection investigation for sexual abuse or serious physical harm
- referral to domestic violence system response
- a family services matter to be dealt with by the secondary service system.

If these various intake and entry points are visible and accessible then "a differential response" approach may become redundant. Cases will by-pass the child protection system entirely.

4.4 Investment in a strong secondary service system – value for money

Relevant questions from the Discussion Paper:
- *Where in the child protection system can savings or efficiencies be identified?*
- *any reforms to ensure that Queensland's child protection system achieves the best possible outcomes to protect children and support families.*

Micah Projects submits that investment in the delivery of high quality secondary services that address the holistic needs of families can improve effectiveness, efficiency and economy across the wider child protection system.

Recommendation:
- **Provide additional transitional funding to make the move from an over investment in tertiary services across to secondary services in anticipation of equivalent savings at the tertiary end being achieved in the next 5-10 years.**

The current distribution of resources across the child protection system is not efficient. Based on early and experimental estimates of expenditure in various activities in the child protection system, the Productivity Commission's Report on Government Services 2013 suggests that Queensland's relative expenditure in the child protection system is heavily weighted towards

the tertiary end[11]. Despite differences in definitions between states, the relatively poor investment in Queensland in family support is hard to ignore:

Proportion of total child protection expenditure on family support services (per cent) 2011-12

Activity Group	NSW	Victoria	Queensland
Provision of generic family support services	17.6%	13.4%	7.2%
Provision of intensive family support services	14.7%	9.8%	4.2%
Total Family Support Services	**32.3%**	**23.2%**	**11.4%**

(Based on Table 15.3).

Table 15A.3 of the same report indicates that in 2011-12 Queensland spent close to $50,000 per child for out of home care services. This excludes the cumulative costs of notifications and investigations, detailed further below. The cost of $50,000 per child is likely to be an over-estimate as it is a point in time calculation (at 30 June), nevertheless there is much evidence to support the low cost of early intervention services relative to the cost of a child in care[12].

Micah Projects has done detailed work on its costs for a range of family support services:
- For an average of $3740 per year, a household is prevented from becoming homeless. Intensive, planned, family support can be provided in their home and community.
- For an average of $4618 per year, members of a family including pregnant and parenting young women, their children and partners can receive intensive planned support and advocacy across a wide range of areas to build family resilience.
- For an average of $1830, family members, including pregnant and parenting young women, their children and partners can access approximately 62 sessions per year of group programs aimed at antenatal care, early childhood development, social connections and parenting. This cost also supports over 1370 instances of information, advice and referral per year.
- For an average of $9725 per year, family members including children can be supported to have safe and healthy relationships free from fear. They can access domestic violence safety planning, counselling and support. This cost also supports 1600 instances of information advice and referral per year and promotes prevention through community events, meetings and collaboration.

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[11] Productivity Commission 2013, *Report on Government Services,* Productivity Commission, Australia.
[12] Productivity Commission 2013, *Report on Government Services,* Productivity Commission, Australia.

- For an average of $7576 per year, families are moved from crisis to stability. Families in need of urgent support due to homelessness or domestic violence are supported from homelessness to being housed and connected with local services.

The relative cost efficiency of early intervention services cannot be doubted.

a) Potential savings in the current system:

Apart from Queensland's obvious under-expenditure in prevention and early intervention services relative to other states, the area where it has the consistently highest or second highest expenditure amongst the states per child is in notification, investigation and substantiation.

The relative expenditure per child in each state in Table 15A.2 of the Productivity Commission Report 2013 (see selected detail below) indicates that there are large potential savings to be made in Queensland through the abandonment of the current intake and assessment system and by the implementation of a system which allows:
- Multiple entry points to the system
- Differential responses at intake
- Abandonment of the current time consuming structured decision making system.

Real recurrent expenditure on child protection services, per notification, per investigation and per substantiation (2011-12)[13]

Activity	NSW expenditure per activity	Vic expenditure per activity	Qld expenditure per activity
Notification	$3,118	$2886	$12,337
Investigation	$5,913	$11,462	$12,337
Substantiation	$13,358	$20,300	$39,870

(Source: Table 15A.2)

b) Savings in contracting/monitoring non-government services

There may be potential savings in this area as indicated in the Commission's Discussion Paper, but any savings should be invested in more useful evaluation of the results of the work of non-government services. Current departmental effort and monitoring is focussed on a very simplistic system of counting outputs of service with little or no recognition in the system of costs associated with geography, complexity and type of family needs, and most importantly evaluation of results.

Significant savings could be achieved by abandoning current internally conducted departmental program evaluations (very few of which have been made publicly available) and investing resources instead in an independent body that is able to focus on evaluation of outcomes and translating lessons for best practice directly across to service providers in order to continuously

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[13] Productivity Commission 2013, *Report on Government Services,* Productivity Commission, Australia.

improve service delivery. This would be significantly more productive than measuring outputs and unit costs.

4.5   Characteristics of a secondary service system - complimenting universal and tertiary services

Recommendations:
- **Recognise the large and complex range of secondary services needed to support vulnerable families**
- **Invest in holistic, coordinated and integrated secondary support services, investigating evidence based models**
- **Invest in secondary support in both disadvantaged areas and densely populated metropolitan areas.**

The Queensland Government and to a certain extent the Queensland Child Protection Commission of Inquiry has focussed on secondary services as a "program category" that delivers "intensive family support". There has been a consistent failure to recognise that a large and complex range of secondary services are needed.

Micah Projects, through its work with families, has evidence that many families that are notified to Child Safety are not maltreating their children but are experiencing a range of difficulties such as maintaining their tenancy and homelessness, domestic violence, drug and alcohol abuse, poverty and unemployment. The supports they are seeking include:
- support during homelessness and access to affordable housing
- mental health services
- disability services
- support before child birth
- support after child birth
- rehabilitation from drug and alcohol misuse
- respite services during times of stress
- general help with how to be a good parent.

To enable us to work successfully with these families, Micah Projects applies for funding from a range of different "program categories" and then integrates them to meet the presenting needs of families and their children (while still maintaining separate accounts on budgets and output measures to meet the requirements of different program areas).

We know that vulnerable families typically cycle continually through services. Even where quality assistance is rendered it can still fail to produce sustainable outcomes for families if this assistance does not address the family's needs in a holistic way.

It is crucial to note that **addressing homelessness as an immediate priority** in supporting vulnerable families is critical to the ability of support services to achieve positive family outcomes.

Any presenting issues must first be considered in the context of homelessness, applying a Housing First[14] model to interventions. We submit that individuals and families need to be provided with safe, secure and affordable housing before services around other issues can be effective.

The experience of homelessness is an inherently traumatic event for families. For a family entering homelessness, grief and loss issues for both parents and children have a significant impact, as families lose their home, familiar environments, routines and relationships.[15] Following entry into homelessness, families' journeys within the homelessness service system are often protracted and characterised by extreme uncertainty and a profound lack of security and safety.[16] Given this continued unstable and stressful environment, the provision of safe and long-term housing is crucial for the experience of trauma to be addressed adequately.[17]

Furthermore, meeting the developmental outcomes of children and young people requires a range of **specialist services across health, education and community services**. Currently services in these areas are not able to effectively meet demand. Access to specialists and appropriately trained staff in some professions is also a barrier, preventing the needs of all children and families being met.

Consensus is growing that there are two main forms of assistance required in order to assist vulnerable families. These are:
1. provision of safe, secure and affordable housing; and
2. provision of a continuum of individualised and open-ended support, including outreach services, that wrap around families in a range of areas (therapy, health, life skills, housing assistance etcetera) for as long as the services are required.[18]

In this submission we argue that for the provision of services to vulnerable families to be most effective and have the capacity to address the ever complex needs of families across varying population groups in Queensland, **the secondary service system needs to**:

- be informed by lessons and evidence from models of family support service provision shown to be effective from state, national and international programs

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[14] Housing First requires the rapid identification and provision of suitable, long-term housing, followed by the provision of services individuals and families require to maintain this housing. (National Alliance to End Homelessness, *What is Housing First?,* National Alliance to End Homelessness, viewed 3 January 2012, <http://www.endhomelessness.org/content/article/detail/1425>.
[15] Tischler, V., Edwards, V., and Vostanis, P. 2009, *'Working therapeutically with mothers who experience the trauma of homelessness: An opportunity for growth'*, Counselling and Psychotherapy Research, vol. 9, no.1, pp.42-46.
[16] Mission Australia 2011, *Seen and Heard: putting children on the homelessness agenda,* Mission Australia, Australia.
[17] Reynolds, F. 2009, *'Houselessness Actually: Evidence for Housing First'*, Parity, vol.22, no.9, pp.48-49.
[18] Flinders Institute for Housing, Urban and Regional Research 2008, *Women, Domestic and Family Violence and Homelessness: A Synthesis Report*, report prepared by S. Tually, D. Faulkner, C. Cutler and M. Slatter, Office for Women, Department of Families, Housing, Community Services and Indigenous Affairs, Canberra, p.v.

- directly fund integration and coordination and include it in service design as opposed to expecting it as an outcome of effective service delivery

- encourage integration and coordination at the local level through local leadership and strengths rather than the introduction of a new service model and a new service provider (see our recommendation on local area planning in the section on Partnerships above)

- invest in secondary support in both disadvantaged areas and densely populated metropolitan areas. **Micah Projects does not agree that funding should be directed only to areas of high disadvantage**. We argue that the current focus on a place-based approach to addressing disadvantage runs the risk of further alienating 'hard to reach' families and missing those families who may move frequently in and out of disadvantaged locations. Utilising place-based data such as the Socio-Economic Indexes For Areas (SEIFA) rankings means that highly disadvantaged families that do not live in a disadvantaged area miss out on the support they need. We know that there are high levels of need in metrpolitan locations such as Brisbane, if we look at raw numbers rather than per capita SEIFA scores. Linkages with regional cities and metropolitan areas is critical as a significant population of people are dislocated and disconnected from a local base, are highly transient, issues of vulnerability are often intergenerational, and they require intensive support to break the cycle of disadvantage and reconnect back into communities.

- use a common approach to intake and assessment at the point of first entry into the service system

- focus on meeting immediate needs and moving towards comprehensive assessment of families if stability is not achieved (see p.23 of this submission for an outline of the Progressive Engagement model).

- have the flexibility and capacity to match the level of service to the level of need, tailoring to meet diverse needs and circumstances

- maintain a focus on prevention and early intervention and invest sufficiently in the provision of secondary services

- clearly articulate outcomes for service provision in line with reducing risk factors associated with family breakdown and entry into the child protection system; and increasing family protective factors

- connect formally and appropriately with universal, tertiary and other secondary services

- utilise a family support model that:

- o recognises holistic needs of vulnerable families;
- o uses a multidisciplinary approach;
- o has the ability to respond to emerging child and family needs; and
- o focuses on supporting parents in the change process.

- invest sufficiently in the provision of secondary services and align resources across domains such as housing, family support, health, education and child protection

- incorporate evaluation into funding design and have a clear line of sight between research, policy and practice.

Potential models

Consideration should be given to a range of service models and elements of effective service provision which may be appropriate and reflective of a strong and responsive service system outlined above. Some are listed below:

Community hubs

Experience in Australia in recent years is indicating that the co-location of services in "hubs" enables families with multiple or complex needs to transition between services in a coordinated and seamless fashion.[19] Community hubs rolled out under the Stronger Families and Communities Strategy by the Federal Government delivered increased efficacy in meeting the needs of families with multiple and complex needs; and increased capacity of services to respond through information and resource sharing and increased support from colleagues.[20]

However no one model of "Community hub" should be pursued. The Government of Western Australia through their consultation on integrated service development in 2009 highlighted that that there was "no association identified linking the type of community hub and the degree to which it was providing integrated services. This implies that greater emphasis on the nature and level of integration rather than type or location of hub is likely to reap greater efficiency and effectiveness outcomes"[21]. The findings also indicated that "co-location is an important element that can greatly assist integrated approaches"[22]. Micah Projects itself has integrated its Families, Women and Children's services in recognition of the efficiency, effectiveness and economy gains that may result.

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[19] Australian Institute of Family Studies 2008, *Promising Practice Profiles Final report*, report prepared by Soriano, G., Clark, H. and Wise, S., Australian Institute of Family Studies, Canberra, p. 43.
[20] Australian Institute of Family Studies 2008, *Promising Practice Profiles Final report*, report prepared by Soriano, G., Clark, H. and Wise, S., Australian Institute of Family Studies, Canberra, p. 49.
[21] Government of Western Australia, 2011, *Integration Survey Final Report*, Prepared by the Department of Communities, Perth, p. 4.
[22] Government of Western Australia, 2011, *Integration Survey Final Report*, Prepared by the Department of Communities, Perth, p. 8.

West Australian Secondary Family Support Hubs

There is much to be gained from looking at the West Australian Government's Secondary Family Support model and its effectiveness in delivering integrated secondary services and achieving outcomes for families. The model is developing a State-wide network of high quality integrated secondary services that support children, individuals and families to address the risks and crises that they experience – achieved largely through the establishment of family support hubs.

Key elements of design include bringing together secondary family support services consisting of:
- Intensive family support and other counselling services
- Targeted parenting services
- Homelessness services
- Family and domestic violence services
- Services for young people
- Targeted community support

This model includes a common entry point consisting of a lead agency responsible for intake and continued assessment, with an alliance manager, assessment and support workers and a child protection worker working as a team. The WA model requires a strong emphasis on case management, ensuring capacity to respond when:
- the issues facing children and families are complex;
- there is significant risk to a child, adult or family;
- multiple services are involved; and
- clients are assessed as needing additional support to access services.

Enhancement to the model can be gained through utilising a multidisciplinary approach, including case workers who are child and maternal health workers and who are experienced and equipped in specialised areas such as substance abuse, domestic violence, mental health and early childhood care and education.

The model should operate on a continuum of crisis work to outreach and in-home support. The model must also have the flexibility to provide direct practical support, through brokerage, when needed.

Having the capacity and flexibility to offer this continuum of care through the one entry point can increase the chances of reaching hard to reach families, enable greater flexibility in meeting complex need, enable better engagement with and better outcomes for families and help to ensure families don't cycle back into crisis.

Supportive Housing

While the link between homelessness and child protection is under-researched in Australia, there is evidence that it is an important issue. A 2006 review by Noble-Carr estimated the rate of child protection involvement in homeless families to be between 20-50%[23].

In a 2011 longitudinal study conducted by Micah Projects with families accessing crisis and planned support from agencies based in inner Brisbane, the numbers of parents who reported recent or current contact with child safety services ranged from over 10% to just over 25%. Furthermore, it is possible that this is an under-report due to the stigma attached to involvement[24].

Connecting housing with family support is an effective intervention for vulnerable families with involvement, or at risk of involvement, in the child protection system. Supportive housing is the intentional connection of permanent housing and support services people need to break the cycle of homelessness. The key elements of permanent supportive housing are:

- Tenants pay no more than 30% of household income towards rent and utilities
- No limits on length of tenancy
- Participation in support services is voluntary. Tenants are only required to keep to the provisions of a standard lease agreement
- All members of the family have facilitated access to flexible and comprehensive support services specifically tailored to their needs
- Property management strategies include approaches to addressing concerns resulting from issues such as substance use and mental health crises, with the focus on maintaining the tenancy[25].

While permanent supportive housing is a relatively new approach for families, research is demonstrating its efficacy with this population group. Permanent supportive housing has demonstrated efficacy in addressing high rates of child protection involvement among families experiencing homelessness. For example, the Family Unification Program in the USA provides housing vouchers coupled with supportive services to families where the lack of adequate housing is the key factor in either the imminent removal of the child from the home, or in delaying reunification efforts[26]. A 1998 evaluation of the program found that 88% of homeless families who received a voucher were still housed 12 months later. Of the group that retained their housing,

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[23] Noble-Carr, D. 2006, *The experiences and effects of family homelessness for Children*, Institute of Child Protection Studies, Australian Capital Territory.

[24] Healy, Karen 2011, A study of crisis intervention and planned family support with vulnerable families, Micah Projects, Brisbane

[25] Corporation for Supportive Housing 2011, Silos to Systems: Preserving and Strengthening Families and Children Experiencing Recurring Child Welfare System Encounters and Housing Crises, Corporation for Supportive Housing, New York.

[26] Harbuger, D. and White, R. 2004, 'Reunifying Families, Cutting Costs: Housing-Child Welfare Partnerships for Permanent Supportive Housing', Child Welfare, vol.83, no.5, pp.493-508.

90% of families where a child was at risk of removal remained intact, and 94% of families with children in out-of-home care were reunified[27].

More recent studies also support the efficacy of supportive housing for families. The New York based Keeping Families Together pilot provided permanent supportive housing to 29 families with child protection involvement who had experienced homelessness for at least one year. There were substantial outcomes for children, with all 6 of the children who had been placed in out of home care prior to the pilot reunified, and just over 60% of current child protection cases closed. Housing stability was also improved for these families, with 26 of the 29 families remaining in the supportive housing, compared to a comparison group who largely remained within the shelter system[28]. Supportive Housing should be considered a key strategy in maintaining family preservation in situations where poverty and homelessness are major factors in the substantiation of neglect. This is particularly pertinent given the Commission of Inquiry's acknowledgement that "in some cases deficiencies in the care system may mean the preventable harm caused by the system itself outweighs the benefits of removal[29]".

A 2004 analysis conducted by Harbuger and White in the United States suggested supportive housing costs 70% less than foster care[30].

Progressive Engagement

A strong secondary service model for families should ensure families seeking support *get what they need* based on *what they need*. Micah Projects has been unable to locate a sufficiently evidenced method of assessing families at intake to determine the level and type of support required. Indeed best practice understandings of assessment conceptualise it as an on-going and iterative process. Relationship building is key to developing a quality assessment, and as trust and rapport is developed, people are more likely to disclose.[31] This presents a tension in how best to mobilise resources so that the service system is able to effectively assist the greatest possible number of families.

A promising solution to this issue is the Progressive Engagement model. Currently utilised with families in the homelessness system, it is a promising practice for family support more broadly.

This model is recognised best practice in the United States in addressing homelessness. Rather than attempting to assess and predict the intensity of support required, progressive engagement delivers a basic level of support to all families and then increases intensity of support if an

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[27] National Centre on Family Homelessness 2009, Family Unification Program: Serving Homeless and At-Risk Homeless Families and Youth, National Centre on Family Homelessness, Massachusetts
[28] Swann-Jackson, R., Tapper, D., and Fields, A. 2010, Keeping Families Together: An evaluation of the Implementation and Outcomes of a Pilot Supportive Housing Model for Families Involved in the Child Welfare System, Metis Associates, New York.
[29] Queensland Child Protection Commission of Inquiry 2013, *Discussion Paper,* QCPCI, Queensland.
[30] Harbuger, D. and White, R. 2004, 'Reunifying Families, Cutting Costs: Housing-Child Welfare Partnerships for Permanent Supportive Housing', Child Welfare, vol.83, no.5, pp.493-508.
[31] O'Connor, I., Wilson, J. and Setterlund, D. 2003, *Social Work and Welfare Practice*, 4th edn., Pearson Education Australia, NSW

assessment shows that the level of support received is not sufficient to obtain stability. Progressive engagement provides customised levels of assistance to families and preserves the most expensive interventions for households with the most severe barriers.

Under this model, at first contact with the homelessness service system all families are provided with an initial basic level of assistance. This assistance is focused on rapidly re-housing the family or providing crisis services aimed at saving tenancies. If this basic level of assistance does not achieve stability for the family, they progress to a higher level of assistance, including low levels of case management. Again, if stability is not achieved the family is provided with intensive case management services and a higher level of assistance. The final stage for families would be admittance to a permanent supportive housing service.

The proposed advantages of the progressive engagement model include:
- Greater time to comprehensively assess families, no need to predict levels of support needed before intervention
- Less disruption for families, as they are able to receive the continued extensions of support from the one service
- More efficient use of resources, as service provision is tailored to family need.[32]

Odyssey House: Programs to address addiction

Odyssey House in NSW runs a Parents and Children's Program which is "dedicated to specifically meeting the needs of the parent with their rehabilitation and the young child with their schooling, emotional and physical development". The program includes counselling for parents, group therapy and parent educational groups. Parents are encouraged to send their children to a local day care facility where they are provided with supervised play and recreational activities.

Odyssey House staff co-ordinate outings and holiday programs for parents and their children. Other services include:
- Interventions, when needed, to ensure the health and safety of the child
- Liaison with specialist pediatric, psychiatric, psychological and medical services
- Supervised supportive accommodation for residents and their child whilst in treatment and as needed in the community welfare groups
- Liaison with other community welfare groups
- Liaison with partners of residents in treatment
- Liaison with government departments including Community Services

When parents finish their drug rehabilitation and can demonstrate they have achieved confidence and responsibility towards the upbringing of their child they are encouraged to move into

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[32] One Family Inc. 2011, Innovation in the Spotlight – Progressive Engagement, viewed 6 August, http://www.onefamilyinc.org/Blog/2011/11/21/innovation-in-the-spotlight-progressive-engagement/

community housing with the support of Odyssey House and also have the option of ongoing support through the After Care program[33].

Odyssey House in Victoria runs a program called 'Kids in Focus', a specialist child, parenting and family support service for highly vulnerable families where a parent has an alcohol and/or other drug problem. The program provides:
- information and support
- home based parenting education and support
- counselling and case management
- recreational and therapeutic groups for children and their families
- child and family activities to enhance social connections
- financial support for children's needs through a brokerage fund
- facilitated access to rehabilitation and supported accommodation
- facilitated access to targeted respite services
- post natal follow up and support[34].

Odyssey House Victoria also ran Counting the Kids, an earlier specialist child and family support service operating within the drug and alcohol sector. The program provided direct work with families, including working intensively with weekly home visits plus phone calls, as well as advocacy and liaison with external agencies (such as the police, Courts, medical services, schools) plus practical support (for example, with rent, furniture). Counting the Kids also conducted therapeutic group work and school holiday programs, aiming to provide a therapeutic and compensatory experience to children affected by a parent's substance use. The external evaluation conducted in 2008 recommended that the service be expanded[35].

Micah Projects Young Mothers for Young Women – Early intervention and breaking the cycle

Young Mothers for Young Women (YMYW) is a program run by Micah Projects for pregnant and parenting women under the age of 25. The program uses a partnering and collaboration model to enable young families to (1) reduce risk factors through access to healthcare, community services and outreach home visiting, (2) build a solid foundation for individual children and parents, and (3) access and maintain stable housing. This includes family support to promote healthy development and prevent harm to children and adults via education, access to specialist services, peer and social support, service coordination and a range of programs and activities through a child and family hub for young families. The activities undertaken by YMYW include the following:
- Co-ordinating a child and family hub at Caterpillar House, Vulture Street West End and the coordination of programs and visiting services.

[33] Odyssey House New South Wales 2010, *Parents and Children's Program,* viewed 3 March 2013, http://www.odysseyhouse.com.au/our_services/parent_s_and_children_s_program/
[34] Odyssey House Victoria 2013, *Kids in Focus,* viewed 3 March 2013, http://www.odyssey.org.au/index.php?option=com_content&view=article&id=125&Itemid=69
[35] Contole, J., O'Neill, C., Mitchell, G. and D. Absler 2008, *Counting the Kids: Final Evaluation Report*, Odyssey House Victoria.

- Providing outreach support to a minimum of 60 women 25 and under, and their pre-school aged children per annum to assess their needs and support them to achieve case plan goals around housing, health, safety, parenting, child development and relationships. Assessments and support plans are based on standardised, widely-used tools and a framework developed by the Parenting Research Centre and evaluated by Griffith University.
- Delivering group work programs 2 - 3 times a week during school terms to improve parents' skills and capacity to foster healthy attachment, and meet their children's developmental needs. The groups also provide a safe and supported space for children to learn and play. This is known to reduce the impacts of stress related to poverty, violence and poor attachment[36]. In 2013 YMYW is running *The 4th Trimester,* a group for new mother with children 0-9 months; *Circle of Security,* a Reflective Parenting Program for parents with children over 4 months; and a monthly Supper Club for young parents.
- Providing infrastructure to deliver community based antenatal care for 300 - 500 young women through a partnership with the Mater Mothers Hospital.
- Integrating services to young women with Micah Projects' suite of Families, Women and Children's services to facilitate access to specialist homelessness, housing and domestic violence support.

YMYW is a planned and strategic response to the needs of young pregnant and parenting women within Brisbane, making use of mainstream, secondary and tertiary resources within the community to support these women. The model aims to intervene early to prevent women experiencing disadvantage from entering or re-entering the child protection system and break the cycle of intergenerational involvement.

4.6   Planning for permanency

Relevant questions from the Discussion Paper:
- *Should adoption, or some other more permanent placement option, be more readily available to enhance placement stability for children in long-term care?*

Recommendation:
- **there should be no change to current practice around adoption, and under no circumstances should there be forced adoption.**

The Queensland Commission of Inquiry Discussion Paper notes the concerns that adoption raises within the community. This concern is based on the evidence of significant trauma and poor life outcomes for children subjected to forced adoptions and institutionalised care in the past.

The report of the Community Affairs References Committee inquiry into former forced adoption policies and practices reveals the extent of trauma associated with forced adoption. The practice of forced adoptions was a gross injustice that has had long-term implications for children and their parents, many of whom have had severe negative impacts on their health and wellbeing.

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[36] Australian Institute of Health and Welfare 2011, National Outcome Measures for early child development, AIHW, Canberra.

Micah Projects has a long history of working with Forgotten Australians, people whose lives have been tragically affected by institutionalised or out-of-home care. The experiences of these Australians has been well-documented in the 2004 report into Australians who experienced institutional or out-of-home care as children[37]; the Forde Inquiry into Abuse of Children in Queensland Institutions[38]; and numerous other literature and reports.

The experiences of Forgotten Australians and the history of forced adoptions in Queensland and Australia demonstrate the need for decisions around long-term placement of children to be made as part of a holistic planning process that recognises the importance of connection to family of origin.

Recommendation:
- **The options for creating permanency for children should be diverse and solutions tailored to the unique needs and circumstances of parents and their children.**

Potential models

Lifelong Families – The Annie E. Casey Foundation

A model that is of interest in relation to holistic long-term planning for children is that of Lifelong Families, a program for working towards permanence with children in foster care developed by The Annie E. Casey Foundation in the United States. According to the Foundation the program consists of five key elements:
- "Permanency teaming - The social worker assembles a team of people who work together on behalf of a young person in foster care. The youth is always at the center of Permanency Teaming, which engages birth parents, relatives, foster parents, caregivers and other significant adults and professionals, including the public agency social worker. Together, this team develops and implements a plan for the youth's safety and lifelong family membership.
- Permanency-Focused Case Management - All of the youth's placement and mental health needs are addressed, while the momentum to find a permanent family never slows. This kind of case management uses proven treatments to help heal the youth's trauma and offers positive parenting approaches to the family.
- Permanent Family Identification and Engagement - The social worker uses every available resource—including case mining, internet search technologies, phone and in-person networking—to research and locate birth parents and other family members to safely reunify or reconnect the youth. For those young people who cannot be reunified with their birth families, other adults are identified who can adopt the youth.

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[37] Community Affairs Reference Committee 2004, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, Commonwealth of Australia, Australia.
[38] Forde, L., Thomason, J., and Heilperm, H. 1999, *Commission of Inquiry into Child Abuse in Queensland institutions: Final report*, Department of Communities, Child Safety and Disability Services, Queensland.

- Permanency Preparation - The youth is prepared for family living and the parents are prepared to safely parent and sustain a lifetime commitment to the child/youth. The team also develops a back-up permanency plan to ensure that the child leaves foster care to join a lifelong family.
- Permanency Support Planning - The team works with the family to determine the types of ongoing services and supports needed to help sustain a lifelong family relationship, after the relationship is legalized"[39].

Family to Family – The Annie E. Casey Foundation

Where children do need to be placed in out-of-home care, the out-of-home care system needs to work in partnership with birth families to ensure good outcomes for children. A key model of interest is Family to Family, developed in the US in 1992 by the Annie E. Casey Foundation. This program aims to recruit foster families from the communities children are from, to foster collaborative relationships between foster and birth families, and to increase the resources located within communities to care for children. This program works within selected communities to reform foster care in the direction of neighbourhood foster care; foster families teaming with birth families; enhanced training for foster families; reasonable caseloads; fewer cross-cultural placements; adequate reimbursement; and better specialized family foster care[40].

Early intervention services - *Mandatory Parenting Capacity Orders*

Early intervention services must also be provided as part of any permanency planning with children. The first option should always be to plan for permanency within the family of origin, by providing the services parents need to care for their children. In terms of legislative change to support early intervention, attention is directed to the NSW context. The NSW Government, in their 2013 Child Protection Legislative Reform Discussion Paper, has proposed the introduction of mandatory parenting capacity orders. These orders would require a parent to attend a compulsory parenting capacity program, therapy or other treatment suited to their particular needs and skill requirements. Attendance would be mandated by the Court via a stand-alone parent capacity order[41]. However, before such a policy could be implemented in Queensland there would have to be sufficient resourcing of early intervention services, particularly mental health and addiction services. Indeed, a key criticism of the NSW proposed reforms is the uncertainty as to whether requisite funding will be provided to allow parents to attend an appropriate program that will meet their needs[42]. Such a policy may also be able to address the

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[39] The Annie E. Casey Foundation 2012, *A Foster Care Practice Model: Lifelong Families*, viewed 25 February 2013, available at http://www.aecf.org/KnowledgeCenter/Publications.aspx?pubguid={92EA36C2-08B5-4B1C-AEBB-77D8826AD35A}
[40] The Annie E. Casey Foundation, n.d., *Family to Family: Reconstructing Foster Care, An Initiative Overview,* viewed 25 February, available at http://www.aecf.org/upload/pdffiles/familytofamily/reconstructing_initiative_overview.pdf
[41] Department of Family and Community Services 2013, *Discussion Paper - Child Protection: Legislative Reform - Legislative proposals. Strengthening parental capacity, accountability and outcomes for children and young people in State care*, NSW Government, NSW.
[42] AAP 2012, 'NSW Budget cuts 'undermine parenting plan', *The Australian,* 15 November, page 1, accessed 10 March, http://www.theaustralian.com.au/news/breaking-news/new-laws-on-the-way-to-keep-babies-safe/story-fn3dxiwe-1226517114282

issue of unborn notifications, a key concern raised by parents in a series of workshops organised by the Brisbane Family Inclusion Network. Families spoke of children being removed from birth in the hospital despite having never had contact with Child Safety. This was common across all groups, not isolated cases. Parenting capacity orders may provide another option for ensuring parents receive support to address child protection concerns prior to the birth of their child, and thus may reduce the incidence of children being removed at birth without support or intervention being provided during pregnancy. In order to facilitate such a legislative change however there would need to exist sufficient intervention services that are able to meet the needs of these parents. At present, as acknowledged in the QCPCI Discussion Paper, there is a dearth of such services within Queensland.

Respite care and joint guardianship

Micah Projects also supports the use of alternative models of foster care and guardianship that enable permanency within the family of origin, or a permanent connection to the family of origin. Key models include respite care and joint guardianship. At present Queensland employs respite carers, carers who provide care on a respite basis to children placed in foster care or kinship care. Respite care is provided to these children on the understanding that "Respite care is essential for foster and kinship carers to provide them with the opportunity to have a short break from caring, time to deal with personal matters or recover from an illness. Respite care is also a break for children and young people in care and gives them opportunities to extend their support network"[43]. However, the need for respite is one that is shared by parents involved with child protection services. It was stated by some parents in a series of workshops organised by the Brisbane Family Inclusion Network that had they access to respite their children would not have been removed[44]. It is important to note that respite care is well recognised as a crucial method of promoting permanence within kinship and foster care families, yet has not been adequately explored as a method of promoting permanence within the family of origin[4546]. Another model for providing this sort of 'relief' to struggling families is the **Swedish contact family model**. Under this program, families who are experiencing challenges are linked with a contact family that is able provide care for a child for a few nights on a regular basis, potentially for many years. The contact family also provides generalised support for the child's family, serving as a form of social support for families that are often highly marginalised and excluded. The intent of the contact family program is to be highly informal, flexible and non-stigmatising[47]. Micah Projects would

[43] Department of Communities Child Safety Services 2012, Fact sheet 4: Foster and kinship care – Information for respite carers, viewed 6 March, available at http://www.communities.qld.gov.au/resources/childsafety/foster-care/info-for-respite-carers.pdf

[44] Family Inclusion Network (Brisbane) 2013, *Submission to the Queensland Child Protection Commission of Inquiry*, Family Inclusion Network, Brisbane.

[45] Department of Communities Child Safety Services 2012, Fact sheet 4: Foster and kinship care – Information for respite carers, viewed 6 March, available at http://www.communities.qld.gov.au/resources/childsafety/foster-care/info-for-respite-carers.pdf

[46] Borenstein, J., Minge, A., Campion, M. and McNamara P. 2012, *Supporting Kinship Families: The role of respite care Melbourne*, La Trobe University, Victoria.

[47] Andersson, G. 2006, 'Child and Family Welfare in Sweden', in Freymond, N. and Cameron, G. (eds.) *Towards Positive Systems of Child and Family Welfare: International Comparisons of Child Protection, Family Service and Community Caring Systems,* University of Toronto Press, Canada.

support the extension of respite care and similar options to parents involved in the child protection system.

Joint guardianship is a concept that is familiar in the case of separated parents. Joint guardianship under the Joyce Model allows two individual people to share in the decision-making and care responsibilities for a child. Micah Projects would support the exploration of joint guardianship models to help support parents who, due to capacity, may need assistance to meet all their guardianship responsibilities. For example, joint guardianship models could allow for key decisions about a child to be made by another party when a parent is experiencing temporary periods of incapacity due to mental illness. They may also be of assistance for parents with disabilities who, while able to care for their children, may need further support around key areas of decision-making. A model that may be investigated further is that of California's joint guardianship laws. In California, joint guardianships are available when a custodial parent is diagnosed with a terminal illness. A joint guardianship permits parents to involve another person, selected by them, in the care of their children without completely relinquishing their own parental rights[48].

4.7 Parents rights

Relevant questions from the Discussion Paper:
- *Reforms to improve the current oversight and dispute resolution mechanisms of the child protection system*

Identified need for reform

Micah Projects identified above that complaints and dispute resolution mechanisms that uphold the rights of parents and families are an essential characteristic of a responsive, efficient and effective child protection system.

The comments and feedback received from parents through forums held by the Family Inclusion Network Brisbane in late 2012, and presented to the Commission in January 2013, and the issues and questions raised through other submissions clearly indicate that the current oversight and complaints mechanisms and court model for child protection matters in Queensland is not meeting the needs or upholding the rights of vulnerable families and is reinforcing the power imbalance between these families and the child protection system.

It has been highlighted that the current system is adversarial and vulnerable families find the system confusing, disempowering and intimidating for both parents and children.

Further to this, Queensland's current expenditure on notifications and investigations is extremely costly, as outlined earlier in the submission.

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[48] National Abandoned Infants Assistance Resource Centre 2000, *Summary of Joint Guardianship Statutes by States,* University of California, Berkley.

The Inquiry, in its Discussion Paper, has queried the appropriateness and effectiveness of Queensland's current oversight mechanisms and dispute resolution processes. However, it has not considered the system's efficacy in meeting the needs of the family and child/ren and upholding their rights.

Micah Projects supports significant reform in these areas to reinstate the rights of children, parents and families and ensure a complaints and decision making process that is focussed on the wellbeing of the child and family.

The voices, needs and wellbeing of children, parents and families need to be at the heart of reform, given the long term and harmful impacts of Queensland and Australia's past mistakes in family support and child protection.

The current inadequacy and lack of availability of support services before, during and after child protection and/or court proceedings; parents' own lack of understanding of the system and their rights; and, the rules of evidence and procedures in child protection and court proceedings are fostering an environment in which parents and families feel disempowered.

Access to information, resources and support has clearly been highlighted by vulnerable families as a key determinant in their ability to navigate a complaint and dispute resolution system in which they face the possible removal of their child/ren.

The empowerment of families to fully participate in decisions that may adversely affect them is paramount to ensuring procedural fairness in Queensland's complaint and dispute resolution system.

In child protection matters, parents and children interact with the legal system at a time of great vulnerability. Walsh and Douglas (2011), in their research undertaken with community service providers and lawyers regarding advocacy in child protection matters, assert that, in addition to this vulnerability, "from a legal perspective, serious power imbalances exist between the parties in child protection matters". These issues make it difficult for parents and children to effectively advocate for themselves in child protection proceedings.[49]

Furthermore, they assert that "while the rules of evidence and procedure may be relaxed in court proceedings and tribunal hearings, the focus remains on 'winning and losing' in child protection matters, rather than on collaboration and problem solving.[50]

In Queensland, the dispute and complaints resolution systems currently being used, such as Family Group Meetings, are intended to maximise family involvement in decisions regarding how a child is to be cared for and protected. Feedback from parents through the Brisbane Family

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[49] Douglas, H & Walsh, T. 2011, 'Lawyers, advocacy and child protection' *Melbourne University Law Review*, v. 35. p. 621.
[50] Douglas, H & Walsh, T. 2011, 'Lawyers, advocacy and child protection' *Melbourne University Law Review*, v. 35. p. 623.

Inclusion Network indicate that in practice this may not be happening. Indeed, Walsh and Douglas (2011) assert "Parents and children are often unaware of their rights to appeal or contest a decision, and are often in practice unable to navigate the relevant systems".[51]

> "*Your rights aren't explained to you*" ...(quote from parent, Family Inclusion Network forum, November 2012)

> "*Parents should have the right to complain without feeling like they will be punished…*"....(quote from parent, Family Inclusion Network forum, November 2012)

The Australian Government's Procedural Fairness Guidelines dictate that:

> "Administrative power that affects rights and entitlements should be sufficiently defined to ensure the scope of the power is clear. Legislative provisions that give administrators ill-defined and wide powers, delegate power to a person without setting criteria which that person must meet, or fail to provide for people to be notified of their rights of appeal against administrative decisions are of concern to the Senate Scrutiny of Bills Committee[52] and the Senate Standing Committee on Regulations and Ordinances.[53]

Reforms, examples and models within Australia and from overseas indicate the empowerment of families is a consistent theme in ensuring the efficacy of a child protection system, particularly if part of a paradigm shift towards a framework that priorities child and family wellbeing.

Drawing on previous submissions to the Inquiry and led by feedback received by parents on how their needs could be met and rights respected, Micah Projects makes the following recommendations for the oversight and complaints mechanisms and court models below**.**

Recommendations

- **Readily accessible and easy to understand legal information and complaints procedures made available to parents**:

There has been consistent feedback from parents through the Family Inclusion Network that they aren't fully aware of their rights, how to make a complaint, or where to access support and information.

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[51] Douglas, H & Walsh, T. 2011, 'Lawyers, advocacy and child protection' *Melbourne University Law Review*, v. 35. pp. 621-628.
[52] See for example, Senate Scrutiny of Bills Committee, Parliament of Australia, *The Work of the Committee during the 41st Parliament November 2004 – October 2007* (2008) at http://www.aph.gov.au/senate/committee/scrutiny/work41/index.htm.   The issues relate to (ii) of the Commitee's terms of reference to report on whether Bills 'make rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers'.
[53] See http://www.aph.gov.au/senate/committee/regord_ctte/index.htm.

Targeted resources for parents on their rights and how and where to get support need to be developed.

Information must be highly visible and accessible, come in varying formats and include clear explanations and easy to understand information about the process and the roles of everyone involved.

Parents have suggested easy to understand brochures and even a hotline.

Micah Projects would also recommend the development of guidance/a protocol for Child Safety Officers on supporting parents to engage with the child protection process.

- **Advocacy for parents: ongoing funding for advocacy services whether professional or voluntary, to support parents involved in child protection or judicial processes.**

The use of advocates for families to provide support during child protection or judicial processes is seen as essential to protecting the rights of families and achieving the best outcomes for children and families.

"parents and children require specialist advocacy assistance in child protection matters if the best outcomes are to be achieved for each child".[54]

Walsh and Douglas (2011) in their interviews with lawyers and community service providers, found there was strong consensus that the vast majority of parents who are forced to interact with child protection authorities are in need of an advocate to speak for them, and to assist them to feel empowered to participate in the process. Many felt that "parents without an advocate can unwittingly compromise their case during the initial stages of an investigation."[55]

This submission raised earlier the importance of partnering with parents to support a robust system and to ensure parents are empowered to participate in the child protection process.

Advocates can help parents navigate a system which many parents consider highly adversarial in nature. Advocates can support parents to be fully aware of their rights and the decisions affecting them. Advocates help to ensure the family's wellbeing remains central to decision making processes.

This support is particularly crucial in the current environment in which access to Legal Aid is determined through eligibility, probability and means tests.

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[54] Cited in Douglas, H & Walsh, T. 2011, 'Lawyers, advocacy and child protection' *Melbourne University Law Review*, v. 35. p 624.
[55] Douglas, H & Walsh, T. 2011, 'Lawyers, advocacy and child protection' *Melbourne University Law Review*, v. 35. p 630.

In contested child protection hearings Legal Aid Queensland can only represent parents subject to a means test and a reasonable prospect of challenging an intrusive order and the capacity to demonstrate child abuse allegations are not substantiated, child protection concerns have been addressed or there is a suitable relative who can care for the child/ren. The requirements for legal representation for vulnerable families often mean that children are removed before help is received – further jeapordising their capacity to challenge an order in court.

Feedback from forums held by the Brisbane Family Inclusion Network in November 2012 indicated parents felt Legal Aid has limited experience and availability for child safety cases, and that the time taken for approval to be granted means it is not until children have already been removed and are in care that legal representation is available.

The Centre for Family Research at the University of Cambridge in the UK has developed a Protocol on Advice and Advocacy for Parents (Child Protection).

This Protocol recognizes that parents should routinely be given information about how they can access advice and advocacy services from the outset of any child protection inquiry. The rationale for doing this is an obvious one:

> *"parents know more about their family than any professional could possibly know, and well-founded decisions about a child should draw upon this knowledge and understanding."* (Protocol, p.3)

Enactment of the protocol ensures that parents are empowered to participate in the child protection process from an informed position and it promotes good communication and a positive working relationship between parents and the child protection agency.

The enactment of a protocol which supports an advocacy network for parents and helps to ensure parents are empowered and actively participate in the child protection process is strongly supported. Resourcing must be made available to support such a network.

- **Ombudsperson for parents and families with authority enacted through legislation and the powers to investigate at any stage of the child protection process**

"*Parents should have the right to complain without feeling like they will be punished...needs to be an external body to complain to and to investigate issues...somewhere to report inappropriate CSO behaviour.*"(Family Inclusion Network).

Micah Projects recommends the establishment of a specialised ombudsperson, specifically for parents and families in relation to child protection matters. The independent oversight of an authority with intrusive powers is essential, and with parents and families subject to decisions that may adversely affect them, parents require a targeted avenue to raise complaints.

The authority to investigate must be enacted through legislation. Currently, children can be removed from a family at any stage from first contact with the child protection system. It is therefore crucial that parents have the right to make a complaint to an independent authoritive power at any stage from first contact with the child protection system, and not be required to attempt to resolve with the Department first.

The environment in which parents are able to raise complaints is also crucial. Currently parents are required to make contact with a complaints officer at a Child Safety Centre and meet within that centre for further discussion. This process further reinforces any power imbalance parents may feel. In any contested issue people require a safe and respectful environment in which to offer or share an opinion on issues. An independent ombudsperson for parents can offer this environment.

In the United States, Children's Ombudsman Offices have been established at the state level in order to assist in providing oversight of children's services. While the purpose, responsibilities and duties of the Children's Ombudsman Office vary by state, all states handle and investigate complaints from citizens and families related to government services for children and families and commit to "protect the interests and rights of children and families – both individually and system-wide".[56]

In Minnesota the 'Office of the Ombudsperson for Families' has been established with the mission to "ensure that children and families are protected by law in all child placement proceedings conducted by public and private agencies".[57]

Parents can call the Ombudsperson at any time with a question or a complaint. The Office has been established directly to service multicultural groups in Minnesota.

Micah Projects supports the elements of the above model, with a wider scope for all parents/families involved in the child protection system.

- **Amendments to legislation to enshrine parental rights and a child and family wellbeing focus across government**

Micah Projects supports the position put forward by the Brisbane Family Inclusion Network in January, to enshrine in legislation the principle that the system is "family focused and child centred". Parents' rights to information, maximum family involvement in decision-making, access to legal representation and redress when abuse of power or abuse of children occurs in care should all be enshrined in legislation.

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[56]National Conference of State Legislatures 2013, *Children's Ombudsman Offices / Office of the Child Advocate*, viewed 5 March 2013, http://www.ncsl.org/issues-research/human-services/childrens-ombudsman-offices.aspx
[57] See the website of the State of Minnesota, Office of Ombudsman for Families, viewed 5 March 2012 http://www.ombudsfamilies.state.mn.us/index.html

Amendments must be made to legislation to signal a long-term commitment to achieving outcomes for vulnerable children and protecting parental rights.

This would include investigating the current complaints and dispute resolution systems and identifying the most appropriate process to enable maximum family involvement in decision making. Further, the development of case plans in Family Group Meetings should be one of the first steps upon a notification being received and certainly before any mechanism that allows for the removal of a child prior to judicial proceedings. Feedback from parents through the Brisbane Family Inclusion Network reveals that parents often reported feelings of being coerced into voluntarily agreeing to relinquish guardianship with no access to information, their rights or representation.

Furthermore, amendments to legislation should recognise a shared commitment to child and family outcomes across government, creating accountability for delivering outcomes across agencies and mandating cross-agency reporting.

As mentioned above we recommend an independent Ombudsperson for parents whose authority is established through legislation.

Without adequate legislation to support the rights of children, parents and families in a situation that will potentially adversely affect the family, the best outcomes for the child and family can be sidelined and procedural fairness can be jeopardised.

- **Amendments to judicial processes to ensure parents are recognised as consumers (or clients) as well as children, and increased specialisation in courts**

The current judicial system needs to be reformed to ensure it recognises parents as consumers (or clients) as well as children. As outlined earlier parents must currently first pass a test of probability of winning before Legal Aid is offered. This often means that parents are not adequately represented and are not participating fully in the judicial process.

Furthermore we need to explore specialisation within the court system. There should be research into and the development of strategies for the better integration of matters that cut across different court systems, for example domestic violence, child abuse or neglect and family court related matters. Examples exist, particularly in the United States. In a document outlining protocols for 'Working with the Courts in Child Protection 'The Hon W, G. Jones asserts:

> "an integrated and comprehensive approach to the complex problems of families involved with child protective services and the courts is critical to achieving safety and permanency for children" (p. 71).

'Family Courts' have been implemented in several U.S. states. Family Courts are characterised by:

- Case management practices that expedite the resolution of cases;
- Specialized services;
- Coordination of all cases involving the same family, often before the same judge;
- Extensive use of alternative dispute resolution methodologies;
- Reduced court appearances;
- Enhanced training for judicial officers;
- A commitment to providing participants with good customer service.

Family courts also consider the need for specialised intervention services.[58]

As outlined earlier the current Family Group Meeting as an alternative dispute resolution option is not being utilised as per its original intent. It should be held as early as possible and each party should have support to enable collaborative decision making. The Family Group Meeting process in New Zealand needs to be revisited as a preferable model.

The idea of the Court having an active case management role (along the lines of the system currently being proposed in New South Wales) should be explored. This will mean the immediate availability of funded services to enable the case plan to be implemented.

The current Queensland Civil and Administrative Tribunal review process also needs to be improved. Clear advice must be given to parents about the opportunity to seek a review of a decision and some extension beyond the 28 days needs to be given to parents to allow them sufficient time to appeal a decision.

4.8   Forgotten Australians – historical abuse

Micah Projects, since its inception, has worked in partnership with Forgotten Australians to seek justice for the abuse many experienced as children. Over the course of fourteen years of work with Forgotten Australians and Former Child Migrants, the organisation has developed a growing understanding of the experience of these two groups. It is critical that the often negative and longstanding consequences of the treatment and care experienced by children in out-of-home care and child migrants to Australia, under approved schemes, is recognised. Documented stories tell of widespread neglect, abuse and assault across institutions, across States and across the government, religious and other care providers[59]

Many people who lived in 'approved care' may have continued and significant needs that relate to their childhood experiences. The range of issues often faced by adults who have lived such negative childhood experiences includes:
- struggling with their sense of identity, because of upheaval and trauma in formative years

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[58] Office on Child Abuse and Neglect, Children's Bureau 2006, Working with the Courts in Child Protection, viewed 12 March 2013, https://www.childwelfare.gov/pubs/usermanuals/courts/chaptertwo.cfm
[59] Senate Community Affairs References Committee Secretariat, Parliament of Australia 2009, *Lost Innocents and Forgotten Australians Revisited: Report on the progress with the implementation of the recommendations of the Lost Innocents and Forgotten Australians,* Commonwealth of Australia, Canberra.

- loss of contact with family members
- feeling dislocated, with no sense of place or community
- family and relationship breakdown and domestic violence, crime and violence, and substance abuse
- significant intergenerational impacts of unresolved childhood trauma, with some families repeatedly coming into contact with the statutory child protection system[60].

This final point is a significant one. The Forgotten Australians report in 2004 outlined not only how complex and varied the long term impact of a childhood spent in institutional care can be for the care leaver, but also that their children and families have also felt the impact, which can then flow through to future generations[61].

It is critical that the Commission of Inquiry consider the experiences of Forgotten Australians and Former Child Migrants. The learnings from this chapter in history must inform the development of a new child protection system in Queensland.

5.   Recommendations

The following is a summary of the recommendations made throughout this submission.

- A family service approach to the child protection system
- Implementation of essential elements of partnerships in the child protection system
    - Shared vision
    - Culture change
    - Local area and planning with an integrated governance model
    - Reform to funding and accountability arrangements
    - Strong leadership
    - Partnership with parents
- A single government intake system for statutory child protection concerns with the capacity for differential response
- The establishment of a specialist intake point for domestic violence related matters
- The establishment of a specialist intake point for sexual abuse related matters
- The secondary service system must have a number of easily accessible entry points that are visible and accessible and where immediate help can be obtained
- Support voluntary self-referral to the secondary service system
- Provide additional transitional funding to make the move from an over investment in tertiary services across to secondary services in anticipation of equivalent savings at the tertiary end being achieved in the next 5-10 years

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[60] Senate Community Affairs References Committee Secretariat, Parliament of Australia 2001, *Lost Innocents: Righting the Record: Report on Child Migration,* Commonwealth of Australia, Canberra.
[61] [61] Senate Community Affairs References Committee Secretariat, Parliament of Australia 2009, *Lost Innocents and Forgotten Australians Revisited: Report on the progress with the implementation of the recommendations of the Lost Innocents and Forgotten Australians,* Commonwealth of Australia, Canberra.

- Recognise the large and complex range of secondary services needed to support vulnerable families
- Invest in holistic, coordinated and integrated secondary support services, investigating evidence based models
- Invest in secondary support in both disadvantaged areas and densely populated metropolitan areas
- No change to current practice around adoption, and under no circumstances the introduction of forced adoption
- Ensure the options for creating permanency for children are diverse and solutions tailored to the unique needs and circumstances of parents and their children
- Readily accessible and easy to understand legal information and complaints procedures made available to parents
- Advocacy for parents: ongoing funding for advocacy services whether professional or voluntary, to support parents involved in child protection or judicial processes.
- Ombudsperson for parents and families with authority enacted through legislation and the powers to investigate at any stage of the child protection process
- Amendments to legislation to enshrine parental rights and a child and family wellbeing focus across government
- Amendments to judicial processes to ensure parents are recognised as consumers (or clients) as well as children, and increased specialisation in courts

Micah Projects also strongly recommends the investigation of the potential models outlined in this submission.