



# **Australian Government**

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**Commonwealth Government Response to the Senate Community  
Affairs References Committee Report:**

**Out-of-home care**





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## Commonwealth Government Response to the Senate Community Affairs References Committee Report:

### Out-of-home care

#### Foreword

On 17 July 2014, the Senate referred the matter of out-of-home care to the Community Affairs References Committee (the Committee) for inquiry and report.

On 19 August 2015, the Final Report (the Report) of the Committee's Inquiry into Out-of-Home care (the Inquiry) was tabled in Parliament.

The Commonwealth Government welcomes the Report and the Committee's recommendations.

While state and territory governments have statutory responsibility for child protection and out-of-home care, the safety and wellbeing of all Australian children, including those in out-of-home care, remains a national priority.

The Commonwealth Government works in partnership with state and territory governments and the community sector under the *National Framework for Protecting Australia's Children 2009-2020* (National Framework) to improve child safety and wellbeing, with a strong emphasis on improving outcomes and providing support for children and young people in care.

The National Framework was endorsed by the Council of Australian Governments (COAG) in 2009 with the objective of improving the wellbeing and safety of Australia's children through joint action by the Commonwealth, state and territory governments and non-government organisations.

The National Framework is delivered through a series of three year action plans aimed at achieving a substantial and sustained reduction in child abuse and neglect over time.

The National Framework's Third Action Plan 2015-18 focuses efforts on areas where national leadership and collaboration can make a contribution to resolving specific issues affecting the safety and wellbeing of children and young people. Accordingly, the National Framework and its action plans are not intended to direct action at the tertiary end of the child protection system, or to be an inter-governmental vehicle for progressing agreement in areas of law or policy, or a means to address all issues affecting children and young people.

As a COAG initiative, the National Framework was initially governed by the Standing Council on Community and Disability Services (SCCDS) consisting of Community and Disability Services Ministers. The governance arrangements for the National Framework were changed following a COAG decision on 13 December 2013 to streamline its Council system from 22 Councils to eight focused on its highest priorities.

Following the cessation of the SCCDS as a COAG Council, the then Prime Minister, the Hon Tony Abbott MP, advised the Chair of the former SCCDS that Commonwealth and state and territory portfolio Ministers could continue to engage on an ad hoc basis on matters of national significance and to progress important policy work. Accordingly, the National Framework is now governed through the Commonwealth, State and Territory Community Services Ministers. Community Services Ministers are supported by:

- The Children and Families Secretaries group (CAFS) which comprises senior officials from relevant government departments and will support Ministers to implement the Third Action Plan. The Children and Families Secretaries group ensures whole of government involvement with the National Framework by engaging and partnering with departmental colleagues within jurisdictions and at the national level.
- The National Forum, which is a tripartite governance structure which comprises representatives from the Commonwealth, state and territory governments, key non-government organisations and the National Children's Commissioner. Non-government organisations and researchers are represented by the National Coalition of Organisations Committed to the Safety and Wellbeing of Australia's Children.

This document represents the Commonwealth Government's response to the recommendations of the Inquiry, noting that the response to those recommendations directed at the National Framework have been developed in consultation with the Children and Families Secretaries group and all state and territory governments.



There were 39 whole of Committee agreed recommendations in total, and two additional recommendations from Coalition Senators. The response to these recommendations is categorised as follows:

<b>Response Category</b>	<b>Recommendation numbers</b>	<b>Page number/s</b>
Recommendations in relation to the National Framework and its Third Action Plan	1, 4, 5, 7, 9, 10, 15, 17, 20, 23, 25, 26, 27, 28, 31, 32, 34, 35, 36, 37, 39	4-15
Recommendations in relation to COAG but not the National Framework and its Third Action Plan	6, 8, 18, 22, 24, 38	16-17
Recommendations making direct reference to permanency planning and domestic adoption	11, 12, 13 Additional recommendations: 1, 2	18-19
Recommendations directed at Commonwealth	2, 3, 14, 16, 19, 21, 29, 30, 33	20-33

The Commonwealth Government's response to the recommendations directed at the Third Action Plan recognises the tripartite partnership arrangement of the National Framework focused on a limited number of achievable actions. The Third Action Plan places a strong emphasis on prevention and early intervention and targeting assistance to those communities that have most contact with the child protection system.

For those recommendations directed at COAG, the Commonwealth Government's response reflects the support role of the Children and Families Secretaries group to Commonwealth, state and territory ministers. This joint commitment does not change the fundamental responsibilities of the different levels of government. The Commonwealth Government will bring the Report to the attention of state and territory governments through the Children and Families Secretaries group.

The Commonwealth Government response to the recommendations calling for a national approach to out-of-home care with regards to adoption and permanency acknowledges the recent jurisdictional reforms to provide improved certainty, stability and timeliness of permanent placements for children in out-of-home care. The Commonwealth is working with jurisdictions to continue these improvements, and supports national collaboration on this important issue to ensure that all children across Australia have access to a safe, secure and stable environment.

## Recommendations directed at COAG regarding the National Framework and its Third Action Plan

No	Recommendation
1	<p>The Committee recommends that the Council of Australian Governments (COAG) include the following measures in the Third Action Plan (2015-2018) for the National Framework:</p> <ul style="list-style-type: none"> <li>• accountability for Commonwealth, state and territory governments to ensure compliance with the objectives of the National Framework;</li> <li>• practical guidance for state and territories for implementing the <i>National Standards for out-of-home care</i> at a local level;</li> <li>• integrating all projects under the National Framework with related frameworks including the <i>National Plan to Reduce Violence against Women and their Children 2010-2022</i> and the <i>National Drug Strategy 2010-2015</i>;</li> <li>• associated funding to assist the National Framework achieve its stated objectives.</li> </ul>
4	<p>The Committee recommends that COAG review the National Framework to address recommendations by the United Nations Committee on the Rights of Persons with Disabilities that the National Framework include provisions to protect the rights of children, particularly those with disability.</p>
5	<p>The Committee recommends that COAG include in the Third Action Plan (2015-2018) of the National Framework a project to improve participation by children and young people in decision making processes, including:</p> <ul style="list-style-type: none"> <li>• entry into care (where appropriate);</li> <li>• placement decisions;</li> <li>• family contact and reunion; and</li> <li>• transition from care.</li> </ul> <p>This project should draw from the findings of Australian Institute of Health and Welfare's (AIHW) national survey into views of children and young people in out-of-home care.</p>
7	<p>The Committee recommends that COAG include in the Third Action Plan (2015-2018) of the National Framework, a project to develop and implement:</p> <ul style="list-style-type: none"> <li>• national therapeutic care standards; and</li> <li>• an evaluation of best practice models of therapeutic care across all types of care (drawing from best practice models in Australia and overseas), with a view to implementing therapeutic models across all jurisdictions.</li> </ul>
9	<p>The Committee recommends that COAG include in the Third Action Plan (2015-2018) of the National Framework a project to develop and implement a nationally consistent approach to integrating child protection and disability services to ensure children are screened for disability and complex health needs (such as Foetal Alcohol Spectrum Disorder (FASD)) and referred to appropriate services, and have access to disability services throughout their time in care.</p>
10	<p>Refer to page 13.</p>

No	Recommendation
15	<p>The Committee recommends that COAG include in the Third Action Plan (2015-2018) of the National Framework a project to develop and implement strategies to improve health outcomes for children and young people in care, including:</p> <ul style="list-style-type: none"> <li>• access to health services, particularly youth mental health treatment and support services; and</li> <li>• consideration of health outcomes in case planning.</li> </ul>
17	<p>The Committee recommends that COAG include in the Third Action Plan (2015-2018) of the National Framework a project to develop and implement a nationally consistent approach to:</p> <ul style="list-style-type: none"> <li>• additional education support for children and young people in out-of home care; and</li> <li>• increasing participation by young people in out-of-home care in education and training opportunities.</li> </ul>
20	<p>The Committee recommends that COAG include in the Third Action Plan (2015-2018) of the National Framework a project to develop and implement a nationally consistent framework for transitioning from care, with a focus on improving:</p> <ul style="list-style-type: none"> <li>• health outcomes;</li> <li>• access to higher education;</li> <li>• employment options; and</li> <li>• access and support for securing suitable housing.</li> </ul>
23	<p>The Committee recommends that COAG include in the Third Action Plan (2015-2018) of the National Framework a project to develop and implement a nationally consistent family support framework addressing:</p> <ul style="list-style-type: none"> <li>• universal services targeted at improving the wellbeing of all children and young people;</li> <li>• secondary interventions to support children and families at risk of child protection interventions;</li> <li>• respite services and 'shared care' models of support aimed at family preservation;</li> <li>• evidence-based evaluations of family support services to determine best practice models; and</li> <li>• equitable funding models for family support services.</li> </ul> <p>The Committee further recommends that this family support framework should consider the specific needs of Aboriginal and Torres Strait Islander communities, families and children with disability and Culturally and Linguistically Diverse (CALD) communities.</p>
25	<p>The Committee recommends that COAG include in the Third Action Plan (2015-2018) of the National Framework a project to develop and implement a nationally consistent approach to improving participation by children and families in decision making processes, including Family Group Conferencing and other alternative dispute resolution measures.</p>
26	<p>The Committee recommends that COAG include in the Third Action Plan (2015-2018) of the National Framework the development of nationally consistent mechanisms, such as independent bodies, for managing complaints from families and investigating individual cases.</p>



No	Recommendation
27	The Committee recommends that COAG include in the Third Action Plan (2015-2018) of the National Framework the introduction of national accreditation and registration of child protection workers, including those employed by government departments and non-government organisations (NGOs).
28	The Committee recommends that COAG include in the Third Action Plan (2015-2018) of the National Framework a project to develop and implement nationally consistent family support services including support for families with contact and reunification.
31	<p>The Committee recommends that COAG include in the Third Action Plan (2015-2018) of the National Framework a project to develop and implement a nationally consistent approach to building the capacity of Aboriginal community controlled agencies (ACCAs) to become integrated into all aspects of the child protection system for Aboriginal and Torres Strait Islander children, including:</p> <ul style="list-style-type: none"> <li>• training Aboriginal and Torres Strait Islander support workers;</li> <li>• providing family support services;</li> <li>• implementation of the Aboriginal Child Placement Principle;</li> <li>• involvement and responsibility for all decision making processes; and</li> <li>• delivering out-of-home care services.</li> </ul> <p>The Committee further recommends that state and territory governments review Aboriginal and Torres Strait Islander overrepresentation in out-of-home care as a matter of priority and provide additional resources for family support services to address the causes of social disadvantage.</p>
32	The Committee recommends that COAG include in the Third Action Plan (2015-2018) of the National Framework a project to develop and implement mandatory cultural competence training for all services working with Aboriginal and Torres Strait children and families. This training should be delivered by specialised local Aboriginal and Torres Strait Islander services, including those with expertise working in remote communities.
34	<p>The Committee recommends that COAG include in the Third Action Plan (2015-2018) of the National Framework a project to develop and implement nationally consistent financial and practical (including training and case-worker) support for statutory and informal relative/kinship carers. This should include:</p> <ul style="list-style-type: none"> <li>• establishment of a national peak body for relative/kinship carers;</li> <li>• accreditation and training of relative/kinship carers;</li> <li>• increasing allowance available to relative/kinship carers; and</li> <li>• evaluation and development of nationally consistent best practice models of supported relative/kinship care.</li> </ul>
35	The Committee recommends that COAG include in the Third Action Plan (2015-2018) of the National Framework a project to improve the capacity for emergency respite placements to determine best placements for children and young people.

No	Recommendation
36	<p>The Committee recommends that COAG include in the Third Action Plan (2015-2018) of the National Framework a project to better support Aboriginal and Torres Strait Islander children in relative/kinship care, including:</p> <ul style="list-style-type: none"> <li>• streamlining accreditation and assessment processes for Aboriginal and Torres Strait Islander kinship carers; and</li> <li>• implementing the Winangay kinship resources to improve relationships between carers and child protection authorities.</li> </ul>
37	<p>The Committee recommends that COAG include in the Third Action Plan (2015-2018) of the National Framework a nationally consistent strategy to support and accredit foster carers to improve recruitment and retention. This should also address nationally consistent rates of financial support, case-worker support and training of foster carers.</p>
39	<p>The Committee recommends that COAG include in the Third Action Plan (2015-2018) of the National Framework a project to develop and implement a nationally consistent approach to:</p> <ul style="list-style-type: none"> <li>• mandatory training for all residential care workers;</li> <li>• training qualifications and allowance for carers (including increasing allowances for carers); and</li> <li>• an evaluation on how the role of NGOs in service delivery affects the outcomes for children in care.</li> </ul>

The Commonwealth Government **notes** the above recommendations.

The National Framework is a structure to guide collaboration among Commonwealth Government jurisdictions and the non-government sector on activities designed to keep Australia's children and young people safe and well. Through a tripartite partnership arrangement involving the Commonwealth, state and territory governments and the non-government services sector, it identifies and progresses areas of common interest, where there is consensus among parties that action is required and as to the appropriate way forward.

Work under the National Framework is guided by three-year action plans, which are necessarily focused on a limited number of achievable actions in areas ripe for reform. It recognises that children and young people are supported by a number of interlocking systems, including health, education and justice. However, it focuses efforts on areas where national leadership can make a contribution to specific issues affecting the safety of children.

The National Framework is not:

- focused on directing action at the tertiary end of child protection system, which is clearly the province of states and territories;
- an inter-governmental vehicle for processing agreement in contentious areas of law or policy; or
- a catch-all for all issues affecting children and young people.



The Third Action Plan was developed under the tripartite agreement, with all parties represented on the National Forum. The non-government sector is represented by the Coalition of Organisations Committed to the Safety and Wellbeing of Australia's Children (the NGO Coalition) which consists of over 160 non-government organisations.

The National Forum held a series of consultations with stakeholders on the development of the Third Action Plan 2015-2018 between March and June 2015. Seventeen consultations were held across the country, including a session with Aboriginal and Torres Strait Islander people and representatives from Aboriginal and Torres Strait Islander organisations, as well as sessions with children and young people. Additional consultations were held with people and families living with disability and representatives from the culturally and linguistically diverse community. The consultations were attended by over 300 participants and included representatives from peak organisations, service providers, researchers, children and young people. The Department of Social Services (DSS) also received 27 written submissions in response to its discussion paper. The feedback from consultations and written submissions formed the basis of the Third Action Plan which was developed and agreed through the National Forum.

The development of the Third Action Plan took into account the findings of the Senate Community Affairs Reference Committee Inquiry into Out-of-Home Care (the Report). It was recognised that whilst many of the recommendations in the Report are for action of state and territory governments as they have statutory responsibility for child protection, many of the recommendations are supported by activities more broadly within the National Framework. This includes a commitment under the Third Action Plan to examine how to continue the full implementation of the existing National Standards for Out-of-Home Care.

The Third Action Plan was released on 9 December 2015 by the Minister for Social Services, the Hon Christian Porter MP, following endorsement by state and territory ministers. The focus of the Third Action Plan is to identify and implement early intervention and prevention strategies that require joint action by Commonwealth, state and territory governments and the community sector. The Third Action Plan focuses on three strategies:

*Strategy 1: Early intervention with a focus on the early years, particularly the first 1000 days for a child.*

*Strategy 2: Helping young people in out-of-home care to thrive in adulthood.*

*Strategy 3: Organisations responding better to children and young people to keep them safe.*

### **Third Action Plan – Strategies**

The three overarching strategies and two cross-cutting focus areas that form the basis of the Third Action Plan have been endorsed by all stakeholders as having national significance and requiring prioritised effort to improve the wellbeing of children and young people.

Actions under Strategy 1: *Early intervention with a focus on the early years, particularly the first 1000 days for a child*, has a particular focus on Aboriginal and Torres Strait Islander children and young people, and families dealing with multiple issues including mental health issues, alcohol and other drug misuse, or family and domestic violence.

In the 2016-17 Budget, the Commonwealth Government allocated \$1.23 million over four years to the implementation of the *Building Capacity in Australian Parents* trial. The *Building Capacity in Australian Parents* trial will work to build parenting skills in the first 1,000 days of a child's life. It will focus on vulnerable families where parents have mental health issues, are in jail, or face significant disadvantage. Under the trial, a local area coordinator will improve the coordination of support services for parents and train service staff to help new parents become more effective in their parenting role.

The Third Action Plan will bring a renewed focus on Aboriginal and Torres Strait Islander children, families and communities aimed at reducing the overrepresentation of Aboriginal and Torres Strait Islander children and young people needing child protection services. All parties to the National Framework recognise the importance of ensuring that children and young people in out-of-home care remain connected with their family, community and culture. Under the Third Action Plan all jurisdictions committed to continuing to fully implement the Aboriginal and Torres Strait Islander Child Placement Principle.

A new commitment under the Third Action Plan is agreement to adopt a broader definition of the Aboriginal and Torres Strait Islander Child Placement Principle. The intention is to ensure that the five domains of the Aboriginal and Torres Strait Islander Child Placement Principle (prevention, partnership, placement, participation and connection) are applied to the implementation of all strategies and actions identified in the Third Action Plan.

The Third Action Plan Strategy 2: *Helping young people in out-of-home care to thrive into adulthood* is of relevance to the issues raised in the Report. This strategy recognises that research consistently points to the poor social and economic outcomes for many young people in out-of-home care.

This strategy seeks to provide intensive support and priority access to key services, including housing, to assist these young people transition well into adulthood. It will explore data sharing links between Commonwealth and state and territory governments to inform policy development, better tailor services and drive innovation in service delivery for young people leaving care.

In the 2016-17 Budget, \$3.87 million was provided to fund the *Towards Independent Adulthood* (TIA) Trial to be delivered under Strategy 2 of the Third Action Plan of the National Framework. The aim of the trial is to increase the wellbeing and future economic and social outcomes of young people transitioning out of care and reduce the likelihood of their reliance on welfare later in life.

The Trial will deliver intensive mentoring and targeted supports over three years to up to 80 young people aged 16 years, as they transition from formal care to adulthood.

The TIA Trial is due to commence in mid-2017 and conclude mid-2020. The Trial will be independently evaluated, with the findings to be available to state and territory governments to guide future interventions for young people.

Strategy 2 also includes examining 2014 reforms to the *Transition to Independent Living Allowance* (TILA) to ensure that it reaches to those who need it most. In April 2016, DSS published its 2015, *Review of the Transition to Independent Living Allowance*. DSS implemented the majority of the recommendations of the review including improving communications, simplifying administration and driving demand for TILA. DSS streamlined



administration by removing the first step of the two-step application. Case workers have been able to make one TILA application directly to the Unified Government Gateway (UGG) where previously caseworkers first applied to the DSS TILA Office for approval. This has reduced red-tape and has increased the speed of payment to recipients by a minimum of one to three business days. DSS implemented a communication plan by producing guides for caseworkers and young people on how to apply for TILA and providing accurate web content for state and territory departments and non-government organisations.

The work under Strategy 2 also includes an evaluation of policies and legislation in each jurisdiction that relate to transitioning young people from OOHC into adulthood with a view to identify a possible national approach to extend supports for young people in OOHC beyond the age of 18 years.

The actions under Strategy 2 include working closely with young people, encouraging participation in decision-making processes and ensuring their needs are met. By extending access to services, the Commonwealth seeks to improve health, education, employment and housing outcomes for young people transitioning from care.

Strategy 3: *Organisations responding better to children and young people to keep them safe* will provide a more comprehensive and cohesive national approach to strengthening the capacity of organisations and systems to increase child safety and facilitate information exchange between services. Cultural awareness will be an important component of all child safe organisation approaches under the Third Action Plan to ensure activities respect diversity in cultures and child rearing practices and help to foster cultural competency within the organisations. It will reduce the risk of a child being harmed and foster environments that empower children and young people to speak up, and recognise and appropriately respond to threats to children. This strategy will also consider the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) and actions to support these findings.

Actions under Strategy 3 include the review of the 2005 National Framework for Creating Safe Environments for Children-Organisations, Employees and Volunteers (2005 Child Safe Framework) to take into account the work of the Royal Commission and current child safe standards, reforms and resources across government and non-government organisations. On 11 November 2016, Community Services Ministers from all jurisdictions, including the Commonwealth, agreed to the development of a National Statement of Principles for Child Safe Organisations (the National Statement of Principles), to be endorsed by COAG. This Strategy 3 work will now be part of work on the National Statement of Principles.

Drawing from the Royal Commission, the National Statement of Principles will drive implementation of a child safe culture across all sectors to ensure the safety and wellbeing of children and young people across Australia and be used to support cross-sectoral jurisdictional child safety policy making, funding and investment decisions and legislation and compliance regimes.

Given the extent and scope of work, Community Services Ministers agreed to a phased approach for the development of the National Statement of Principles over an 18 month period for COAG endorsement in mid-2018. This work will be further supported through a national cross-sector engagement process, development of child safe organisation resources and a communication strategy.

Further actions under Strategy 3 include examination of the effectiveness of existing practices and identification of barriers and opportunities to improve information exchange between government and non-government organisations and other key stakeholders to support child safety and wellbeing.

Sharing information nationally is one of five challenges announced by the Minister of Industry, Science and Innovation, on Wednesday 17 August 2016 as part of the Department of Industry, Science and Innovation's Business Research and Innovation Initiative. This challenge is asking small to medium enterprises (SMEs) to develop a digital solution that supports state and territory child protection agencies to share information across borders in order to better identify and understand potential risks to children. Successful applicants were announced by the Minister of Industry, Science and Innovation on 14 March 2017, and the feasibility study is expected to be completed by mid-2017.

### ***Improved Governance and Accountability Mechanisms***

The National Framework is a structure to guide collaboration and implementation among government and non-government sectors; connect related major initiatives; and support funding initiatives. The Third Action Plan includes improved governance and accountability mechanisms and linkages with relevant frameworks.

The National Framework has cooperative and flexible governance arrangements to support the Committee's recommendation. Current arrangements transcend government and non-government boundaries to achieve the aims of the National Framework.

The Children and Families Secretaries group consists of senior officials from relevant government departments and will support Ministers to implement the National Framework including the Third Action Plan. It will ensure whole of government involvement with the National Framework by engaging and partnering with departmental colleagues within jurisdictions and at a national level.

Commonwealth, state and territory ministers for portfolios such as family, community, disability, children and young people, child protection and social welfare are responsible for agreeing to the national strategies and actions and will oversee the progress and overall direction of the National Framework.

Under the Third Action Plan there is work currently underway to link the implementation of actions with activities under the *National Plan to Reduce Violence Against Women and their Children 2010-2022*.

The Commonwealth contributes funding each year to support the actions under the National Framework.

### ***Voices of Children and Young People***

The Third Action Plan has a strong commitment to engaging with young people and children to ensure their views are considered in the implementation of the Third Action Plan.

The National Children's Commissioner was established under the First Action Plan of the National Framework. The role of the National Children's Commissioner includes continuing to support education initiatives to improve awareness amongst the broader community of children's rights.



The National Children's Commissioner will facilitate consultation with children and young people on issues identified by the National Forum and, in collaboration with state and territory Children's Commissioners and Guardian.

The Commonwealth has provided funding to the CREATE Foundation to conduct focus groups on topics relating to the strategies and actions under the plan. The CREATE Foundation and the National Children's Commissioner will convene the sessions, liaising with state and territory Children's Commissioners and Guardians, peak bodies and other non-government organisations.

### ***Early Intervention and Prevention Focus***

The National Framework's early intervention and prevention aim is specifically highlighted in the Third Action Plan through actions under *Strategy 1: Early intervention with a focus on the early, years particularly the first 1000 days for a child.*

Areas of action under this strategy include improving access to evidence-based family support services by examining, developing and trialling best practice place-based models of service delivery, particularly to better meet the needs of vulnerable expectant parents and the parents of young children. There is also an action to implement joined up responses for families with young children, across agencies and sectors, with a focus on Aboriginal and Torres Strait Islander communities. This will include supporting the integration of child care, maternal and child health, and family support services in a number of disadvantaged Aboriginal and Torres Strait Islander Communities through the Community Child Care Fund.

The implementation of the Third Action Plan will prioritise efforts on prevention and early intervention and highlight action on critical areas of children's wellbeing, including children living with a disability.

### ***Aboriginal and Torres Strait Islander Children and Young People***

Specific and sustained attention will be paid to improving the way we work with Aboriginal and Torres Strait Islander families and communities to ensure a central voice and address underlying factors, aimed at reducing the overrepresentation of Aboriginal and Torres Strait Islander children and young people interacting with child protection services. This will include collaboration with, and support for, Aboriginal and Torres Strait Islander community controlled organisations.

All parties to the National Framework recognise the importance of ensuring that children and young people in out-of-home care remain connected with their family, community and culture. All jurisdictions are committed to continuing to fully implement the Aboriginal and Torres Strait Islander Child Placement Principle with regard to children and young people who come into contact with the child protection system. A new commitment under the Third Action Plan is agreement to adopt a broader definition of the Aboriginal and Torres Strait Islander Child Placement Principle. The intention is to ensure that the five domains of the Aboriginal and Torres Strait Islander Child Placement Principle (prevention, partnership, placement, participation and connection) are applied to the implementation of all strategies and actions identified in the Third Action Plan.

## ***Unaccompanied Humanitarian Minors***

<b>No</b>	<b>Recommendation</b>
10	The Committee recommends that COAG include in the Third Action Plan (2015-2018) of the National Framework a project to develop and implement specific supports for children and families and unaccompanied humanitarian minors (UHMs) and international kinship care placements.

The Commonwealth Government **agrees in principle** with this recommendation.

The Commonwealth has statutory responsibility for Unaccompanied Humanitarian Minors (UHM), for whom the Minister of Immigration and Border Protection is the legal guardian.

### ***Unaccompanied Humanitarian Minors Program***

The Commonwealth Government currently works with state and territory governments through the Department of Immigration and Border Protection's UHM Program to support UHMs and their families to this end.

The UHM Program facilitates the provision of relevant care, accommodation, supervision and support services to certain unaccompanied minors who have been granted a visa under Australia's offshore Humanitarian Program, or granted a Protection Visa in Australia. The UHM Program has been providing support to unaccompanied refugee children in Australia for over 40 years and, while numbers fluctuate, the Program is currently delivering care and support services to over 200 unaccompanied refugee children, as young as five years old.

The UHM Program is based on principles similar to out-of-home care, utilising the experience of State/Territory Government Child Welfare Authorities (SCWAs) as well as child welfare specialists and experienced carers from non-government organisations (NGOs).

UHMs supported by SCWAs most commonly live in the community with either an adult relative, an assessed and approved unrelated adult caregiver, or an adult caregiver who has customarily adopted the child in their country of origin. Young people of an appropriate age, maturity and independence are also supported in independent living. Further, a small number are placed with caregivers who are specifically recruited, assessed and approved by the state for the purpose of caring for UHMs.

In the context of contracted services, the UHM Program delivers the following services:

- provides for UHMs' care and welfare needs, including case management, accommodation, food, clothing and other basic items fundamental to a child's welfare;
- facilitates access to education, community services and other relevant networks;
- builds UHM self-agency and resilience and provides age-appropriate guidance and positive role modelling; and
- facilitates transition to independence and adult life.

Where a UHM's care arrangement irretrievably breaks down, through its partnerships with SCWAs, the Department of Immigration and Border Protection can facilitate a small number of placements in out-of-home care arrangements. These may include placement with an approved family or state-accredited foster family. If it is in the minor's best interests, the Department of Immigration and Border Protection will support the UHM's care and welfare through a residential care placement with a Department of Immigration and Border Protection-contracted service provider.

Also, in the case of UHMs who are strictly unaccompanied, where it is in their best interests the Department of Immigration and Border Protection will work with child welfare authorities and relevant NGOs and community groups to look for alternative long-term placement options for the minor, including foster care, adoption or a family law order.

### ***Transition to Independent Living Allowance***

Unaccompanied Humanitarian Minors are eligible for the *Transition to Independent Living Allowance* (TILA). TILA is an allowance of up to \$1,500 per person designed to help young people exiting formal care make a successful transition to independent living by helping meet some of the costs associated with housing, employment or study.

The Commonwealth Government would welcome the opportunity to continue to enhance the support arrangements for UHMs and international kinship care placements, together with SCWA, and NGO partners.



## Commonwealth Government's response to other recommendations directed at COAG

No	Recommendation
6	<p>The Committee recommends that COAG develop and implement nationally consistent powers for independent child commissioners and guardians to:</p> <ul style="list-style-type: none"> <li>• review individual out-of-home care cases;</li> <li>• address complaints and concerns by children and young people;</li> <li>• ensure the voice of children and young people is heard in all decision-making processes about placements and case planning; and</li> <li>• provide community visitors to visit all out-of-home care placements.</li> </ul>
24	<p>The Committee recommends that COAG consider a nationally consistent approach to funding advocacy and support groups for parents with children in or at risk of entering out-of-home care.</p>
38	<p>The Committee recommends that COAG implement a nationally consistent, best practice model of professional foster care.</p>

The Commonwealth Government **notes** these recommendations involve various Commonwealth and state and territory government agencies with specific policy and program responsibilities. The Commonwealth Government will bring the Report to the attention of state and territory governments through the Children and Families Secretaries group. The Children and Families Secretaries group comprises heads of Commonwealth and state and territory departments responsible for children and families.

## Commonwealth Government's response to recommendations directed at state and territory governments

No	Recommendation
8	The Committee recommends that states and territories increase resources available to fund therapeutic models of care, based on evidence-based evaluations of existing and proposed models.
18	The Committee recommends that states and territories ensure all children in out-of-home care have updated education plans.
22	The Committee recommends that states and territories raise the age to which young people continue to receive ongoing post-care support to 21 years of age.

The Commonwealth Government **notes** these recommendations and acknowledges that these recommendations are for the consideration of the state and territory governments.



## Commonwealth Government's response to recommendations calling for national approach to Permanency /Adoption

No	Recommendation
11	The Committee recommends that COAG include in the Third Action Plan (2015-2018) of the National Framework a project to develop and implement a nationally consistent approach to permanency planning. This should include adding a measure on permanency planning into the National Standards for Out-of-Home Care.
12	The Committee recommends that COAG include in the Third Action Plan (2015-2018) of the National Framework a project to develop a nationally consistent approach to legal forms of permanence (including guardianship orders and adoption) that ensure children maintain connection to their families, and carers continue to receive financial and practical support.
13	The Committee recommends that COAG include in the Third Action Plan (2015-2018) of the National Framework a project to consider how to improve access to legally permanent placements (including guardianship orders and adoptions) for children and young people in out-of-home care, where these arrangements may provide the safest and most stable placements.
<b>Additional Recommendations</b>	
1	Coalition Senators recommend that COAG take a national approach to out-of-home care based on the NSW model so that more children under long-term care have the opportunity for adoption and permanency.
2	That the Commonwealth Government, in line with its stance on intercountry adoptions, use its leadership of COAG to promote policies which will make local adoption a more viable pathway.

The Commonwealth Government **supports** these recommendations in principle, and recognises that children under long-term care should have the opportunity for permanency, including adoption and guardianship orders, where appropriate and in the best interests of the child.

The Commonwealth Government notes that approaches around local adoption arrangements within the culturally and linguistically diverse (CALD) community that may affect unaccompanied minors and UHMs, including those who fall under the auspices of the *Immigration (Guardianship of Children) Act 14 1946* (IGOC Act), and for whom the Minister of Immigration and Border Protection is the legal guardian, is of a particular interest for the Commonwealth.

The Commonwealth Government acknowledges that the issue of permanency planning is best dealt with by Commonwealth, state and territory ministers with portfolio responsibility for child protection, children and families. In April 2016, the Children and Families Secretaries group agreed that the Commonwealth and Victoria jointly lead work on identifying factors

common across jurisdictions that support more effective approaches to achieving permanency and for a working group to be established to progress work on permanency.

The Commonwealth Government acknowledges approaches to permanency for Aboriginal and Torres Strait Islander children in out-of-home care will need to be considered separately and carefully, given the additional challenges faced by some disadvantaged Indigenous communities and historical policies of removal.

Outcomes achieved through the Permanency Reform Working Group will be discussed at future meetings of the Children and Families Secretaries group and meetings of the Community Services Ministers.

## Commonwealth Government's response to recommendations directed at Commonwealth

### Data projects

No	Recommendation
2	<p>The Committee recommends that the Australian Institute of Health and Welfare (AIHW) work with states and territories to address data gaps in Child Protection National Minimum Data Set (CP NMDS) and other data sets of children in out-of-home care regarding:</p> <ul style="list-style-type: none"> <li>• children and young people with disability;</li> <li>• children and young people from culturally and linguistically diverse backgrounds;</li> <li>• relationship between children and young people and their kinship carers;</li> <li>• role of permanency planning and permanent care placements for children and young people;</li> <li>• data collected by community service organisations; and</li> <li>• how outcomes for children and young people in out-of-home care compare with the general population.</li> </ul>
3	<p>The Committee recommends that AIHW work with states and territories to develop and implement a data collection project that would provide general data on the reasons children are placed in out-of-home care, consistent with the recommendation by the United Nations Committee on the Rights of the Child.</p>
19	<p>The Committee recommends that AIHW work with states and territories to develop a data set on outcomes for young people transitioning from care up to 21 years of age, including the following indicators:</p> <ul style="list-style-type: none"> <li>• connection to family and/or carers;</li> <li>• education and employment;</li> <li>• housing; and</li> <li>• health (including mental health).</li> </ul>

The Commonwealth Government **notes** these recommendations align closely with areas already identified by the Australian Institute of Health and Welfare (AIHW) as priorities for further development, and AIHW is continuing to consult with state and territory data providers on how to enhance the Child Protection National Minimum Data Set (CP NMDS) in these areas.

### **Existing governance arrangements for data management**

The CP NMDS consists of data extracted from state and territory child protection administrative data sets according to nationally agreed definitions and technical specifications. The AIHW then uses these data to report statistics on children and young people under child protection, including those in out-of-home care, in the *Child Protection Australia* report series and associated products. The AIHW is funded by state and territory departments responsible for child protection services to both collate and report CP NMDS data.

The CP NMDS work program is overseen by the Children and Families Data Network (CAFDaN), a sub-committee of the Children and Families Secretaries group, both of which include representatives from relevant state and territory departments and DSS. The CAFDaN regularly reviews the data set and agrees upon changes in accordance with identified information requirements, available resources and collection feasibility.

### ***Work in progress***

AIHW is working with states and territories through CAFDaN to enhance national reporting of permanent care arrangements for children and young people in out-of-home care. As part of this DSS-funded work, current known-carer adoption and permanent care order data collections are being reviewed and the feasibility of reporting more complete national data on permanent care arrangements is being explored.

The AIHW has strengthened its data linkage capability for welfare services and has successfully linked data on children in care with youth justice, education and specialist homelessness services data sets. The AIHW is also collaborating with the NSW Treasury to link their out-of-home care leaver data with AIHW held data.

More broadly, the Commonwealth in consultation with all jurisdictions, has undertaken a scoping data sharing project for Children and Families Secretaries group. This project considered existing data sharing work and prioritised key policy areas where more needs to be known about the pathways and trajectories of vulnerable children and families including children and young people who have left care. This work has been undertaken by the Australian Institute of Health and Welfare, and is based on an earlier proof of concept trial undertaken by DHS.

AIHW have agreed to lead the second phase of an out-of-home care data linkage project started by the Department of Human Services. The first phase of the project was a "proof of concept" that linked state and territory out-of-home care data with Commonwealth income support payments data to look at the welfare outcomes of young people with a care experience. The scope of the second phase of the project is currently under consideration.

### ***Planned new projects***

The CP NMDS includes data items on children and young people with disability, children and young people from culturally and linguistically diverse backgrounds, and the relationship between children and young people and their kinship carers. However, given these data items are currently not well reported, AIHW is reviewing in collaboration with CAFDaN further work to improve the completeness and quality of these data and to assess the feasibility of using alternate reporting arrangements.

While the CP NMDS includes data on the primary type of abuse reported for each child, it does not include data on the reasons that children are placed in out-of-home care. AIHW has proposed for CAFDaN consideration, a project to assess the feasibility of including a data item to collect the reasons children are placed in out-of-home care.

### ***Opportunities and barriers to support recommendations***

The recommendations highlight the priority of achieving improvements in these key areas and provide an opportunity to build consensus for these improvements. Changes to the CP NMDS are subject to agreement by state and territory governments, which fund much of the AIHW's work enhancing the data collection and need to be able to extract the revised data from their administrative systems.

The recommended changes will need to be carefully developed and field-tested prior to implementation in data collection practices and associated information systems of all eight state and territory governments. The complexity involved in changing and aligning these information systems means that implementation of revised data items and subsequent data collection and reporting can take a number of years.



## ***Identity documents***

<b>No</b>	<b>Recommendation</b>
14	The Committee recommends that the Department of Social Services, Department of Human Services and Department of Immigration and Border Protection review parental consent requirements for identity documents (including passports, Medicare cards and citizenship) to remove barriers to accessibility for children and young people in out-of-home care.

The Commonwealth Government **notes** this recommendation on the basis that Commonwealth Government policy already exists to establish a person's identity, including verifying the identity of children.

In relation to establishing a person's identity, the *National Identity Proofing Guidelines* (the Guidelines), developed by the Attorney-General's Department on behalf of all Australian governments, provides a flexible, risk-based approach to identity verification, consistent with international standards.

The Guidelines allow agencies to choose from one of four sets of identity proofing requirements, informed by a risk assessment, depending on the level of confidence or assurance required in a person's identity.

Chapter 5 of the Guidelines provides for an exceptions process where a person is unable to provide the necessary evidence of identity documents to an agency and the agency determines that an alternate proofing process is acceptable. The chapter outlines that in seeking to verify the identity of a child, agencies should verify the identity of the child's parent/s or legal guardian to the required level of assurance; and establish a documentary link between the child and the parent/s or legal guardian.

The Guidelines can be viewed on the Attorney-General's Departments website at: <https://www.ag.gov.au/RightsAndProtections/IdentitySecurity/Pages/Identity-security-guidelines-and-standards.aspx>.

The Department of Human Services has processes in place to assist children in out-of-home care to access Medicare services. Where a child is a state ward or a foster child, the state child protection agency, with appropriate authority, can apply for access to Medicare services and be issued a Medicare card for the child.

There is a provision for the child to receive medical treatment without being enrolled in Medicare. Under the health care agreement with the hospitals, it is the responsibility of hospitals and the relevant state's child protection agency to provide health care and assistance in these circumstances.

In relation to the issuing of travel documents to children, the Department of Foreign Affairs and Trade issues documents to children in accordance with provision of the *Australian Passports Act 2005* (Passports Act) and the *Australian Passports Determination 2015*. The Passports Act applies to all Australian child passport applicants, including children in out-of-home care. If a child meets the identity, citizenship and consent requirements as outlined in the Act, they are entitled to be issued Australian travel documents.

There are provisions in the *Passports Act 2005* (Cth) and the *Australian Passports Determination 2015* (Cth) to allow a delegate of the Minister of Foreign Affairs to approve the issue of a travel document where consent from all parties with parental responsibility cannot be obtained. A specific provision exists for children who are the subject of a child welfare order and the Passports Office regularly exercises this provision when determining passport applications.

Providing evidence of Australian citizenship is a legislated requirement to be eligible for an Australian passport. If a lodging person/entity does not have access to the relevant documents (evidence that the child's parent was an Australian citizen at the time of the child's birth), they will need to apply for evidence of citizenship from the Department of Immigration and Border Protection as the responsible agency for determining citizenship. Where the child is an Aboriginal or Torres Strait Islander, the Passports Office will consider proof of Aboriginality documents in lieu of other documentation (where it is not available) on a case-by-case basis.

The Passports Office has developed two guides to assist persons who are lodging travel document applications for children in out-of-home care arrangements, *Child Welfare or Protective Agencies: a guide to lodging child passport applications* and *Lodging Australian Travel Document Applications for Unaccompanied Humanitarian Minors – A guide for Guardians*. Both of these documents are available on the passports website at [www.passports.gov.au](http://www.passports.gov.au).

In a small number of cases, the decision to issue a child passport represents significant risk due to the possibility of child abduction to or from Australia. A strong legislative framework, combined with targeted policy and processes exist to mitigate these risks, acting more as a safeguard than a barrier to passport accessibility.

The Department of Immigration and Border Protection will continue to ensure non-citizen children in out-of-home care have access to appropriate Commencement of Identity credentials, that is, credentials which provide evidence of the child's identity commencing in Australia, which are often required for identity verification processes in accordance with the National Identity Proofing Guidelines. This includes eligibility for an ImmiCard, free of charge, to assist with settlement and care placements.

Children in out-of-home care may engage with the Department of Immigration and Border Protection when they wish to obtain Australian citizenship or evidence of Australian citizenship.

A new Form 1499, 'Declaration of parentage to support ImmiCard application' has also been implemented to allow a parent to submit an alternative form of evidence where official documentation to prove lineage is unavailable. This includes, for example, acceptance of written support from a religious leader or school principal. This approach recognises many Refugee and Special Humanitarian visa holders arrive in Australia as infants or children and were issued a Document for Travel to Australia (DFTTA) or an ImmiCard. The facial recognition assessment undertaken as part of any subsequent request for a new ImmiCard is often inconclusive due to either the dramatic change in the older child's appearance or the poor quality of the original photo.



The Department of Immigration and Border Protection would be concerned about any proposed relaxing of required evidence of identity for non-citizen children in out-of-home care.

The Department of Human Services currently provides *Alternative Identity Confirmation* processes, which ensure recipients who do not have the required identity documentation can still access government services. The Department is also currently working to implement a single identity enrolment process across all relevant payments and services. As part of this work, the Department is also seeking to improve services provided to recipients who have not had their birth registered or do not possess a birth certificate. Application of similar processes could be considered by other agencies to assist in the identity proofing of children living away from home.

An Identity Documents Working Group (IDWG) was established to facilitate discussion between the Commonwealth, jurisdictions and key academics to collectively identify practical solutions for assisting children involved in statutory child protection services to access their identity documents. DSS, in partnership with the National Children's Commissioner, Megan Mitchell, chair the IDWG which will report to the Children and Families Secretaries Group. The IDWG intends on preparing a report to be considered by the Children and Families Secretaries Group in mid-late 2017.

### **Medicare Items for children in out-of-home care**

<b>No</b>	<b>Recommendation</b>
16	The Committee recommends that the Department of Health introduce a separate Medicare items for children in out-of-home care to improve access to health assessments and treatments, including mental health.

The Commonwealth Government **disagrees** with this recommendation.

The Department of Health has considered the Committee's recommendation to introduce a separate Medicare item for children in out-of-home care to improve access to health assessments and treatment, including mental health.

A health assessment gives a medical practitioner the opportunity to undertake a holistic and systemic assessment of a child's health status and to consider actual or potential ongoing health or developmental care needs. However, on its own, a health assessment cannot guarantee that a child who needs follow-up care will receive that care, or that the provision of care will be coordinated rather than piecemeal. For very vulnerable patients, such as children in out-of-home care the need for effective care co-ordination is crucial. Therefore, this recommendation is not supported.

State and territory governments are best placed to provide such care by employing expert, multi-disciplinary case managers to operate out of local public hospital units or other appropriate publicly funded centres. The case managers are required to have substantial skills in organising appropriate, coordinated health care and other services for the children. Just how complex the needs of these children can be is reflected by the fact many jurisdictions have established their own specialist services for children in out-of-home care that include child abuse assessment and treatment units that co-ordinate health services including forensic medical services, paediatric developmental assessments, psychosocial assessments, health screens, education, consultation and counselling.

### ***Transition to Independent Living Allowance***

No	Recommendation
21	The Committee recommends that the Commonwealth Government increase the <i>Transition to Independent Living Allowance</i> (TILA) for young people transitioning from care. The Committee further recommends that the Department of Social Services review existing post-care support programs to identify opportunities to assist young people transitioning from care.

The Commonwealth Government **notes** this recommendation.

In June 2009 the Commonwealth Government increased the TILA payment from \$1,000 to \$1,500. From 1 January 2014, DSS introduced reforms that refocused eligibility back to the original target group of young people leaving formal care, with an additional requirement that there is a transition to independence plan in place and a case worker is involved. TILA can be paid in instalments so that the caseworker and young person can agree to receive smaller payments at appropriate times during their transition to independent living. TILA is now integrated with state and territory governments' leaving care supports so that it is complementary to the support that young people are receiving in living out of care from their jurisdiction.

The DSS review, conducted in 2015 and published in April 2016, aimed to determine the effectiveness and efficiency of the new operational arrangements which commenced on 1 January 2014. In the main, the review found that the sector appreciated the 2014 reforms and the streamlining of the administration of TILA.

The recommendations of the review called for improved communications, simplifying administration, driving demand for TILA, and amending Department of Human Services' payment notifications. The review also found that not all eligible young people exiting care claim TILA payments or claim the full amount. The average amount applied for is \$1,350. DSS has been raising awareness of TILA amongst young people, caseworkers and jurisdictions through a communication strategy.

DSS has also made administrative adjustments to the TILA application process, clarified eligibility of young people and implemented a communication plan, all designed to increase awareness and uptake of TILA payments and payment notifications. The two step application process required caseworkers to first seek approval from DSS of the goods and services to be bought with TILA funds then a second application for payment to be made through the Department of Human Services' Unified Government Gateway (UGG). The main administrative change reduced red tape in applications through the removal of the first step application to DSS so that caseworkers now apply for a TILA payment directly to the UGG. DSS will consider a modest increase to the maximum TILA payment as part of ongoing administrative reform to TILA.

While post-care support programs are the responsibility of state and territory governments, the Commonwealth Government is working in partnership with state and territory governments and the community sector under the National Framework to improve the safety and wellbeing of Australia's children, including those who have entered and are transitioning from the child protection system.

DSS, on behalf of the Commonwealth, is leading Strategy 2 under the Third Action Plan which focuses on developing and strengthening support for young people in care transitioning to adulthood and improving priority access to support services. Under this strategy, a number of signature actions are being, or will be, implemented over the next three years, such as evaluating the impact of jurisdictions' policy changes to extend statutory responsibility and access to services to young people who exit out-of-home care over the age of 18 years.

Some of the other signature actions include:

- the Commonwealth Government will continue to support eligible young people to access services through the Youth Employment Strategy under the Growing Jobs and Small Business Package;
- the Commonwealth Government will trial ways of improving support to young people by utilising available data; and
- the Commonwealth Government will continue to examine the 2014 reforms to TILA to ensure it continues to target those who need it most and improve efficiency.



## **Family Support Services**

No	Recommendation
29	The Committee recommends that the Commonwealth Government provide increased resources for family support services.

The Commonwealth Government **notes** this recommendation.

The Commonwealth Government is already investing just over \$1.2 billion\* from 2016-17 to 2020-21 under the Families and Children (FaC) Activity of the Families and Communities Program to support families to improve the wellbeing of children and young people to enhance family and community functioning, as well as increasing the participation of vulnerable people in community life.

Under the FaC Activity, the Commonwealth Government funds a number of programs that support children and families, including children and young people at risk of entering, and in, out-of-home care such as Intensive Family Support Services (IFSS), Children and Parenting Support (CaPS), and Communities for Children Facilitating Partners (CfC FP).

IFSS is an evidence-informed and outcomes based service focused on reducing child neglect and increasing the capacity of families to support their children to be safe, nurtured and thriving. IFSS provides the most vulnerable families in identified communities in the Northern Territory and South Australia with practical parenting education and support. This support is provided to parents and caregivers in their communities and homes for up to 12 months, to help them improve the health, safety and wellbeing of their children.

Through CaPS, the Commonwealth Government funds a range of prevention and early intervention services including peer support groups, parenting education services, web-based resources and support services, playgroups, and school readiness programs.

The CfC FPs aim to deliver positive and sustainable outcomes for children aged 0-12 and families in disadvantaged communities throughout Australia. CfC FPs are place-based and develop and facilitate a whole of community approach to support and enhance early childhood development and wellbeing through services such as parenting programs and group peer support.

\*based on 2017-18 Portfolio Budget Statements

## Access to Legal and Other Advice

No	Recommendation
30	The Committee recommends that the Commonwealth Government improve access to legal and other advice and support available to families in child protection matters both before and during court proceedings, including through increased funding for relevant legal assistance providers. The Committee further recommends particular consideration be given to improving access to legal and other advice and support for Aboriginal and Torres Strait Islander families experiencing family violence.

The Commonwealth Government **supports** this recommendation in principle.

The Commonwealth Government's commitment to legal assistance over the five years from 2015-2020, totals over \$1.7 billion across legal aid commissions, community legal centres (CLCs) and Aboriginal and Torres Strait Islander Legal Services (ATSILS). This includes an additional \$55.7 million the Commonwealth Government committed as part of the 2017-18 Budget from 1 July 2017 to 30 June 2020, for community legal centres (\$39 million), for family law and family violence related services, and for ATSILS (\$16.7 million).

Child protection, including funding legal assistance related to child protection matters, is the responsibility of state and territory governments. However, in recognition of the importance of protecting children, under the *National Partnership Agreement on Legal Assistance Services 2015-2020* (the Agreement), Commonwealth funding for legal aid commissions can be used in state law matters relating to the safety or welfare of children where the matters are connected with family law matters. The Agreement also includes Commonwealth funding for CLCs and allows this funding to be used for assistance in state law matters, including matters relating to the welfare of children. In addition, children, Indigenous Australians and people experiencing, or at risk of, family violence or homelessness, are priority clients for legal assistance services funded by the Commonwealth.

The Government continues to be the primary funded of ATSILS through the Indigenous Legal Assistance Program. ATSILS ensure Indigenous Australian clients and their families receive high quality, culturally appropriate legal assistance services, with respect to criminal law, children's care and protection, family law and civil law. Individual funding agreements with ATSILS include children and people experiencing, or at risk of, family violence or homelessness, as priority clients.

The Government is committed to doing what it can to ensure that vulnerable people receive the legal assistance they need to address their legal problems. This is demonstrated through the Government's provision of \$45 million for front-line legal assistance and family law services as part of the \$100 million Women's Safety Package and the \$100 million Third Action Plan of the *National Plan to Reduce Violence against Women and their Children 2010-2022*. It also complements the Commonwealth Government's commitment of \$3.4 million in the 2017-18 Budget to expand the pilot program for specialist domestic violence units.

The Commonwealth also funds 23 organisations to deliver Specialised Family Violence Services (SFVS) through 27 outlets across Australia under the Family and Relationship

Services (FaRS) Sub-Activity. SFVS contributes to the strategic vision of the *National Plan to Reduce Violence against Women and their Children 2010-2022* that "Australian women and their children live free from violence in safe communities". SFVS delivers specialised services that support individuals, couples, children and families who are experiencing, or at risk of, family or domestic violence.

Services may include individual or couple broad-based counselling and dispute resolution, education for individuals who are violent or abusive, support for individuals affected by family violence, and support for children who have experienced or witnessed family violence.



## **National Disability Insurance Agency (NDIA)**

No	Recommendation
33	<p>The Committee recommends that the National Disability Insurance Agency (NDIA) review the adequacy and availability of funding for children with disability at National Disability Insurance Scheme (NDIS) trial sites, including:</p> <ul style="list-style-type: none"><li>• early intervention funding to support children with disability remaining at home in the care of their parents; and</li><li>• case management support for children with disability and families with disability to access family support services to assist children remaining at home in the care of their parents.</li></ul>

The Commonwealth Government **supports** this recommendation.

The National Disability Insurance Scheme (NDIS) is an insurance approach and sustainability of the Scheme is continually monitored by the Scheme Actuary under the *NDIS Act 2013*. The NDIA's Early Childhood Early Intervention (ECEI) Approach was released in February 2016 and is essential element to the success of NDIS. The approach is designed to ensure that parents or primary caregivers are able to provide young children (0-6 years) who have developmental delay or disabilities with experiences and opportunities that help the children gain and use the functional skills they need to participate meaningfully in the key environments in their lives. Each child's ECEI program will be developed and delivered by Early Childhood Partners who are experienced in Early Childhood Intervention. Outcomes for children and families achieved through the early childhood intervention approach will be recognised through:

- families developing their knowledge, confidence and skills to support the needs of their child;
- children with developmental delay or disability and their families participating in everyday family and community life;
- mainstream and community services receiving support to promote functional outcomes for children with developmental delay or disability; and
- families seeing progress and gains in the functional outcomes for their child.

Children who become participants of the scheme can access early childhood intervention supports in keeping with the National Guidelines Best Practice in Early Childhood Intervention developed by Early Childhood Intervention Australia (ECIA).

For children in OOHC, where return to the family home is the participant's goal, a focus of the plan is the supports required to support the family to return the child to the home. Where the child is at risk of having to leave the home, support focuses on maintaining them in the home where it is safe to do so. In these cases, the ECEI partner works with the Agency to develop a plan to facilitate this. This plan also considers the supports provided by the mainstream services.

The National Disability Insurance Agency (NDIA) works with families and individuals on a plan individually designed for their specific needs. The plan is based on the participant's

goals and takes into account the views of parents and carers. The types of supports provided will vary depending on the needs of the participant. The NDIA provides resources for core supports (e.g. day to day supports), capacity building (e.g. training, skills development) and capital (e.g. equipment). The NDIA uses a strength based approach to planning which includes where possible, strengthening and building capacity of families and carers to support participants who are children. Support coordination can be funded in the participant's plan to assist in achieving this outcome and to assist them to access family support services to assist children remaining at home in the care of their parents.

The ECEI Approach is for children 0-6 years with developmental delay or disability. Early Childhood Partners must adhere to the National Guidelines Best Practice in Early Childhood Intervention developed by ECIA. In working with the family, the Early Childhood Partners will apply family-centred and strengths-based practice, which is a set of values, skills, behaviours and knowledge that recognises the central role of families in children's lives. The guiding principles state:

- each family should have the opportunity to decide the level of involvement they wish in the decision-making for their child;
- parents have ultimate responsibility for their child;
- each family and family member should be treated with respect; and
- the strengths and needs of all family members will be supported and encouraged.

Children who become participants of the NDIS will receive funded early childhood intervention supports, and where needed, a care supports to maintain or return them to the family home. A key component of best practice early childhood intervention is the Key Worker model. The Key Worker is the primary contact for the family and has a role in coordinating the early childhood supports going into the home along with linkages to mainstream and community services.

Both the Early Childhood Partner and the NDIS funded Key Workers will work collaboratively with mainstream and community services including Family Support Services.

The NDIA is mindful of its market stewardship role and is always seeking to improve the capacity and capability of the market to ensure high quality service provision.

Through the Medicare Benefits Schedule (MBS), the Commonwealth Government already subsidises early intervention services to children with a disability and children with autism: *Helping Children with Autism (HCWA)*; and *Better Start for Children with Disability (Better Start)* programmes. Children in out-of-home care have access to these programmes in addition to relevant general practitioner (GP) and specialist MBS items as required.

The HCWA programme provides early intervention services for children undergoing diagnosis/assessment or treatment for autism or any other pervasive developmental disorder (PDD). The *Better Start* programme provides access to Medicare items for the early diagnosis and treatment of children with an eligible disability. The list of eligible disabilities is outlined in the MBS.

Children with autism or any other PDD or with an eligible disability are eligible for up to a total of four allied health assessment services per child (diagnostic and contribution to a management plan) and up to a total of 20 allied health treatment services per child.

Medicare rebates are available for the assessment/diagnosis items only when:

- a child with autism/PDD is aged under 13 years and referred by an eligible consultant psychiatrist or paediatrician; or
- a child with an eligible disability is aged under 13 years and referred by a specialist, consultant physician or a GP.

Under the HCWA and the *Better Start* programmes, assessment services must be accessed prior to a child's 13th birthday and treatment and management plan services must be accessed by a child's 15th birthday.

Children can access the HCWA Medicare services provided they have **not** already accessed the *Better Start* Medicare services and vice versa, in addition to meeting the requirements of each service.

As the NDIS is rolled out across Australia, children supported through the HCWA or *Better Start* will transition to the NDIS. Medicare items are not in scope for the NDIS and will remain available to families.

