Submission to Senate Community Affairs Reference Committee - Out of Home Care

Chloe Valentine, age 4 died when her parents failed to seek medical attention after repeatedly falling off a 50kg motor bike in her backyard, and on the heels of no less than 22 notifications to Families SA over the preceding time. More recently, a Families SA state-run group home carer has now been charged in relation to the sexual abuse of 7 young children in his care. Important warning signs were ignored.

Three key changes need to be implemented sooner rather than later.

First, South Australia has the lowest rate of mandatory notification investigations in Australia - 10.3 per 1000 notifications, compared to 19.8 in New South Wales, 19.4 in Queensland, 19.0 in the ACT, 17.1 in WA, 15.0 in Tasmania, 14.0 in Victoria and 49.5 in the NT *(Australian Institute of Health and Welfare, Child Protection Australia, 2014 p12* http://aihw.gov.au/publication-detail/?id=60129547965 *).*

Every child protection jurisdiction in Australia has a set of guidelines that underpin the investigation of mandatory reports. In South Australia, the guidelines need to be widened and the threshold at which a child is deemed at too great a risk such that they should be removed, needs to be lowered. In addition, we need a uniform national approach to these guidelines, such that all jurisdictions are obliged to act on identical criteria when the underlying conditions are met.

The default position of some child protection authorities appears to be held captive to a culture of "discounting" abuse (the very thing that child safe environments training teaches mandated notifiers not to do) thanks in part it seems, to a deeply pervasive politically correct agenda among some in the child protection hierarchy that removing children is tantamount to stealing them from basically good parents who really just need a lot more "support".

While in some instances, the early intervention approach can yield a positive result, the inconvenient truth is that some parents are simply not fit and will never be fit to parent regardless of what is provided or the good intentions of support interventions. And some parents, like Chloe Valentine's mother, manipulate the bleeding hearts for all it's worth.

Alas, under the current approach, the rights of the child are often invisible behind the rights of dysfunctional birth parents. This is quite simply wrong and the reverse of how it should be. The child, their need of safety and healthy attachment must come first.

Second, resourcing within child protection service delivery needs to be repositioned with more attention given to investigating notifications. There is a very simple and effective way to accomplish this without it costing the state a single cent.

In South Australia, the Minister has legislative power to vest his/her guardianship in another person. This is called Other Person Guardianship (OPG). Currently, foster and kinship parents can request OPG, however, the progressing of OPG requests is entirely at the discretion of the individual child protection worker. While some workers and child protection offices are supportive of OPG requests, others are not. There is unfortunately, a clear conflict of interest.

All children under guardianship in long term placements should automatically be scheduled for Other Person Guardianship (OPG) status after 12 months, with guardianship vested in the foster or kinship parents, including on-going financial support from the state and a yearly review of needs. With many more children in OPG arrangements, this would potentially free up a sizeable portion of the child protection workforce to concentrate on the investigation of mandatory reports.

Far better if OPG status was the automatic pathway for children in long term placements and the state departments were compelled to show cause why, in the best interests of the child (given the universal acceptance of the importance of healthy, secure attachment for traumatised children), OPG should not be automatically granted after 12 months.

Third, rebuilding of the depleted foster care sector must become a priority. Good contemporary social policy seeks to shift control and responsibility out towards citizens and the community, strengthening community links and mirroring community standards. At present however, we feed the current disconnect in service delivery by concentrating resourcing within a bureaucracy which in some instances, has its own separate agenda to prosecute.

Keeping foster parents weak, disenfranchised, powerless and voiceless is unfortunately, a mechanism by which the wider community is shut out of equity at the national child protection table. The state would likely argue that foster parents have state funded support organisations, but these contracts often have a 'gag' clause, preventing foster parents from speaking publicly without permission from the funder. Foster parents questioning the decisions of authorities run the risk of removal of the child. The social justice issues for foster parents have been easily ignored in such a climate.

The community must be brokered in to child protection issues and solutions, since it is the community (and foster/kinship parents in particular) who ultimately wears the day to day responsibility for the failures of other parents and indeed the failures of bureaucracy. It is not the politicians, not the judges, and certainly not the bureaucrats who shoulder the lion's share of picking up the slack.

Control of the out of home care sector needs to move out of government altogether through the establishment of an independent community-run organisation with an independent community board, including representation from foster and kinship parents and the not-for-profit organisations currently delivering foster care services.

This organisation should be responsible for registration and licensing of all residential out-of-home care individuals. It should also be responsible for all training, recruitment, screening, care standards, quality control and the preliminary investigation of care concerns with most of these and all alleged sexual abuse matters being handled separately by a special policing unit.

In addition, we urgently need introduction of a specialised "Children at Risk" stream in the TAFE Children's Services certificate, with foster and kinship parents acquiring this qualification attracting an additional placement loading. This would make foster parenting attractive to many stay-at-home parents, rapidly increasing the currently depleted supply of stable quality placements at a fraction of the cost of state-run group homes with their constantly changing, fully salaried, staff.

A uniform Australia-wide approach to community inclusion in child protection matters is equally pressing.

Action on reform has been too long coming, and it may elude us yet. However, if we can focus our attention on these three areas, we stand a reasonable chance that less children will die, and less will be permanently harmed by a child protection system, that currently and sadly, is designed to fail those children like Chloe Valentine, and others it most needs to protect.

Sharon Glen.

About me:

I prepared a submission for the Mullighan Inquiry (2006-8) regarding reform of the foster care sector, in collaboration with international child protection expert, Emeritus Professor Freda Briggs, AO and the former Director of Foster Care Relations for Families SA (Carmel O'Loughlin) at the time of the Mullighan inquiry. The 3 of us met with Ted Mullighan to discuss the proposals, further talks were held with counsel assisting, Leisl Chapman, view to implementing the reforms to foster care in South Australia, however when the report was released, all of the reforms were missing.

I am also a former foster parent, a former salaried foster care consultant with Anglicare and a mandated notifier in my current professional role. I hold a Bachelor of Applied Science degree in Social Health, and near complete course work in two Masters, Master of Teaching – Special Education, and a Master of Public Administration.