Adopt Change National Recommendations following the National Permanency Conference 2020

November 2020

Introduction

On 12 to 13 October 2020 Adopt Change held the 4th National Permanency Conference (NPC) – #THRIVE2020. The conference is held annually as a response to Community Services Ministers' commitment made in November 2016 to prioritise permanency for children in out of home care, to hear from states, territories and federal government on the progress made since the commitment, and the plans moving forward.

The two-day conference was held online for the first time, due to the COVID-19 environment, with ~340 registered delegates. The conference took the form of a virtual summit, offering delegates the opportunity to participate in national conversations to bring about change, as well as hearing from experts across related topics. The NPC brought together government, the child welfare sector, academics and the community (including parents, carers, relatives and those with lived experience of being in care and/or adopted) to discuss critical issues surrounding children and young people in out of home care (OOHC). The theme this year was #THRIVE, which focused on creating better outcomes for children and young people in OOHC and incorporated the combined importance of learn and play as children grow into the voices of the future.

In addition to the main plenary sessions and breakout workshops, two National Roundtable video conference sessions were held where participants were invited to share their views. Participants were encouraged to provide their input to share as part of the recommendations. Questions related to the conference topics of permanency and thriving for children in out of home care we provided as a framework for feedback. Participants were advised the discussion would be summarised into a document which would be submitted to government.

Key Recommendations

Whilst there has always been vigorous public discussion about the OOHC system in Australia, there have been minimal formal platforms which allow the views of a broad cross-section of stakeholders to be recorded and submitted to government for consideration. Following the conference, including the National Round table discussions, eight recommendations are summarised as follows:

1. **Ensure unified national approach to child protection and permanency legislation.**
A national framework and consistency in approach to out of home care will assist in driving better outcomes for children in out of home care. States and territories have been moving towards introducing the continuum of care into their legislation (from family preservation and restoration, through to guardianship / permanent care orders and adoption, as a preference before Under the Care of the Minister, with timeframes to ensure timely permanency decisions. Ensuring all jurisdictions use a similar approach, and measure and improve this process; along with ensuring policy and practice follow suit for implementing the legislation to the best interests
of children.

2. **Accessibility and timeliness of Permanency for children in out of home care needs to be prioritised.**
Family preservation or restoration are the preferable options for keeping children with family. When this is not safe or possible, other permanency options based on the best interests of the individual child or young person need to be available – including Guardianship; Permanent Care Orders and Adoption.
Simple Adoption (Blythe and Gribble, 2019) and Integrated Birth Certificates should be considered as a pathway to improving Australia's permanency options. This will also assist in the increased uptake of adoption as an option for children in care.

3. **Integrating the voice of children and young people in decisions that impact them and involving their input for policy making.**
The United Nations Convention on the Rights of the Child (1989), ratified by Australia 1990, Principle 2 of the National Principles for Child Safe Organisations (2018) and Standard 2 of the National Standards for Out of home Care (2011) confirm the importance of children and young people being informed about their rights, participating in decisions that affect them and being taken seriously. What this means in practice for vulnerable children, particularly those in out of home care where decisions have been made that turn their worlds upside down, is an improved awareness of child-focussed, trauma informed approaches to case work and decision making. Many vulnerable children who are unable to live with their birth family recognise their placement provides safety and nurturing. To complement this, children need to feel that in a world where decisions are made around them, that they also have a level of control, that their views are sought and communicated in an age-appropriate way, and respected. Informing caregivers and improved promotion and practice by caseworkers will be critical for these standards and principles to be upheld.

4. **Trauma-informed, therapeutic services to be made available for all children in care, and ensuring all schools are trauma informed.**
– Timely counselling for every child when entering care. Early detection and intervention in childhood adversity has the powerful potential to improve the health and wellbeing of children (Oh et al, 2018). It is well documented that children who have experienced trauma can have poorer life outcomes, and extra supports are needed to help them thrive into adulthood. Many carers and care leavers expressed frustration at their inability to access consistent and affordable counselling services.
– Introduce a program for children who have spent time in OOHC (who are in care or placed under guardianship orders or adopted) so that children can access therapies based on need and not budgetary constraints (speech therapy, occupational therapy, physiotherapy etc). The recommendations for therapy should come from compulsory developmental paediatrician appointments and not be determined by caseworkers who lack the medical expertise. Paediatric practitioners are well positioned to transform the way society responds to children exposed to trauma, and collective action is required to prevent, screen and heal the toxic effects of early adversity (Burke Harris et al, 2017).

There is a need for trauma-informed and supportive community and services including education.
The growing body of knowledge about trauma is leading to awareness that society as a whole needs to become trauma-informed in order to properly understand and help children manage its impacts. Children who have spent time in the OOHC system have often experienced trauma to the extent their ability to learn is compromised (Bretherton, 2018). Involving families and communities, and primary and secondary educators, in approaches to child safety and wellbeing will also improve recognition of trauma and its effects on the child. The impact of lack of understanding and awareness about the effects of trauma is clearly evident in the statistics in the numbers of vulnerable children from out of home care featuring in juvenile justice, incarceration, suspensions from school, unemployment and homelessness numbers.

5. **National support approach for Carers including Kinship Carers.**
While there are state-based carer support services in some jurisdictions, it is important that this is provided in all states and covers recruitment of new carers to start their carer journey and support of current carers (including kinship, foster, guardians/permanent care and adoptive). A national approach should be established, with standards of support for carers agreed. This will also assist with carers who move jurisdictions. Global evidence shows that supporting existing carers is also the best way to recruit new carers (as well as retain current). To ensure there are enough family homes for children in care, support of carers is vital.

Increased support for kinship carers is needed, including those who are not 'authorised' as they are under-supported and play an important role in the care of Australia's children, and the fastest growing placement type in OOHC in Australia. Kinship carers are confronted with circumstances unique to their experience which can cause hardship, such as the changing nature of their relationships - mostly changing from the role of grandparent to parent (Paxman, 2006; Boetto, 2010). Improved support for relative/kinship care is critical to the success of placement stability throughout all jurisdictions, with kinship care acknowledged as having the potential to provide greater stability and more positive long-term outcomes for children and young people than other forms of care (Senate Community Affairs References Committee, 2015).

Support must be maintained on a needs basis, post-permanency. These are the same children who have typically experienced trauma. While permanency orders offer legal and relational stability, the absence of supports coupled with needs of children and young people that arise, can leave families isolated and subject to mainstream services that may not be trauma-informed.

6. **Ensure Care Leavers are well supported.**
Care Leavers who age out of the system at age 18 need support, including life skills. Children who age out of care at 18 years who are emotionally and developmentally immature because of early trauma, delayed or poor educational attainment are vulnerable to mental health crises, homelessness, interactions with the justice system, low employment and a range of other issues. These issues are well evidenced and researched, including the economic impact on the federal government and states and territories through various portfolios. The opportunity to offer increased stability for children to remain in the placement for a longer period, to continue their education, commence employment and build life skills cannot be under-estimated.

7. **There is a need for better data collection and information sharing between services and departments.**
Significant progress has occurred between some jurisdictions and between departments about information sharing around child protection issues. The National Framework for Protecting Australia's Children, led by the Commonwealth Department of Social Services (2009) underpins the commitment by commonwealth, states and territories to improve information sharing. The improvements made between departments and bureaucracies to

work collaboratively around children's health and education needs are less clear. Too many children in care fall through the gaps. In line with findings of the National Permanency Conference and the National Principles for Child Safe Organisations (2018), early child-focused case planning and collaboration between services have the potential to lessen the impact of trauma on children's development and improve the chances for children to thrive.

Effective data collection and sharing has the potential to greatly increase improvements in care of children. To effectively measure current status, progress and opportunities to address gaps, data must be collected in a consistent way across jurisdictions and shared appropriately across services. For example, increased and better placement matching can occur when there is a better understanding of the child's needs and carers available. In New York, where numbers of children in care reduced from ~40,000 in the mid-90s to ~8,500 pre-COVID, part of the approach was to better match sibling groups with carers through the use of data (Ross, Gerber and Pang, 2019).

8. **Increase community engagement and opportunities to lead the change needed for child welfare within their communities.**
    There needs to be more emphasis given and support for community-led support of children and decision making for their wellbeing. Further consultation to take place to increase the opportunities for this, and to explore ways of keeping more children within their communities safely.

It is worth noting that progress has been made in a number of the jurisdictions in relation to some of these recommendations already. Unified approach will strengthen child welfare across the country. For example, SA already has an Integrated Birth Certificate and NSW is introducing it. This is an important matter and should be applied in each jurisdiction.

Permanency and the Australian Child Protection Landscape

Nationally, the number of children receiving child protection services has continued to rise. Over the period from 2014–15 to 2018–19, the number of children who received child protection services in Australia rose by 12% from ~152,000 children (29 per 1,000) to ~170,000 children (30 per 1,000).

Children who cannot remain safely in their family home may become the subject of a court order and be placed with kin or alternative carers in OOHC.

In 2019:
• 44,900 children were in OOHC (8 per 1,000 children)
• 92% of children in OOHC were in home-based care, mostly with relative or kinship carers (52%), or in foster care (39%)
• 6.4% were in residential care.

Approximately 4,400 children (13%) exited OOHC to a permanency outcome in 2018–2019:
• 3,700 children reunified with family
• 680 children left OOHC to third-party parental responsibility orders
• 310 finalised adoptions, including 142 known child carer adoptions.

AIHW: Child Protection Australia 2018-19 & 2020, Adoptions Australia 2018-19

Permanency planning has been in place in international contexts for many years. Permanency planning is a policy and practice approach also used in all Australian states and territories for children in out-of-home care. The concept is to work as soon as practicable towards permanent restoration with family, or alternative care arrangements that create long term stable relationships and environments for children in which they can thrive and grow. This is based on decades of research demonstrating that a stable and permanent home helps a child to develop secure attachments and bonds, fosters a strong sense of identity and belonging, and aids the ability to repair from trauma (Delfabbro, King & Barber, 2010; Johnson, Natallier, Liddard & Thoresen, 2011).

In June 2018, Community Services Ministers agreed to a National Permanency Work Plan outlining a range of strategies to improve permanency outcomes, including to:
• Establish timely and consistent decision-making for permanency;
• Promote better permanency options; and
• Develop an approach to recruitment, training and support of more permanent carers, including adoptive parents.

State and territory laws and policies provide for permanent care pathways for children in out-of-home care, including:
• reunification with the child's family;
• legal orders transferring guardianship or parental responsibility to a relative, carer or a third party; and
• adoption.

Inquiries into child protection and out of home care have highlighted the increased complexity of the needs of children presenting to child protection systems over time. Children who come into contact with contemporary child protection systems have frequently experienced profound trauma, resulting in complex and multiple issues such as: cognitive and physical disability; mental health and psychosocial issues; and substance misuse (Avery, 2010; Butcher, 2005; McHugh & Pell, 2013; CWI, 2013; Vandivere, Malm, Zinn, Allen, & McKlindon, 2015).

Conference Speakers and Topics covered

International keynote speakers at #THRIVE2020 included Dr Jessica Pryce, Executive Director of the Florida Institute for Child Welfare; Terry Cross, Founder of National Indian Child Welfare Association (NICWA); Dr Jane Aronson, Founder, Worldwide Orphans; and Richard Rose, Director of Child Trauma Intervention Services.

Local speakers included Dr Stacy Blythe; Dr Karleen Gribble; Michael Hawton; Dr Melissa Kaltner; Damon Martin; Julie Hourigan Ruse; Dr Amy Conley Wright and a range of speakers on their lived experience in the care system and/or as adoptees.

Topics and key messages from the talks included:
- Increasing early intervention family support services to keep families together;
- Acknowledging maintaining the connection between children and their mothers while they are incarcerated;
- Integrated Birth Certificates for adoptees as an important identity document (recognising both the family of origin and adoptive family);
- Understanding the need to better utilise data to strengthen placement decision making;
- Exploring international kinship care as an option to keep more children and young people with family;
- Keeping infants with breast feeding mothers for as long as possible;
- Encouraging the sector to foster positive relationships between family of origin and permanent care families;
- Creating cultural understanding among caseworkers when dealing with culturally and linguistically diverse (CALD) carers and families;
- Understanding the impacts conditions such as Foetal Alcohol Spectrum Disorder (FASD) can have on the children in care;
- Creating a greater social awareness of the impacts of trauma on children and young people;
- Discussing Simple Adoption, a legal adoption order whereby an adoptee retains legal connection to both their family of origin and adoptive family;
- Eliminating biases from decision making around child removals by instituting 'blind' panels to assess the facts of each case, where any identifying information including location and other demographics have been redacted from the file. Success has been achieved in jurisdictions where this has been practiced, seeing significant decline in child removals of children of colour.
- Engaging communities to have courageous conversations about child welfare, and empowering them to take control of child protection issues at a community level;

Federal, State and Territory Governments Participation Federal, State and Territory Governments participated in the National Permanency Conference.

Addresses were heard from The Hon. Michelle Landry, MP (Federal); The Hon. Roger Jaensch (TAS); The Hon. Di Farmer MP (QLD) and Shadow Minister for Child Safety Steven Bennet (QLD); The Hon. Gareth Ward MP (NSW); The Hon. Rachel Sanderson MP (SA); and The Hon. Simone McGurk MP (WA).

A panel was facilitated to include updates on progress and plans relating to the permanency commitment made by Community Services Ministers in 2016 and included government representation from Department of Social Services (DSS); New South Wales; Queensland; Western Australia; South Australia; Victoria; Tasmania; and Northern Territory.

Key messages were delivered in relation to the ongoing commitment to prioritising permanency for children in care and initiatives in place to help them thrive. While there is variation across the jurisdictions, there has been significant progress made in the last two years, particularly in the introduction or strengthening of the continuum of care in legislation and policy. Continued focus and efforts need to be maintained to ensure this becomes a reality in practice – that children are able to obtain permanency in a timely manner that is best suited to them and their circumstances.

Additional Resources

Event website for further information on #THRIVE2020 Virtual National Permanency Conference: www.eventsforchange.org.au/NPC2020

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