



Ambition for Children

Let's put the children first

*The Community Sector response to the
Department for Child Protection and Family Support's Discussion Paper
'Out-of-Home Care: Strategic Directions in Western Australia 2015-2020'*

February 2015



About This Response

This submission is a Community Sector response to the Western Australian Department for Child Protection and Family Support document *Out-of-Home Care: Strategic Directions in Western Australia, 2015-2020 Discussion Paper*.

It presents the shared views of the Alliance for Children at Risk and the Children Youth and Families Agencies Association of WA (CYFAA).

Together these two bodies represent the majority of non-government organisations that provide out-of-home care and related services to children, young people and their families in Western Australia, including services that reduce the risk of children entering out-of-home care and support young people leaving care.

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Terminology and Abbreviations

Term or abbreviation	Interpretation
Discussion Paper	<i>Out-of-Home Care: Strategic Directions in Western Australia, 2015-2020 Discussion Paper, Government of Western Australia, Department for Child Protection and Family Support</i>
DCPFS or The Department	Department for Child Protection and Family Support
ACAR	The Alliance for Children at Risk
CYFAA	Children Youth and Families Agencies Association
The sector	All organisations, including government, that support or provide services to children and young people in Western Australia in out-of-home care, leaving out-of-home care or at risk of entering out-of-home care
Community Sector	Non-government organisations that provide out-of-home care and advocacy services to children and young people in Western Australia and services that reduce the risk of children entering out-of-home care and support young people leaving care, referred to in the Discussion Paper as ‘community services sector’
Children	Children and young people up to the age of 18.

Introduction – Better Outcomes for Children

The Community Sector welcomes the opportunity to respond to the Department for Child Protection and Family Support (DCPFS) *Out-of-Home Care: Strategic Directions in Western Australia, 2015-2020 Discussion Paper*.

The Community Sector strongly agrees that change is needed in the design, funding and delivery of services for vulnerable children in WA. It is committed to working in partnership with DCPFS to find the best way to structure and implement services.

While the reform agenda articulated in the Discussion Paper moves the sector in the right direction, better outcomes for children and young people ultimately depend on how the principles and strategies are implemented.

The Community Sector broadly supports the reform agenda and statements of principle. Areas of concern relate to implementation, including the timetable for implementation and Community Sector involvement in developing and implementing strategies.

The Discussion Paper predominantly focuses on issues relating to services for children living in out-of-home care arrangements. However, the Community Sector is also very concerned about the experiences of children and young people before entering care and after leaving care.

The Community Sector shares the Department's concern about the rising rate at which Aboriginal children are entering care. The Discussion Paper looks at how the out-of-home care system can respond to the increasing numbers. However, it is important to allocate resources to examine the causes of this disturbing trend and to develop strategies to address them.

This paper sets out the collective view of the Community Sector on the strategic directions proposed in the Discussion Paper and the issues arising.

Structure of this report:

- Discussion of overarching issues that apply across more than one strategic direction, with general recommendations
- Discussion of key strategic issues
- Response to each strategic direction, with recommendations

Over-Arching Issues

Principles

The following underlying principles emerged from this joint Community Sector scrutiny of the Discussion Paper:

- To achieve better outcomes for children and young people in or leaving out-of-home care, or at risk of entering care, their needs must be the primary driver of strategic direction, planning, funding and service delivery.
- The out-of-home care system must be flexible to accommodate different models of care and a diversity of needs. There is no ‘one-size-fits-all’ model.
- Consistency in maintaining standards and in accountability does not equate to homogeneity of services. Diversity in the sector is essential to creative responses to complex needs. Diversity of service offerings and practices in the Community Sector is a strength.
- The Community Sector must be extensively involved in design, development and enactment of the implementation arising from the strategic plan.
- Much more needs to be done to support families to prevent children coming into care.
- In particular, more needs to be done to address the antecedent factors causing the growing rate at which Aboriginal children are coming into care.
- More needs to be done to address the needs of young people leaving care, especially in view of the Department’s legislated responsibility to provide support to people up to the age of 25 who have had a care experience.
- The voices of children and their families must be heard in the planning and provision of services.
- Accountability and consistency should apply equally to the Department and to the Community Sector providers.

Issues

- Timeframes for implementation of strategies are not clear from the Discussion Paper and many of the measures foreshadowed in the strategy will take months to develop. The Community Sector looks for involvement in the early development of detailed implementation timetables.
- The Department’s conflict of interest as regulator, funder and arbiter is acknowledged in the Discussion Paper’s preamble. The Community Sector agrees that this issue must be addressed through an independent regulator and independent complaints mechanisms for children in care. The Community Sector needs to be involved in the shaping of this response.
- The Community Sector endorses the shift towards a focus on outcomes rather than outputs. It will be important for the Community Sector to be involved in the design of accountability and measurement processes. While there is a

conceptual shift towards outcomes, contracts remain outputs-based; this needs to be addressed.

- The Community Sector must be involved in the development of articulated outcomes that will underpin accountability.
- A clear strategic direction should be articulated for children moving out of care. A sophisticated approach to reunification and leaving care is needed which allows safe reconciliation with families.
- Market-based competition does not always support collaboration and partnerships between service providers.
- Magistrates in the Children’s Court need to be resourced to understand the issues facing children and updated on current thinking and practices.

General Recommendations

1. Include in the strategic plan a strong focus on prevention of children coming into care.
2. Involve the Community Sector in development of the timetable for and enactment of implementation of the strategic direction for out-of-home care services.
3. In developing implementation plans, draw on the work and decisions of the working parties convened early in the strategic planning process.
4. Involve the Community Sector in shaping the accountabilities and operation of an independent regulator and independent complaints mechanisms for children in care, to address the Department’s conflict of interest.
5. Review contracts to bring them into line with an outcome focus.
6. Involve the Community Sector in articulating outcomes and designing accountability and measurement processes.
7. Develop a sophisticated approach, including better resourcing and skills development, for leaving care services.
8. Develop a process for supporting Magistrates in their work with children in the Children’s Court.

Key Strategic Issues In The Out-of-Home Care Sector

While the Community Sector agrees with the Discussion Paper's outline of the challenges and trends that form the impetus for reform in the out-of-home care sector, it highlights five key strategic issues as having the greatest impact on its capacity to respond effectively to the needs of children in the out-of-home care system.

➤ **Resources, financial pressures, sustainability**

The Community Sector's primary motivation is to give children in, leaving or at risk of entering out-of-home care the best chance at a healthy life. Service providers now know more about how to deal with the complex needs of children in the care system, which should lead to better outcomes for them. Yet the pressure to rationalise service funding and models of care, and budget constraints of State and Federal Governments, limit the sector's capacity to fully address their needs.

The current level of funding to the Community Sector does not always match the real costs of meeting the needs of the children in the care system.

A sustainable and fully viable Community Sector requires funding models that make further allowances for:

- Flexibility to respond to a diversity of needs
- Additional financial support for foster carers
- The complexities and requirements of a changing industrial relations landscape

➤ **Person centred services and outcomes**

The out-of-home care sector is one of the last of the service sectors to embrace a shift to person centred planning and service provision. The pressure to do so is strong and the change is not only inevitable but will drive the improvements in outcomes for children in care. This requires a conceptual shift away from outputs to outcomes, across care and funding models and service contracts.

The key outcomes for children in care and leaving care are to:

- Thrive
- Have consistency of care and consistency of relationships

➤ **Prevention and early intervention**

The increasing rate at which children – especially Aboriginal children – are coming into care makes it imperative that action be taken to identify the factors leading to this situation and find ways to address them through early intervention and prevention strategies. Research is a first step in this process.

➤ **Workforce**

Attracting carers with appropriate skills and experience and developing a workforce (in the Community Sector and the Department) with the capacity to meet the strategic directions of the sector are major challenges in out-of-home care.

Issues that impact on workforce development include:

- Increasing demand for experience and skills
- Remuneration and financial reimbursement
- Increasing complexity of the service system
- Referrals of children in crisis

➤ **Political and national context**

Scrutiny of the sector through inquiries and royal commissions is highlighting the need for careful review and reform of the regulatory context for out-of-home care. This scrutiny is also driving an increasingly national approach to the development and implementation of standards.

Strategic Directions

STRATEGIC DIRECTION ONE: An out-of-home care system that is driven by the needs of the child

The Community Sector endorses these points

1. The needs of the child should drive the service.
2. Comprehensive assessment of the child's needs is crucial to developing appropriate, quality care.
3. Good outcomes for the child depend on a careful, effective matching process.
4. Relative carers and children in relative care need better support.
5. Developing a shared understanding of therapeutic care is needed to improve outcomes for children in care.
6. Permanency planning should apply to every child in care.

Issues arising from this strategic direction

1. Assessment of children's needs is immensely complex. The Community Sector agrees entirely that there must be significant improvements in the assessment of children's needs. There remains a great deal of work to be done in agreeing the detail of what this looks like and how it will work. The Community Sector must be actively involved in designing assessment and matching tools and processes.
2. The Community Sector does not see assessment of children's needs as resting wholly with the Department and seeks a significant role in assessment of children coming into care and matching them to appropriate placements.
3. Good assessment of children's needs will take time and will require, in some if not all cases, an interim placement to enable this to happen.
 - a. Planning is required to determine where children will be placed while they are assessed.
 - b. The new model will require flexibility to limit the impact on the child of disruption from assessment placements.
4. The Community Sector has concerns about the timeframe for implementation. The proposed changes are substantial, with extensive implications for development, planning, training and resourcing. An agreed timetable for these changes should be developed with the Community Sector.
5. Given likely resources imbalances between country and metropolitan services, it will be important to establish a minimum standard for matching.

6. The matching process should be based not on expediency or availability but on:
 - a. The child's assessed needs
 - b. The other children in the care placement
 - c. The carer's capacity and characteristics (including personality and style)
 - d. Contact with extended family, so that children are supported to retain family connections
7. More detail is required about competency standards – how they will be set and demonstrated; how they will fit with regulated carer competencies.
8. The Community Sector must be involved in development of competency standards.
9. The Community Sector seeks clarification on how competency standards, shared understanding of therapeutic care, and support structures will apply to Relative Care. Relative Carers look after some of our highest needs children. Therefore, the proposed changes must also benefit the high proportion of children in Relative Care.
10. Given the movement towards person centred planning and services, measures to hear and incorporate the child's voice must be included in this strategic direction.
11. As parents' circumstances also influence a child's needs, it is imperative to include consideration of family context in the care model.
12. In the Department's proposed 'Future Care Model', further clarification is required on:
 - a. The definition of need at each level
 - b. Where family group homes sit in the model
13. There needs to be much more detailed discussion between the Department and the Community Sector about what permanency planning means and how it is to be enacted.

Recommendations – Strategic Direction One – An out-of-home care system that is driven by the needs of the child

9. A detailed timetable for implementation of the proposed changes should be developed with the Community Sector.
10. The Community Sector must be actively involved in
 - a. Designing assessment and matching tools and processes
 - b. Development of carer competency standards
11. Future Care Model
 - a. The Community Sector must be actively involved in planning and implementation of the proposed new Future Care Model

- b. Consideration of the child's family context should be incorporated into the proposed new Future Care Model
 - c. The Future Care Model must retain flexibility to respond to the child's changing needs
- 12. A minimum standard for matching must be established through agreement between the Department and the Community Sector.
- 13. Stronger provision for hearing the child's voice including through a person centred approach, should incorporate in Strategic Direction One.

STRATEGIC DIRECTION TWO: An out-of-home care system that values and promotes stability and certainty for children

The Community Sector endorses these points

1. It is important that the out-of-home care system promotes stability and strives to provide children with connection to family and community.
2. The order of priority proposed in Figure 4 of the Discussion Paper, with reunification as the top priority.
3. Timely decision-making is necessary. Flexibility is also required to ensure children's needs are the primary consideration.
4. The Community Sector particularly supports parallel planning – simultaneous planning for reunification and permanent out-of-home care.
5. Developing and implementing early intervention and prevention mechanisms to reduce the number of children coming into care.

Issues arising from this strategic direction

1. This strategy should define the fundamental elements of wellbeing for children.
2. Permanency planning should not assume removal of parents' rights to be involved in planning for their children, regardless of the outcome (eg reunification or long-term care).
3. Details of the specific operational strategies to reduce the number of children entering care and to promote reunification (Family Support Networks, Departmental Reunification Model and Enhanced Contact Centres) must be clearly defined before the Community Sector can agree to them.
4. The Community Sector recommends investment in research to develop more preventative strategies.
5. The Reunification Model should be a sector model and jointly agreed between the Department and the Community Sector.
6. Measures and models should not increase rigidity of decision-making and reduce flexibility for providers to meet the needs of children in care.
7. Increased community capacity to protect children must be included in the strategic plan.
8. Continuity of significant relationships is important to children. Therefore, policy and practice for contact should include extended family, not just parents. Furthermore, the value of children maintaining relationships with previous carers (be they professional staff or volunteer carers) should be included.

Recommendations – Strategic Direction Two – An out-of-home care system that values and promotes stability and certainty for children

14. Retain flexibility in the hierarchy of permanency planning to ensure that the best interests of the child are paramount.
15. Include in the strategic plan strategies to increase community capacity to protect children.
16. Invest in research to develop new strategies for prevention and early intervention to address the antecedent conditions that lead to children coming into care.
17. Increase the Department’s consultation with Community Sector providers on
 - a. Permanency planning
 - b. Case decisions and planning
 - c. The best interests of the child or young person
18. Develop and implement the proposed reunification model with Community Sector providers, as a sector-wide model.
19. Extend policy and practice for contact to ensure significant relationships for the child are maintained. This may include professional carers and extended family.

STRATEGIC DIRECTION THREE: A responsive and sustainable out-of-home care system with capacity

The Community Sector endorses these points

1. The Community Sector to be the dominant provider of non-relative care.
2. Case management of children in care to shift to the Community Sector organisations providing the care. A properly resourced transfer of case management to the Community Sector is in the best interests of the child and family.
3. Strategically and actively growing the capacity of locally-based Aboriginal community controlled organisations (ACCOs) to support and provide out-of-home care for Aboriginal children.

Issues arising from this strategic direction

1. The Community Sector must be adequately funded for case management and the funding levels should be negotiated with the Community Sector.
2. The parameters for transfer of case management will have to be examined, including interim orders and statutory authority.
3. The timeframes to pass non-relative care across to the Community Sector need to be specified.
4. There should be a mechanism to manage conflicts of interest and to deal with situations where the care provided does not meet the child's needs.
5. The Community Sector does not support an area-based funding model. A working group convened to discuss this option early in the strategic planning process recommended against it. The Community Sector endorses the finding of the working group.
6. Community Sector organisations should not be required to provide the full suite of care arrangement options (or services) in a defined geographical area, particularly in the metropolitan area. Diversity is a strength of the Community Sector. It is important to retain this flexibility in the sector and the capacity for organisations to develop specialist and niche services. These services can be made available to other organisations through partnership and brokerage arrangements.

However, the Community Sector does accept that there may be some merit in imposing this requirement on services operating outside the metropolitan area.

7. Community Sector providers want to engage with ACCOs in the development of new models and to explore opportunities for service partnerships.
8. Review of funding:
 - a. Future funding models must meet the needs of children in care.

- b. Funding models must take into account not only the cost of delivering the service but also the sustainability of the organisations providing the service. For example, high needs foster care requires block funding, not fee-for-service.
 - c. The review of funding should not simply be a mechanism for expenditure reductions.
 - d. Different funding models should be examined, such as professional carer models.
9. Retaining staff is crucial to Community Sector providers achieving sustainability. To be able to retain staff, organisations require competitive employment conditions and reliable funding.
10. Training and education investment is required for:
- a. DCPFS staff
 - b. Community Sector providers
 - c. Carers (including Languages Other Than English training)
11. Increasing the number of providers has the potential to decrease viability and sustainability of providers. Organisations need a ‘critical mass’ of clients to ensure solvency.

Recommendations – Strategic Direction Three – A responsive and sustainable out-of-home care system with capacity

- 20. Ensure a review of funding takes into account the needs of children and young people.
- 21. Examine the feasibility of different funding models, such as professional carer models.
- 22. Engage with the Community Sector to examine new models to ensure sustainability of ACCOs, including partnerships between Aboriginal and non-Aboriginal organisations.
- 23. Develop a funding model that encourages collaborative decision-making and nimble and flexible operations that are focused on the needs of the child or young person.
- 24. Abandon exploration of an area-based funding model.

STRATEGIC DIRECTION FOUR: An out-of-home care sector that is accountable

The Community Sector endorses these points

1. A shift to a focus on outcomes achieved for children in out-of-home care.
2. Tertiary research on outcomes for young people after leaving care.
3. Valuing the voice of children.
4. Improved process for forecasting out-of-home care funding.
5. Explore the feasibility and benefits of a system of accreditation for out-of-home care providers in Western Australia.
6. Explore the feasibility and benefits of external standards monitoring of out-of-home care providers in Western Australia.

Issues arising from this strategic direction

1. The development of a robust outcome measurement system is a process that takes time and needs to be developed collaboratively.
2. The Community Sector must be consulted on and involved in the implementation and integration of the Outcomes Framework for Children in Out-of-Home Care and exploration of external standards monitoring options and accreditation systems.
3. Exploration of accreditation systems and external standards monitoring must take into account the costs and consider how they might be funded.
4. DCPFS should be subject to the same external evaluation and review process as the Community Sector providers.
5. The Community Sector concurs with the Department's observation that it should not be responsible for monitoring compliance with Better Care Better Services standards, as it is a conflict of interest.
6. Allegations of abuse need to be examined by mechanisms external to the Department and resolved quickly. This area presents significant risks for the whole sector, including the Department.
7. The Department must assist with the cost to Community Sector providers that are required to stand down staff during investigations.
8. Children in the care system need an advocacy and complaints mechanism that is external to and independent of providers, including the Department.
9. The proposal to research outcomes for children after leaving care should be extended to children while they are still in care. A sound research base is required to develop and implement robust mechanisms to evaluate how children are progressing through care and after.

10. The Community Sector, child representative organisations and carer representation organisations should be involved in the collaboration with Treasury to develop and implement improved mechanisms for forecasting out-of-home care funding.
11. The child's needs must come first, ahead of the system and process requirements of out-of-home care.
12. While the Community Sector strongly endorses the Department's commitment to valuing the voice of children, it does not support reliance on the Viewpoint survey tool for input from children. This tool is inadequate for collecting meaningful input across the spectrum of children in care and promoting their participation. It is more effective to employ a variety of techniques and methods such as participation, through their workers, in care planning and decision making, and provide multiple opportunities for them to have a say about their experiences.
13. Strategic Direction Four can be strengthened to encourage and develop a sense of partnership between government and community:
 - a. The Strategic Direction Four preamble (p.24) says "out-of-home care is a mechanism whereby the Department acts **on behalf of** the community to protect..." This should recognise the concept of partnership with the community: "out-of-home care is a mechanism whereby the Department acts **with** the community to protect..."
 - b. Figure 5 (p.24) presents a view of government elements of accountability and should be amended to include representations of the Community Sector and broader community.

Recommendations – Strategic Direction Four – An out-of-home care sector that is accountable

25. Consult with and involve the Community Sector in the process for implementing and integrating the Outcomes Framework for Children in Out-of-Home Care and exploring external standards monitoring options and accreditation systems.
26. Exploration of accreditation systems and external standards monitoring to include consideration of how they might be funded.
27. Conduct a joint sector investigation of the feasibility of establishing a service performance and evaluation process that is independent of DCPFS.
28. DCPFS and Community Sector providers should participate in the same service performance and evaluation processes.
29. Broaden the mechanisms for input from children beyond *Viewpoint* to capture a more comprehensive spectrum of participants in the out-of-home care system.
30. Develop and implement advocacy and complaints mechanisms for children in the out-of-home care system that is external to and independent of providers, including DCPFS.
31. Develop and implement robust mechanisms to evaluate how children are progressing through care and after, based on sound research evidence.

32. Engage the Community Sector, child representative organisations and carer representation organisations in the collaboration with Treasury to develop and implement improved mechanisms for forecasting out-of-home care funding.
33. Build into the funding model allowance for assisting Community Sector providers with the costs of standing down staff during investigations.

STRATEGIC DIRECTION FIVE: An out-of-home care sector that is consistent

The Community Sector endorses these points

1. The Community Sector broadly agrees with this strategic direction.

Issues arising from this strategic direction

1. The Community Sector does not support the concept of “similar care options across the State” as it is not achievable. Indeed, what does ‘similar’ mean?
2. Further clarification is required of the concept of a ‘shared panel’.

Recommendations – Strategic Direction Five – An out-of-home care sector that is consistent

34. Consistency is the cornerstone of every strategic direction and must include:
 - a. Quality of practice, outcomes and standards, but not necessarily by the same processes and preserving the diversity of the Community Sector
 - b. Compliance with standards
 - c. Relationships, either with individuals or organisations
 - d. Collaboration and participation for all stakeholders (children, families, providers and the Department)
 - e. Assessments when a child comes into care, to drive planning
 - f. Carer competencies in provision of therapeutic care, with support and training (for paid and unpaid carers and employees)
 - g. A shared vision for the out-of-home care sector
 - h. Constancy of placement, when length of placement is not time-limited
 - i. Flexible therapeutic approaches must be available to meet children’s needs