



The Family Inclusion Network of
VICTORIA INC.

Submission to Senate Inquiry into Out Of Home Care
Family Inclusion Network Victoria Inc.
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Introduction

This submission highlights the need to meaningfully engage and empower parents and families, as significant stakeholders, in child protection practice and system reform, including out-of-home care. Anything written in this submission is not new. The information, stories, facts and research are in public, political and academic domains, yet, one is left to question why rich insights are seemingly ignored by legislation and policy makers. None-the-less, families and communities affected by the child protection system shall continue to repeat these messages and insights. We have no choice. As Foucault said, "People know what they do; frequently they know why they do what they do; but what they don't know is what what they do does." As the Inquiry works through the range of information presented, the families involved respectfully ask that you keep in mind the question, what are you doing with, for or to us?

...one measure of a system's effort to better engage parents is its willingness to hear from parents in roles other than that of recipient of services. (Tobis, 2013, p. 67).

Family Inclusion Network (FIN)

The Family Inclusion Network (FIN) is a formal voice for families caught in child protection systems in Australia. With branches in most states FIN has been described as part of an international "geography of hope" (Mary Ivec, 2014; M. Ivec, Braithwaite, & Harris, 2012).

The Family Inclusion Network Australia (FINA) Inc. was established in 2010 to:

... represent member Family Inclusion Networks from throughout Australia when aiming to support and advocate for the rightful place of parents, family and community as key stakeholders when children are involved in the child protection system. (www.familyinclusionnetwork.com)

FIN Victoria Inc. is the most recently launched branch of FIN. We are a non-profit, non-government organisation, empowering families and communities affected by the child protection system to contribute to better child protection outcomes. We work under the principles of a people's organisation (Cox, 2006) rather than as a traditional government or community service organisation that tend to adopt a power-over approach to service provision and development.

FIN Victoria is part of an 'international geography of hope' that engages with those affected by child protection services and their institutional responses that currently

dehumanise and disempower...engagement and inclusion of those affected...is the only way forward. (Ivec, 2014 personal correspondence).

Summary of recommendations

- All political parties make an honest and transparent commitment to ensure that all legislation and policies are child and family friendly.
- Fund advocacy organisations to help families navigate the child protection system, address power imbalances and empower families to support one another.
- Increase funding of family support to help families address protective concerns.
- Ensure services are provided with a flexible, practical family and community focus that includes a family and community perspective, leading to a reduction in the number of children requiring placement in out of home care.
- Make options available to foster carers equally available to families which may include respite care, practical in-home help, therapeutic education and support.
- Funding be made available to ensure that all parents have access to independent advocacy services to assist them to understand, navigate and effectively work with the service system to prevent some children being placed in care needlessly.
- Fund advocacy organisations to train parent advocates.
- Government funded services operating in the child protection and family support sector be required to engage with parents as significant stakeholders as part of their funding agreements.
- Measures that are indicative of real life outcomes for families affected by child protection be reported against as a matter of priority.

Drivers of the increase in the number of children placed in out of home care, types of care that are increasing and demographics of the children in care.

The placement of any child in out-of-home care must be viewed as a failure on society's part. History shows that when we act on ideology alone or in circumstances that prevent us from considering the intended and unintended outcomes of our actions, we get it wrong. The Stolen Generation, The Lost Innocents, The Forgotten Australians and the suicide rates of children in care, or who have exited care, are a sobering reminder of this reality. The suicide rates of parents who have lost their children to the system is not even recorded. It is time that honesty, transparency and effective critical skill be brought into discussion of child welfare; particularly at government level. The current neo-liberal ideology that is sweeping through Westernised countries may put forth rhetoric of the importance of children but to quote that old Australian saying, it is time to 'put your money where your mouth is.' The current out-of-home care system is situated in this type of economy. Senators are respectfully reminded that their work at macro-level has a direct impact on the well-being of communities at the exo-level, and on services, families and children at the meso and micro-levels of our society (Bronfenbrenner & Morris, 2006; Palareti & Berti, 2009). There are numerous inquiries and research that show that poverty, mental health, misuse of alcohol and other drugs are involved in the majority of child removals. There is also a great deal of research evidence to show that these issues are often a result of disadvantageous legislation and policy.

There is now a vast amount of research that shows that the purist adoption of a market-forces approach to general society is destructive to, and divisive of, communities, families and children (Bessant, 2012; Hancock, 2004; Soldatic & Pini, 2009). Rather than dealing with what neo-liberalism does at the macro-level the system has created ways to remove children more often and without regard for what child removal does to the child, family and community at the micro-level. Further, this neo-liberal ideology at macro-level has ensured that welfare practitioners are prevented from providing the practical, flexible and on-going supports that some families and communities need to prevent child removal at the micro-level. The percentage of spend on intensive family support services versus out-of-home care illustrates this (see discussion in costs section). Systems of surveillance such as mandatory reporting and standardised risk assessment are the preferred tools of a neo-liberalist society but unfortunately seem to also be tools that encourage the use of stereotypes in assessment and response to families (Cradock, 2004; Hancock, 2004; Kemshall, 2010; McConnell, Feldman, Aunos, & Prasad, 2011a, 2011b). Further, neo-liberalism creates a system where workers are de-skilled and not trusted and where child and family needs are placed second to the possibility of managerial/workplace and media sanction (Munro, 2010; Stanford, 2011). The developing professional is not recognised or valued (Jack & Donnellan, 2010).

Families lack access to independent support and advocacy to assist them to understand and navigate complex, and often unpredictable, systems and processes. This is also at a time of vulnerability and distress, leaving them disadvantaged in working effectively with services to prevent their child being taken into care.

Example

Current justification for non-reunification: John has no interest in his children as he has failed to attend access visits with his children on 6 occasions.

Should be recorded as: John receives single rate unemployment benefit which is not adequate to meet housing costs. To get to access on time, John must travel 3 hours on public transport. The trauma, depression and embarrassment of being involved in the Child Protection system is a psychological hurdle that has resulted in John finding it difficult to manage this requirement. John cannot afford psychological and social supports. The cost of transport, food for the children during access and other incidental costs are financial barriers to access. Access to natural supports has been limited as John is embarrassed to discuss his situation with family and friends. Further, his brother and mother who have been supportive in the past can no longer provide support as the introduction of mandatory work requirements has meant they have had to move to a different part of town to secure work. John has also been required to look for work. This has been a barrier to attending access as our agency can only afford to facilitate access during working hours. John is diagnosed with Asperger's and is of Asian descent. Recent media events vilifying those with mental health concerns and non-Anglo populations exacerbate his depression and have also made securing on-going employment difficult. He experienced vilification in his last place of employment.

FIN Victoria Inc. recommends

- All political parties make an honest and transparent commitment to ensure that all legislation and policies are child and family friendly.
- Fund advocacy organisations to help families navigate the child protection system, address power imbalances and empower families to support one another.

The outcomes for children in out-of-home care (including kinship care, foster care and residential care) versus staying in the home

Research shows, time and time again, that children in out-of-home care do not fare well in contrast to children who were not removed. The *Ombudsman Victoria's Own motion investigation into Child Protection – out of home care (2010, pp. 91-92)* highlights poor outcomes at the micro-level such as:

- “Only approximately half the children were considered to be free of serious emotional and behavioural problems” (pp. 91-92),
- Ability to independently manage self-care,
- Family and social relationships,
- Educational outcomes particularly in the 15+ age bracket,
- Higher rate of delinquency than non-removed children,
- Lower contact with birth family members, and
- Possession of suitable clothes to wear (OM, 2010, pp. 91-92; see also Ryan, Herz, Hernandez, & Marshall, 2007; Ryan & Testa, 2005).

Outcomes for children in care are so poor, and cases of abuse in care appear so common, that parents and their supporters rightly wonder if a child will be more at risk in care than they would have been at home had appropriate supports been available. Indeed, parents often lament the fact that alternative carers receive supports that would have helped them keep their children at home, had they been offered similar supports. For example; respite care, financial support, and access to specialists.

Children who grow up in residential care face a stark transition into adulthood. By the time the child reaches 18 relationships with the birth family are often strained or non-existent, yet the birth family is the only pre-formed network available to the child/adult. Further work needs to include families in therapeutic development to ensure that any reconnection is a productive one for all concerned. The current system and societal view of some parents in the out-of-home care system is that they are bad people who present a dark shadow over the child's life. This needs to change. Research indicates that compliance with workers, irrespective of financial, social or psychological barriers is a greater indicator of child removal than actual abuse (McConnell et al., 2011a, 2011b). Yet, once removed, and despite rhetoric of respectful and collaborative partnerships, many parents are not genuinely included once a move to permanent care has been made. They are often alienated, ignored and belittled. They also withdraw as their public reputation with schools, doctors, community services and neighbours has been damaged. Further, development in family functioning and recovering from the trauma of having a child removed is often ad hoc and reliant only on the parents' ability to independently manage recovery while also needing to address the issues that led to the child being placed in care in the first place.

FIN Victoria Inc. has found, and is supported by efforts of other organisations (Fitt, 2010), that advocacy operated in a similar manner to the Resourceful Friends model (Thorpe & Ramsden, 2014) works to address power imbalances and empower parents to interact

effectively with Child Protection to prevent child removal. In this model, demonstrated effectively by FIN Townsville, adequate time is spent with families to develop rapport and trust in a manner that includes respect, reciprocity, practical support, flexibility and avoids a power-over, worker-client approach.

Example

Sandra's child was removed from her care 7 years ago due to environmental concerns and exposure to family violence. Sandra separated from her abusive partner and attended supervised access visits with her child. Sandra worked hard to comply with all requirements Child Protection set for her. When she first engaged with FIN Victoria Sandra was seeing her child once a month, supervised. Sandra continued to attend parenting education and therapeutic group work programs, however, Child Protection would not entertain discussions about increasing the amount of visits or allowing unsupervised visits. When her child's long term placement broke down FIN Victoria advocates began attending care team meetings with Sandra. Sandra was supported to build her case for her child to be returned to her care, rather than churn through successive temporary placements. When this was first flagged in a care team meeting the Child Protection worker immediately discounted the idea and commented that it was virtually impossible to have a child returned to a parent after more than 5 years in care. Sandra commenced taking her own notes and preparing her own agenda for every meeting and applied for a full case review. Whilst it took 2 months for the full case review decision, there was an immediate decision, made by senior staff during the review meeting, that unsupervised contact be allowed. The final outcome of the review was a decision for reunification. Without initial involvement of advocates Sandra would have continued to comply with Child Protection and her child would have remained in the care system, churning through placements. The presence of advocates at meetings, and coaching and mentoring Sandra behind the scenes, levelled power imbalances and Sandra's confidence to demonstrate her personal growth, insight and capacity soared.

FIN Victoria Inc. recommends

- Increase funding of family support to help families address protective concerns.
- Ensure services are provided with a flexible, practical family and community focus that includes a family and community perspective, leading to a reduction in the number of children requiring placement in out of home care.
- Fund advocacy organisations to help families navigate the child protection system, address power imbalances and empower families to support one another.

Current cost of Australia’s approach to care and protection

Research has proven that examples of community level, practical, non-judgemental and therapeutic approaches reduce the cost of out-of-home care considerably or on occasion to nil (Hinton, June 2013).

As evidenced in the Productivity Commission reports into government services (see chart below), only a small percentage of overall spend in child protection is directed to intensive family services.

Number of children in out of home care at June 30, 2011								
NSW	VIC	QLD	WA	SA	TAS	ACT	NT	AUS
16,740	5,678	7,602	3,120	2,368	966	540	634	37,648
Spend on out-of-home care services 2010-11 (\$m)								
\$700.6	\$321.5	\$369.5	\$205.4	\$132.7	\$39.1	\$27.9	\$47.8	\$1844.5
Spend on intensive family support services 2010-11 (\$m)								
\$163.7	\$63.2	\$30.1	\$7.2	\$3.7	\$4.6	\$1.4	\$0.5	\$274.4
<i>Source: Productivity Commission Report on Government Services</i>								

(A Voice for Our Most Vulnerable - The Australian 14 January 2013, by Roseanne Barrett.)

There is a considerable amount of research that shows that effective family support saves long-term costs associated with out-of-home care. For example, David Tobis (2013) described how in New York a “movement of parents and their allies” contributed to a 72% decrease in the number of children in foster care between 1995 and 2012 (p.3). FIN Victoria’s examples below demonstrate that this outcome is possible in Australia.

Victorian examples

Three children, two in permanent care and one marked for permanent care, aged 5, 3 and new born. With Resourceful Friends' advocacy approach and a change of supports to those that the family actually needed, the result was that all children are home and doing well with nil cost to the out-of-home care system.

Savings = 46 years of out of home care and related costs.

One new born child, marked for removal from hospital due to ill-informed views of intellectual disability (including from Disability Services) and no places available for residential parenting assessment. With advocacy, legal support and dedication from family services the child and family were kept together and all are doing well.

Savings = 18 years of out of home care and related costs.

One child removed and experienced 7 years of out-of-home care. The placement unexpectedly broke down and Child Protection moved to place the child in an alternative permanent care placement. At this point the mother, with advocacy support, intervened to have the child returned to her. The mother had maintained contact/relationship with the child. She had also addressed all protective concerns (a process of personal development) which would not have been deemed protective concerns in the first place if she had access to effective advocacy at the time of removal.

Savings = 8 years of out of home care and related costs.

FIN Victoria Inc. recommends:

- A more significant percentage of annual spend be channelled into practical and flexible family support services.
- Make options available to foster carers equally available to families which may include respite care, practical in-home help, therapeutic education and support.
- Funding be made available to ensure that all parents have access to independent advocacy services to assist them to understand, navigate and effectively work with the service system to prevent some children being placed in care needlessly.

Best practice in out of home care in Australia and internationally

FIN Victoria Inc. argues that best practice cannot be achieved without meaningful involvement of affected families and communities. This includes acting as key stakeholders in service and policy design. FIN, along with other local and international programs and projects, demonstrate what can be achieved when parents and families affected by child protection are valued as contributors to better service delivery.

Some FIN examples include:

- FIN NSW has developed a *Code of Ethics for Child Protection Practice* (Ainsworth & Berger, 2014). This can be viewed at <http://www.fin-nsw.org.au>.
- FIN WA Inc. are involved in delivering training to child protection workers and foster carers.
- FIN QLD provides an alternative and inclusive approach to family support.
- FINA encourages each state branch to appoint a parent member as a state representative each year.

FIN WA Inc. is the only branch of FIN to be government funded and feedback from that state's Child Protection Department is very positive:

Working within a 'culture of respectful engagement' is proving to show substantial benefits in the early development of this agency as a conduit between a large and complex bureaucracy and vulnerable families. (Hamilton & Braithwaite, 2014, p. 24).

This practice of authentic inclusion, with a focus on rights, is part of an international trend, the emerging geography of hope, that has seen child welfare agencies in New York commence employing parents as advocates and educators. In his book *From Pariahs to Partners: How parents and their allies changed New York City's child welfare system* David Tobis (2013) described how a "movement of parents and their allies" contributed to a 72% decrease in the number of children in foster care between 1995 and 2012 (p.3). One example from the suite of projects involved in this initiative includes the Child Welfare Organising Project (CWOP). CWOP trains parents involved with the child protection system to be advocates for themselves and to lobby government to meet their needs and respect their rights.

We now realise that part of the solution to the crises in child welfare lies in parents, young people and their allies playing a significant role in shaping child welfare programs and policies. Their exclusion from decision making is a big reason that other concerns have dominated child welfare decision making. (Tobis, 2013, p. xxx).

Since 2000 CWOP has trained 120 parents and a number of those parents now deliver the training alongside lawyers and social workers. Half of the parents who have completed this training are employed in the formal service system in more than 20 New York City child welfare and social service agencies. Since 2007 CWOP representatives have attended over 700 child safety meetings and in two-thirds of cases the child remained with the parent or was placed with a relative. Indeed, an evaluation in East Harlem revealed that 15.5% more children were remanded to foster care when a CWOP parent advocate was not present (Tobis, 2013, p. 89).

Perhaps CWOP's greatest accomplishment has been to diminish the demonization of parents who have had child welfare involvement. CWOP parents have testified in government hearings, met with reporters...lectured...in social work and law school classes, and spoken on panels to child welfare professionals. (Tobis, 2013, p. 90)

Families across Australia raise a number of points relevant to best practice and the out-of-home care system:

- Effective representation is needed to counteract the false belief that everything written on a file is an accurate and balanced representation of the situation. Child protection by stereotype still occurs; that is, false attribution sees that negative information is written and made larger and positive information is ignored. The best system is one that honestly acknowledges the views of all concerned. This may vary from worker-to-worker and situation-to-situation. FIN Victoria Inc. assists families to record varying views and evidence.
- The current situation of children churning through placements is problematic. At the point where a placement breaks down children are forced to move, create new relationships and begin life yet again. If protective issues have been addressed by the parent at this point it seems socially and economically irresponsible not to consider a safe return home.
- The forced permanent care/adoption promoted by current legislative directions in states such as Victoria and NSW are problematic when considered in context of the child.
- The service system is slow and under-resourced meaning that children are needlessly removed rather than providing in-home support.
- The service system is placing responsibilities back on birth families to pay for everything required to address a situation. Yet when placed out-of-home the system will pay. Had this funding be spent on the family in the first place a prevention of a move to out-of-home care may have been possible.
- Many families have limited access to resources which created the problem, exacerbates the problem and makes recovery from the problem difficult.

Service delivery models that draw upon the resourcefulness and experiences of families and communities are emerging within Australia. These programs share a similarity in their

underlying principles in that they work toward the best interest of the child by fostering/strengthening families rather than isolating parents and removing children. Current views of out-of-home care appear to be limited to formalised systems of control rather than natural systems of support for the child, their family and community. Consideration of the models described below may enhance the current service system.

Family by Family South Australia

Family by Family is a program in South Australia whose work aligns with the literature on effective family interventions that genuinely emphasise family strengths, resilience and protective processes rather than deficits (Kumpfer & Alvarado, 2003; The Australian Centre for Social Innovation, 2011). Evidence-based strategies for helping families overcome trauma include: planning and doing positive activities, building problem-solving skills, and develop supportive connections (Bromfield et al., 2010, p.19).

Family by Family employs whole families rather than professionals as the delivery agent. Some families are trained and supported to use their own stories, strategies and connections to help other families move towards their goals. Family by Family occupies a new intervention space: one that blends the behaviour change focus of targeted services with the informality and universality of community development.

Resourceful Friends FIN Townsville

FIN Townsville describe their activity as "action by families, for families, with the help of 'resourceful friends'". A guiding principle is "Ask, don't tell; Listen, don't judge". The Resourceful Friends model is a form of community social work that does not preclude reciprocal friendly relations between service users and their supporters. Resourceful friends, who are often social workers or social work students, volunteer their time to provide practical and emotional support in a manner that aligns with a 'fostering families' approach.

FIN Victoria have noted that when supports are put into place to encourage the fostering of a family, rather than only the child, long-term benefits can be achieved for all.

Example

Recently FIN Victoria were privileged to attend a meeting where it was decided that a child would return home. Child Protection, Family Services, the foster carers and the parents worked together in the planning with the needs of the child firmly at the centre of discussion. All participants maintained a genuinely respectful approach. Unlike many meetings attended by advocates, the parents and foster parents were noted to act as a team. The parent agreeing that the child might like to maintain contact with the foster parents and the foster parents agreeing to provide respite care as reunification progressed. Without the constraints of professional boundaries the advocate felt that it could have been possible that these foster parents would in fact foster the family to ensure that things progressed smoothly. However, FIN Victoria has in effect fostered this mother. The result has been that she is now an extremely competent person that is currently providing supports to other parents.

Example

Grounding services in the practical

We asked a mother, 'What would work for your family? What does your child need to come home to the best possible home?' She replied, 'I need a replacement grandma.' An odd response when considered in context of our service system. But, when we considered what a stereotypical grandma may look like there are some lessons for services who have moved too far from the purpose of their work; to help create the best outcomes for children, families and communities.

- Grandmas don't take the children and keep them. They provide care when and how it is needed.
- Grandmas treat everyone as valuable members of the family.
- Grandmas are inductive, they assess the current situation and build. They search out already established theories that explain their situation and develop those theories further.
- Grandmas don't apply pseudo-science or privileged stereotypes to you or your children.
- Grandmas are emic. They situate themselves in the middle of the problem and work to solve it from the inside. But, they are not blinded to the influences from the outside that exacerbate the problem. They work to help the entire family ameliorate the negatives of outside influences and to take advantage of positives.
- Grandmas intuitively understand and recognise trauma, both yours and what could be experienced by the children if the problem isn't fixed.
- Grandmas create sustainability. They know their life is limited and work to make their family successfully independent and to form productive relationships with other family and community members; but they hang around for as long as they can.
- Grandmas are strengths focussed with a practical world view. They don't write down your failings but celebrate your successes. They don't ignore your mistakes but work with you in an equal and dignified way to come up with solutions. They don't take credit when you then finally succeed. They don't vilify you in public but will have a quiet word with you when needed.
- Grandmas take the kids in times of crisis and do therapeutic things such as read books, go to the markets or take the kids for a walk around the lake. They drop in camomile tea and fruit cake when you didn't realise that that is just what you needed and they check you're doing ok. They provide strength to the whole family.
- Grandmas don't treat children as a commodity; as goods and chattels to be owned, brought, sold or renamed.

FIN Victoria Inc. recommends

- Fund advocacy organisations to help families navigate the child protection system, address power imbalances and empower families to support one another.
- Fund advocacy organisations to train parent advocates.

Consultation with individuals, families and communities affected by removal of children from the home

“It’s bigger than the Child Protection system.....there are families that for too long.....across more than a generation have been seen as an underclass – they don’t feel like part of the community....they don’t feel like their [sic] being included as part of the community. On the whole we aren’t inclusive..... those families for whom Child Protection is a revolving door feel so excluded that they don’t care what Child Protection or the rest of us think about them because they see that the rest of the community doesn’t really care about them – it’s a whole of community issue – people need to feel valued and part of the community before the can change...” (Berry Street Staff Metro Region, cited in Berry Street, 2011).

Since the formation of the first branch of FIN in Queensland in 2006 there have been a number of Australian studies of parents’ experience of the child protection system (Ainsworth & Berger 2014) as well as studies into community worker perspectives. These studies have been conducted throughout Australia in Queensland, Western Australia, New South Wales, Australian Capital Territory and Tasmania (Ainsworth & Berger 2014). Consistent themes have emerged in these studies published between 2007 and 2014 and are further supported by international and specific interest research such as parents with disability.

Parents associated with FIN Victoria Inc. consistently report issues already noted in the research literature:

- Disparity in levels of support provided to parents versus foster parents (Harries & Anglicare, 2008, p. 8).
- Systemic abuse (Booth & Booth, 2004, p. 14)
- Feeling powerless (Ainsworth & Berger, 2014).
- Lack of clear, transparent information and guidance to navigate complex, unpredictable systems and processes; and ability to self-advocate, understand relevant law and processes (Ainsworth & Berger, 2014; Fitt, 2010).

- The relentlessness of hurdles, shifting standards, an increasing list of things to do, manipulative and arbitrary nature of case workers (Ainsworth & Berger, 2014; Booth & Booth, 2004; Harries & Anglicare, 2008; Hinton, June 2013).
- High worker turnover leading to lack of consistency, trust and relationship.
“...they need to have the same worker all the time. We had seventeen different supervisors that came to our house. That impacted not only us but the kids as well.” (Parent Western Australia cited in Harries 2008 p.33)

“...it’s ridiculous because when they change case workers they go back to the beginning. So you may be six months ahead and you’ll have to go right back to the beginning just so the new case worker can get used to your caseload. With one of my old caseworkers I was going to start overnight visits but because they had to change my case worker I had to go back to day visits. I was not happy. But as soon as they said I was changing case workers I knew it was going to happen. I was hoping it wasn’t.” (Parent Tasmania cited in Hinton 2013 p.46).

Macro-level

Stigma and elitist attitudes continue to create barriers to effective responses and management of out-of-home care. Parents with lived experience are not invited as key stakeholders into initiatives such as Child & Youth Partnerships project (Victoria). During a gathering of one of these partnerships it was noted that top-down approaches were felt to be necessary. The discussion on the day made note that to achieve change the steering committee required movers and shakers that had the power to get things done. However, perhaps if those movers and shakers considered themselves as Resourceful Friends working *with* families at a systemic level, rather than *on* families, the issues that create child protection as a wicked problem could be better identified and therefore addressed.

Exo-level

Many families and their supporters note the issue of bias, stereotypes and stigma (McConnell & Llewellyn, 2002; Proctor & Azar, 2012). Community based lawyers, lay advocates and community services also note being subject to ‘courtesy stigma’; a transference of the stigma associated with the group being supported to the supporter when advocating (Hamilton & Braithwaite, 2014, p. ii). This can lead to advocates being devalued and labelled as untrustworthy or as failing to uphold the needs of the child.

Meso-level

The work of advocates/Resourceful Friends with the family is sometimes made problematic by child protection and agency staff. There are no approved and effectively supported advocacy systems. Workers, unless experienced, often see an advocate as a threat, do not always return calls, do not always provide information, are insulted when their practice or decisions are questioned and don't always understand the impact of what they are writing about families. Some families have been advised that they should not seek support from advocates. To address this situation referral without systemic fallout is required. Research shows that effective partnerships, where all parties are heard and valued, leads to best outcomes. However, families and advocates have noted defensive and hostile case practice towards families once an advocate has become involved. If we are truly to consider providing families with an equal voice we must consider the imbalance inherent within the system. Staff have university degrees, access to transport, computers and systems that they don't have to pay for and professional and supportive supervision. Families have none of this.

Consideration must also be given to the time required to help a parent speak up about their situation. This may include:

- access to information in a timely manner, (on the day of court is not helpful),
- information about complaints systems and appeal processes,
- information about court processes, and
- time to explore and translate into simple English, legal, child protection and community systems such as Child First and maternity services.

FIN Victoria Inc. recommends

- Government funded services operating in the child protection and family support sector be required to engage with parents as significant stakeholders as part of their funding agreements.
- All parents have access to independent advocacy services to assist them to understand, navigate and effectively work with the service system.

Extent of children in out of home care remaining connected to their family of origin

Institutions measure what they value. In the most recent *Productivity Commission Report into Government Services* (January 2014) a number of important measures in Child Protection are labelled "yet to be defined". Some examples include: continuity of case worker, placement with siblings and safe return home.

Continuity of case worker is described as an indicator of governments' objective to ensure child protection services are delivered in an effective manner.

The turnover of workers is a frequent criticism of the quality of child protection services. Effective intervention requires a productive working relationship between the worker and the child and family. (Productivity Commission, 2014).

However, this important measure of effectiveness, that greatly impacts outcomes for families, is 'yet to be defined' (p.15.21).

Placement with siblings is described as an indicator of governments' objective to provide services which meet the needs of the recipients.

A high or increasing rate of placement with siblings is desirable. Placement of siblings together promotes stability and continuity. It is a long standing placement principle that siblings should be placed together, where possible, in the interests of their emotional wellbeing. Children are likely to be more secure and have a sense of belonging within their family when placed with siblings. (Productivity Commission, 2014).

Data collection for this indicator is described as 'under development' (p.15.43).

Safe return home is described as an indicator of governments' objective to remove the risk of harm to the child while maintaining family cohesion.

For children who cannot be protected within their family and are removed from home, often the best outcome is when effective intervention to improve their parents' skills or capacity to care for them enables them to return home. (Productivity Commission, 2014).

Safe return home is also 'yet to be defined' (p.15.62).

Were families consulted as significant stakeholders measures such as these would be prioritised.

FIN Victoria Inc. recommends:

- Measures that are indicative of real life outcomes for families affected by child protection must be reported against as a matter of priority.

Best practice solutions for supporting children in vulnerable family situations including early intervention.

The model of child welfare in Victoria is commendable. A key feature of this model delineates the government child protection role as being the tertiary level service and ChildFirst and family services working with families and primary services to prevent the child and family moving toward intervention that requires child removal. To enhance this model and to ensure a well-balanced system with effective checks and balances we believe that a people's organisation operated along the lines of FIN WA and FIN QLD be added to the

service delivery model in all states and territories. This addition would assist the system to ensure that only the children that need to remain in care are left in care. Recent Victorian government cut backs to services and legislation will create a needless burden on the out-of-home care system if effective measures are not implemented immediately. From our involvement with families and services we believe the following areas need urgent attention.

Macro-level

Rhetoric and government behaviour

The reality is that families, communities and services are starved of the resources required to address the wicked problem of child protection. Out-of-home care services cannot be separated from the broader child protection discourse and debate. Using the rhetoric that *child protection is everyone's responsibility* without supporting the rhetoric with resources simply pushes the responsibility of cost to communities and families that do not have the financial, social or intellectual resources to meet the need. This rhetoric creates the illusion that services and government are child focussed, collaborative, empowering and strength-based; the reality is that the system and the communities in which it sits are broke and broken.

Language use and the production of stereotypes

Much of the literature in regard to out-of-home care refers to when it has been deemed that a child cannot return home. The implication of these statements is the societal assumption that every child in care has been abused and that the parent is guilty. Moreover, that no child, once in care can or should return home. Once the matter has been through court this becomes a legal fact but does not become a fact based on the actual experience in many situations. Given our experience in advocacy this is problematic and a statement that needs to be reconsidered at every stage of intervention and care.

Exo-level

Examples of effective and collaborative practice with parents discussed in this submission provide examples of best practice. When developing service partnerships at local, state and national levels the inclusion of families as equals in the process has created socially productive and economically sensible options. These cannot be overlooked.

Meso-level

The binary positions encountered in the child welfare system such as care versus control, deserving versus undeserving, all services in or no services at all, must end. It is our experience (supported by national and international research) that very few children are in life threatening situations. It is acknowledged that a small percentage of children should be

removed. However, power imbalances when creating 'a case' for child removal child must be addressed. Court dispositions are written to sway courts and do not reflect the strengths and weaknesses of the family in context. Current styles of documentation preclude family involvement. Brief consideration, if any, is given to the views of families and legal systems are not adequately resourced to ensure the parent view is included. Any comment on the parent view is written by the practitioner and not the parent. In reality parents are not given the opportunity to create a considered response to practitioners' perceptions or decision making. As a result it is rare to find any formal documents that do not minimise strengths and maximise weaknesses of the parent. It is also common to find evidence such as psychological reports and other evidence supportive of the parents' view to be omitted from files and reports. Any claim that the parent's legal representative is in a position to address this imbalance does not account for the reality of how current systems function. Further, the overall result is the creation of a 'file' that shows nearly every parent caught up by the child protection system as bad, deficient and hopeless. A situation that sees practitioners in the out-of-home care system receiving the file and therefore starting from a deficit or negative view point. The view that what is written on 'the file' must be fact rather than the interpretation of one person is naive.

Micro-level

Research shows that ongoing support is required whether the child remains in their home or is placed out-of-home (Jonson-Reid & Barth, 2000). Moreover, that greater life outcomes and reduced long-term societal costs are achieved when the child is supported with a therapeutic approach in their home. The current approach to family support where narrow, bureaucratically defined, short-term and crisis focussed support is considered appropriate for birth families, but long-term support is appropriate for foster families is illogical. This approach fails children and fails to uphold the rights of the child as noted in United Nations conventions. Honestly supporting the family supports the child and in turn creates stronger communities.

Example

Recently a family supported by FIN Victoria did not receive court dispositions in the mail until the day after the scheduled court date. The ramification of this is that Legal Aid solicitors could not submit applications for Legal Funding to represent the parent. The process of approval can take up to ten days and is never adequate to allow the lawyer time for comprehensive collation of documentation to understand the complexity of the case. The FIN volunteer worked with the parents to collate information into an understandable format, attend meetings to ensure the voice and views of the parent were given equal consideration and to undertake processes to collate relevant evidence for the case. There are very few situations in society where we would expect a person experiencing the trauma of losing a child to undertake such efforts independently.

FIN Victoria Inc. recommends:

- Funding be made available to ensure that all parents have access to independent advocacy services to assist them to understand, navigate and effectively work with the service system to prevent some children being placed in care needlessly.

Conclusion

A new approach to child protection and out-of-home care is clearly needed. The inclusion of, and consultation with, affected families and communities is vital to developing effective new approaches.

...Once a moral settlement is in place and the elites have claimed and colonised the moral space, there is a good deal of work to be done to get the conversations moving again...the current child centric discourse carries much moral weight...(Featherstone, Morris, & White, 2014, p. 16).

We congratulate Senators on initiating this inquiry which is an important first step in getting the “conversations moving again”. A next, imperative step will be hearing from, and listening closely to, families and communities who have much to contribute to the shaping of policies and services that affect them.

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