

CORRECTED VERSION

STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

Inquiry into the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015

Melbourne — 24 June 2015

Members

Mr Edward O’Donohue — Chair

Mr Daniel Mulino

Ms Nina Springle — Deputy Chair

Ms Fiona Patten

Ms Margaret Fitzherbert

Mrs Inga Peulich

Mr Cesar Melhem

Ms Jaclyn Symes

Participating Members

Mr Gordon Rich-Phillips

Staff

Secretary: Ms Lilian Topic

Research officer: Mr Anthony Walsh

Witnesses

Mr Llewellyn Reynders, policy and public affairs manager, and

Ms Carly Nowell, policy advisor, Victorian Council of Social Service.

The CHAIR — Our next witness this evening is the Victorian Council of Social Service. I welcome Mr Llewellyn Reynders and Ms Carly Nowell. Thank you both very much for being before us this evening, and again, as I said to the previous witnesses, for making yourselves available at short notice at this time of the evening.

I caution you that all evidence taken at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and further subject to the provisions of the Legislative Council standing orders. Therefore the information you give today is protected by law. However, any comment repeated outside this hearing may not be protected. All evidence is being recorded. You will be provided with proof versions of the transcript in the next couple of days.

We have allowed half an hour for this session, and I would ask you to make an introductory statement of 5 to 10 minutes. Thereafter we will have questions. Thank you again for being before us tonight, and we look forward to your presentation.

Mr REYNDERS — Thank you for inviting the Victorian Council of Social Service to give evidence for this inquiry, and we welcome the opportunity to discuss this bill and the issues surrounding the protection of vulnerable children in Victoria. I would firstly like to give the apologies of our CEO, Emma King, who is unable to appear before the committee today as she is attending the ACOSS conference in Sydney.

VCOSS is the peak body for the social and community sector, and pursues just and fair social outcomes through policy development and public advocacy. VCOSS advocates for the elimination of poverty and disadvantage and the protection of vulnerable members of society, including children and families. The wellbeing of children and families is one of the most important responsibilities of governments and the wider community. Children and young people who enter our child protection system are among our most vulnerable people, and despite some progress in reforming the system, these people remain at risk of falling behind their peers across virtually every aspect of life, including their health and wellbeing, housing, educational achievement, contact with the justice system and their future employment prospects.

VCOSS is supportive of the current bill before Parliament. Our first principle in assessing laws about the wellbeing of children is that the best interests of the child are kept paramount. While this bill addresses one small aspect of the legislative framework, we believe that it is a useful amendment. By maintaining the Children's Court's ability to be satisfied that all reasonable steps have been taken by DHHS to reunite the child with their parents, the court retains some oversight of the quality and timeliness of the services provided by DHHS to support the child's family to develop the capacity to care for and keep children safe.

More generally, we are deeply aware that the operation of the child protection system is being affected by the dramatic increase in reports and cases being brought to the attention of governments over the last decade. Community awareness of child abuse and neglect has grown significantly, alongside stronger legislative requirements to report concerns. This is good news and shows that the wellbeing and protection of children have become a much stronger part of our culture and society. But the consequence of the rapid expansion in demand on the system is that it struggles to allocate the required services and make decisions in a timely manner.

We acknowledge that successive governments have increased resources and acted to reform the system to achieve better outcomes, and the latest state budget provided a welcome addition to the resources available. But it remains the case that all parts of the child protection system have struggled with this demand, from prevention and early intervention right through to the provision of out-of-home care. I would make particularly mention the rapid rise in Aboriginal children entering the statutory system, with the number of Aboriginal children being removed from their families in Victoria now at the highest level since white settlement.

In our view this state of affairs has often meant that the resources and attention have been focused on the most immediate needs and pressing situations in the statutory system without sufficient attention and resources directed to the prevention and early intervention end of the spectrum, which has the potential to reduce numbers flowing into the statutory system.

VCOSS has repeatedly raised a number of changes to Victoria's approach to improving the safety and wellbeing of our children, which my colleague Carly will briefly outline, and we do so in understanding the

scope of services and the changes required to them, which the bill mentions in terms of the application of section 276.

Ms NOWELL — Thanks, Llewellyn. As highlighted earlier, investing in prevention and early intervention support services for children, young people and families is crucial in preventing or reducing the conditions that may lead to abuse and neglect. Currently many families only receive vital supports once they reach crisis, with many falling through the cracks because services are overstretched and under-resourced. Providing greater access to early intervention support services, such as family support, parenting programs, drug and alcohol services, housing and homelessness services, and mental health services, will help families to access the supports they need when they need them before problems escalate and require the involvement of child protection services.

This could be supported by facilitating greater integration of universal services with specialist health and community services and child protection services. Universal services such as maternal and child health services and schools are uniquely placed to support the wellbeing of children and families and to link these vulnerable families into additional targeted supports and the broader support system as required. Further work could also be done to improve how schools meet the learning and development needs of children in out-of-home care, including developing more flexible learning environments and more consistent use of individual education plans. Given the increasing demand for services, there is also a need for enhanced funding for services that support the wellbeing of vulnerable children, young people and families, such as Child FIRST.

As you would know, Child FIRST provides community-based referral points to connect vulnerable children, young people and their families to the community services they need to protect and promote their development. The foster care system is struggling to recruit and attract enough carers, with more foster carers exiting the system than entering it. The lack of financial support is a major contributor to this. Similarly, more than half of Victoria's kinship carers report financial stress. The state government's review of care allowances is warmly welcomed, and it is hoped this will result in higher reimbursements of foster carers and kinship carers and will help to reduce the number of children in residential care.

Given the concerning rates of Aboriginal children and young people entering the child protection system, it is important that efforts are made to improve outcomes for Aboriginal children, young people and families. For example, increasing the number of Aboriginal children placed with Aboriginal members or kin, in accordance with the Aboriginal child placement principle; supporting Aboriginal community-controlled organisations to provide more early intervention and intensive family support and to participate in decision-making; convening Aboriginal family-led decision-making meetings for all cases involving Aboriginal children; and developing meaningful cultural support plans for all children who are placed with non-Aboriginal carers. The findings of Taskforce 1000 should also be used to inform practice and future reform.

Finally, for those children who do enter the out-of-home care system, it is important that every effort is made to improve their health and wellbeing. VCOSS recommended that therapeutic care is expanded to all children and young people in out-of-home care to help them to recover from any trauma associated with abuse and neglect. It is also recommended that greater support is provided to young people to help them successfully transition out of care. Young people transitioning from out-of-home care to independent living continue to experience poorer outcomes than their peers, with over-representation in the youth justice system, poorer mental and physical health, and lower education and employment participation rates.

The CHAIR — Thank you both for your presentation. I note your comments that there has been an increase in resources provided by successive governments but there has also been a significant increase in demand in recent times. We heard last week from the Centre for Excellence in Child and Family Welfare, and they talked about the concept of drift — of children being in the system for five years, as Cummins found, or for long periods of time. Do you want to make a comment, given your expertise, on what impact that can have on children?

Mr REYNOLDERS — Certainly. We responded quite comprehensively to the Cummins inquiry. Indeed the idea of drift or children particularly being in the out-of-home care system, in temporary arrangements — moving from perhaps one placement to another — there is certainly a great deal of evidence that this has a detrimental impact on children. I think from all players in the system there is a general consensus that minimising the time that children are not in stable families and not in stable care arrangements is best for everyone in the system. Carly, did you have anything to add?

Ms NOWELL — Yes. There are a number of impacts, but one of the key ones that a lot of reports have pointed to is the educational outcome. Obviously with drift and instability it can result in a lot of changes in schools, which means new teachers, new peers, and often students end up missing certain parts of the curriculum or repeating others and there are a lot of issues there, so I think while addressing that issue there are other broader issues as well to be considered, but certainly lower educational outcomes is a big issue.

Ms SPRINGLE — Last week we heard from DHHS that there was an extensive consultation that was staged before the 2014 amendments, and they talked about a broad range of stakeholders that were consulted, including permanent carers, foster carers, academics, community service organisations and legal stakeholders. My question is: was VCOSS consulted regarding the amendments in 2014, and if so, what did the consultation look like? And were any of your concerns, if you had any, about those amendments taken into account when they drafted the legislation?

Mr REYNDERS — VCOSS was not consulted.

Ms SPRINGLE — Thank you.

Ms PATTEN — Thank you for your presentation. One of the issues that the department raised with us — and a number of people have raised this — is the timeliness of children being put into care. But I am concerned with the numbers you are talking about with Aboriginal children being put into care. In your opinion, do these amendments help with the timeliness and possibly prevent more and more Aboriginal children going into care, or is it quite the opposite?

Mr REYNDERS — To give you a little bit of background, VCOSS has a very diverse membership base, and partially because we were not engaged in the consultation process around the 2014 amendments we have not gone through the process with membership to work out in fact where the consensus lies and be able to dig into some of the deeper issues like you mentioned. But what I will say in terms of the timeliness issue is that certainly one of the objectives of the 2014 legislation was to try and I guess force the courts to make more timely decisions.

I guess we would add to that that the resourcing component and where resources are placed in the system has a very large effect on the timeliness of DHHS to be able to respond to the needs of parents and children, on the availability of supports, particularly as those supports are often not provided by child protection services. They are provided across the public and community services systems, often which have their own barriers to access as well. Finally, I would make the point again that investing in reaching people before they enter the statutory system is going to be, in our view, the best bang for your buck in terms of trying to remove the incredible demand on that system and not having to put everyone through the trauma of the child protection system. Once children have entered that system, none of the options for them are particularly fantastic.

Ms NOWELL — The only thing I would add to that is that not only are the rates high but some of the practices that should be followed for the best interest of Aboriginal children are not being followed too. For example, we know that only 8 per cent of Aboriginal children required by law to have a cultural plan have one, and as well 70 per cent of Aboriginal children and young people are placed with non-Aboriginal carers. There are other things outside the legislation that should be done to follow best practice and better support outcomes for Aboriginal children and young people.

Ms SYMES — Thanks for your presentation; it was really good. As I am sure you are aware, the government's recent budget provided an additional 17 per cent on the previous year for the child protection budget specifically and the biggest budget boost in almost a decade. I am sure we can all acknowledge that it is an area that you can always put more money into, but I am just wondering about your view of the impact that the increased funds will have, particularly on your stakeholders.

Mr REYNDERS — In terms of the use of some of those funds, firstly, there was a significant investment in Child FIRST, which we are very pleased to see. We are very aware that from its inception in fact as an early intervention service there has often been increased pressure on Child FIRST to deal with more and more complex cases that have moved deeper into the child protection system. Its role and its capacity, because of the amount of demand that is placed upon it to actually do the early intervention work before children are potentially entering the child protection system, has been limited. We hope that certainly the greater capacity in

that system allows it to be reaching people before they are entering the statutory system rather than trying to assist families after they enter that system.

Ms SYMES — For the benefit of the committee, could you just explain a little bit more about Child FIRST?

Mr REYNDERS — Child FIRST, I guess, is a — —

Ms NOWELL — It is a referral and intake service.

Mr REYNDERS — Cases are referred by the department to Child FIRST, and then Child FIRST works with those clients, be they families at risk of entering the statutory system or indeed families whose children have already entered the statutory system, to provide them with a range of supports. But often those supports are not provided directly; in fact many of them are a referral service, so it is about linking families and children to the various places where those supports can be gained, although those avenues may already be at capacity and there may be significant waits beyond Child FIRST for families to access them.

Ms NOWELL — And certainly the recent VAGO report found that there was a more complex and overwhelming demand and that the needs were more complex, and they were being forced to focus on the high-risk young people in the family stream and those at the more low to medium risk were missing out, and the whole point of the service is to help support them before problems escalate.

Ms FITZHERBERT — Thank you for your time tonight and for your presentation. I am just curious to know, and this figure may have come up earlier when I was not present, so I apologise if it has, but how many Victorian children are subject to protection orders, roughly?

Mr REYNDERS — We do not have those figures to hand.

Mr MULINO — Thank you for your presentation and your time tonight. I am wondering, do you think that it is worthwhile to have a requirement in the legislation that places an onus on the department to provide the services necessary in the best interests of the child?

Mr REYNDERS — We do.

Ms PATTEN — I appreciate that obviously prevention is where we should be, and I have no doubt your members would be advocating for that. Looking at the bill before us now, which is reinstating section 276, in your opinion does that go far enough, or should we be moving to reinstate other areas that help with family reunification orders?

Mr REYNDERS — As I have mentioned, I think to a previous question, we have quite a diverse membership with a diverse set of views on some of these issues. I certainly could not say that there is a consensus position across the sector. The challenge that the court faces, and one of the things I would mention, is that these are incredibly difficult decisions for anyone to make, regardless of where they are in the system. What the court is being asked to do under the 2014 amendments is make a decision whether to permanently prevent a child reunifying with their parents versus continuing them left in limbo in the out-of-home care system. Neither of those options are great options, but certainly having a mechanism to get more timely decisions made is broadly supported by VCOSS. Whether this is the best mechanism to do so is a question on which our members do not have a consensus position.

The CHAIR — Thank you both for your preparedness to be before us tonight and for your evidence. As I said earlier, a Hansard transcript will be sent to you in the next couple of days. Thank you again.

Witnesses withdrew.

