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2017

RESPONSE:
**Review of the Children and
Community Services Act 2004
Consultation Paper**



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Summary of Recommendations:

The council recommends that:

1. **Recommendation 1:** The Department take the opportunity to consult more broadly on how clauses a, b and c of The Objects of the Act could be better reflected throughout the legislation to ensure more focus and attention to these objects being achieved.
2. **Recommendation 2** The Children and Community Services Act 2004 (CCS Act) is reviewed to ensure that government departments who provide services to children are required to coordinate solutions across government agencies to ensure the protection and wellbeing of children.
3. **Recommendation 3:** The CCS Act is amended to legislate for family support services to be offered to parents identified as at risk from early in the antenatal period within a universal service framework (such as the health sector to avoid stigmatizing families). We note that this recommendation is consistent with that of the UN Child's Rights Taskforce.
4. **Recommendation 4:** Consistent with Victoria's Children, Youth, and Families Act 2005, the Act should require that any decision to bring a child or young person into care is immediately reviewed by the Children's Court.
5. **Recommendation 5:** The legislation is amended to provide a definition of "as soon as practicable" In circumstances where the CEO decides not to follow up on a protection application in order that suitable follow up and/or referrals are made to ensure that the issues that contributed to cause for concern for the child initially, are appropriately addressed.
6. **Recommendation 6:** The CCS Act is amended to include provision for an independent and transparent advocacy and complaints mechanism for children in care.
7. **Recommendation 7:** Section 78 Clause (5) of the CCS Act is amended to include provision requiring the Minister to report the extent to which the Rights included in the Charter have been met for children in care.
8. **Recommendation 8:** That Section 3A of the CCS Act is amended to include a requirement that all children in care receive appropriate and culturally sensitive, counselling, therapy or healing support based on an assessment of their individual needs and circumstances.
9. **Recommendation 9:** The Council recommends that the CCS Act be reviewed to increase the age to 21 that children in care can receive support consistent with the recommendations of the Home Stretch Campaign and CREATE's response to this review
10. **Recommendation 10:** In consultation with Aboriginal stakeholders the CCS Act is amended to include a maximum time frame within which the placement principles must apply.
11. **Recommendation 11:** As in Victoria, The CCS Act is amended to require regular reporting on the extent to which the Aboriginal and Torres Strait Islander Principles have been applied and the extent to which the outcomes of those principles have been met for children and their families.
12. **Recommendation 12:** The CCS Act be amended to ensure that the CEO must consult with an Aboriginal person known to, and in relationship with, the child for whom a placement decision is required.
13. **Recommendation 13:** That the CCS act be amended to ensure that Reunification Planning takes place, in close consultation with family and other key stakeholders as soon as children are taken into care and that wherever possible, children stay connected with family and culture and have those connections nurtured by care givers throughout their placement period.

Introduction

As the peak body in the community sector, the Western Australian Council of Social Service (the Council) has a particular interest in the *Children and Community Services Act 2004* (herein referred to as the CCS Act) and is pleased to make a submission to this Review.

A number of the Council's members are directly involved with children who are under the care and protection of the Department for Child Protection and Family Support (herein referred to as the Department), and many more of our members provide services to children and their families for whom the provisions of this legislation are both relevant and important.

There are a wide range of matters which the Council believes should be considered in this Review, and a number of them are canvassed in this submission. This response has been informed by:

1. The consultation paper issued by the Department titled *Review of the Children and Community Services Act 2004 Consultation paper. December 2016* and the PowerPoint presentation provided about the review presented on the 17th of February.
2. Consultation with the Children's Policy Advisory Council.
3. A Consultation Forum hosted by WACOSS held in March.
4. A consultation with Aboriginal stakeholders hosted by the Commissioner for Children and Young People on the 27th March 2017.
5. Previous submissions made to The Department on amendments to the CCS Act including:
 - WACOSS 2012 Response to the Review of the Children and Community Services act 2004.
 - Response to the *Implementation of Endorsed Recommendations from the Review of Community Services Sector Expenditure*.
6. Consideration of the "Let's put children first: Eight Key Principles" and their response to the review of the Act developed by the *Alliance for Children at Risk* and CYFAA.
7. The Councils 2017/18 Pre-Budget Submission *The Future in Our Hands*.

Structure of this response

The Consultation Paper provided raises 8 key questions which we have responded to at the end of this submission. Given the important opportunity a review of legislation provides we have also included a number of other areas, some, though not all, of which overlap with the consultation questions, that we advocate being included in the review. Frequently we refer the reviewers back to the submission provided to the Department in 2012¹ as many of the issues raised in that review continue to have currency and, resonated throughout our consultations, though they remain unaddressed.

¹ WACOSS 2012 Response to the Review of the CCS Act 2004

Objects of the Act

The objects of the CCS Act are –

- a. to promote the wellbeing of children, other individuals, families and communities; and*
- b. to acknowledge the primary role of parents, families and communities in safeguarding and promoting the wellbeing of children; and*
- c. to encourage and support parents, families and communities in carrying out that role; and*
- d. to provide for the protection and care of children in circumstances where their parents have not given, or are unlikely or unable to give, that protection and care; and*
- e. to protect children from exploitation in employment.²*

The vast majority of clauses in the CCS Act relate directly to the child protection objectives described in object (d). The broader objects of the CCS Act (objects (a), (b) and (c) which do not relate specifically to child protection responsibilities are reflected in only a small number of clauses in the legislation. The Council recommends that The Department take the opportunity to consult more broadly on how clauses a, b and c of the Objects of the Act could be better reflected throughout the legislation to ensure more focus and attention to these Objects of the Act to ensure they are being achieved. **(Recommendation 1)**

Key Responses

Clarifying State Government Responsibility Relating to Children

Responsibility for Child Protection

Improving outcomes for the most vulnerable children is not the sole responsibility of one Department and in spite of inter-agency initiatives such as Rapid Response,¹ children and their families continue to “fall through the cracks”. The Council continues to advocate for action from all human service government departments to join efforts in providing wrap around support to children in care and those at risk of entering care.

Apart from clause 152, which provides for the Attorney General to intervene in protection proceedings, there appears to be no reference to other government agencies in this legislation. There is no mention in the legislation, for example, of circumstances where the Department for Child Protection need consult with related Departments (or vice versa) to consider what impact its decisions may have on the provision of services to the vulnerable child and his/her family.

Better Coordination across government

In addition to the importance of whole of government responsibility for child protection, the Council wishes to highlight the need for better co-ordination across government agencies with responsibility for children’s policy, funding, contracting and service provision. In the WACOSS 2012 Response to the Review of the Children and Community Services Act 2004 (herein called the 2012 Submission) we referred to an example where better coordination is required, highlighted by the Commissioner for Children and Young People which said.

² Children and Community Services Act 2004.

This inquiry included consideration of the range of parenting programmes provided by both government and non-government, and concluded that the Department for Communities “is best placed to have leadership in Western Australia for the provision of parenting programs and services”. However, at this time, the Department for Communities has neither the legislative mandate nor the resource base to do so. This Review provides the opportunity for the potential confusion which arises over the respective objects and responsibilities of the Departments for Communities and Child Protection to be clarified and addressed.

Some progress has been made since 2012 in clarifying responsibilities. For example, the establishment of The Centre for Parenting Excellence is welcomed and the recent tender for Parenting Services conducted by DLGC has resulted in improved outcome specifications for parenting services. However considerable confusion still exists about statutory responsibility for investment in parenting programs for children at risk in the ‘secondary services’ sector.

The Council now strongly recommends that the CCS Act is reviewed to ensure that government departments who provide services to children are required to coordinate solutions across government agencies to ensure the protection and wellbeing of children. **(recommendation 2)**.

We refer the reviewers to our 2012 submission, and the Parental Support and Responsibility Act 2008 which sets out a Principle of cooperation between government agencies that could be emulated within the CCS Act.

Early Intervention and prevention support for families

Funding for the Earlier Intervention and Family Support Strategy is welcomed however this program is targeted at children on ‘the brink’ of going into care. Significantly more support is required for at risk families in the secondary services sector.

There is growing evidence to show that positive programs that support families can reduce the level of abuse and break the cycle of offending by providing professional assistance to families in need. The Council believes that more investment is required in services for parents to prevent abuse. For those children that have been abused, we need to ensure that they and their families can access the help they need.

In our 2012 submission we cited the *Child Rights NGO Report* recommendations which said:

Family support services provide important services to ‘scaffold’ families where children are at risk and thereby try to prevent children from entering the child protection system. Shifting the balance in the child protection system is a slow and difficult process and the system still remains heavily geared towards the tertiary (crisis) stages with significant challenges in integrating programs for early intervention and family support. While funding for family support services has increased over the last five years or so, it still makes up only a small fraction (about 10 per cent) of that provided to the statutory child protection system and funding is growing more slowly than for the statutory services...Families with multiple problems such as substance abuse,

*domestic violence, mental health and disabilities continue to drive the increase in the numbers of children entering care, and the demand for resources and funding at the tertiary end of the system.*³

Along with the Child's Rights Taskforce we recommend that the CCS Act be amended to legislate for family support services to be offered to parents identified as at risk from early in the antenatal period within a universal service framework (such as the health sector to avoid stigmatizing families). **(Recommendation 3)**

The Children's Court

The Council continues to hold concern in relation to the fact that clause 37 (2) of the CCS Act enables the CEO to take a child into provisional protection, without having to bring this decision to the attention of the Children's Court, or any other party.

Clause 37 provides authorised officers or police officers with the authority to bring a child into provisional protection and care — without a Court-approved warrant.

The Council recommends that, in line with Victoria's Children, Youth, and Families Act 2005, the Act should require that any decision to bring a child or young person into care is immediately reviewed by the Children's Court. **(Recommendation 4)**

If a child is taken into provisional protection, and the Department CEO subsequently decides not to make a protection application through the Children's Court, the Department is required to return the child "as soon as practicable" (clause 38(2)) — the legislation does not provide a timeframe for the return of the child. The legislation should be amended to provide a definition of "as soon as practicable" in circumstances where the CEO decides not to follow up on a protection application in order that suitable follow up and/or referrals are made to ensure that the issues that contributed to cause for concern for the child initially, are appropriately addressed. **(Recommendation 5)**

Independent Commissioner or Child Guardian

In the Council's pre-budget submission for the WA State Budget 2017-18, *The Future in our Hands* the Council advocated for the development and resourcing of an external child protection oversight process and an independent child advocacy and support service in consultation with all stakeholders.

The Council recommends developing an appropriately resourced independent child advocacy and support service. While the WA Ombudsman now has responsibility for hearing individual complaints, many children may be unwilling to engage with the formal complaints system without the significant support of someone they trust. Consequently, an independent community-based support service for children experiencing abuse or neglect, working in close partnership with existing child protection complaints processes and the statutory authority responsible for external oversight of the out of home care system is recommended⁴

³ Child Rights Taskforce (May 2011) *Listen to Children: 2011 Child Rights NGO Report Australia*, Accessed at: http://www.childrights.org.au/_data/assets/pdf_file/0014/14405/Listening-to-children-Report-2011-colour.pdf, Accessed on: 25/6/2012, Page 14.

⁴ WA State Budget 2017-18, *The Future in our Hands*. Page 14

In the Councils 2012 submission information was provided about New South Wales example where both a Children and Young People's Commissioner and the Children's Guardian report to Parliament and the Minister respectively. In Queensland, the Commissioner for Children and Young People and Child Guardian (a single role) provides oversight on both an individual and systemic basis. The Council believes that Western Australian children are being left behind and strongly advocates for the CCS Act to be amended to include provision for an independent and transparent advocacy and complaints mechanism for children in care. (**Recommendation 6**) During consultations for this submission, feedback reiterated its support for this recommendation as an important means of improved accountability for ensuring outcomes for children in care are improved.

Other mechanisms to improve oversight, transparency and accountability include a publically reported annual independent review of outcomes for children in care.

Permanency Planning

The Council acknowledges the importance of providing continuity of care for children and the need to ensure children bond with nurturing supportive care givers. In addition, we acknowledge that there is also significant concern within the community that the periods of time within which permanency decisions are made are discriminatory. This view is based on a number of factors including:

The Council recognises that the needs of children are paramount and children must be kept safe. We continue, however to have significant reservations about the application of permanency principles. Our reservations are based on:

1. Historical 'mistrust' of the 'welfare system' means that relationships and trust take longer to develop, and significant cultural barriers still impact on Aboriginal family's experience of services.
2. Ongoing conflicting anecdotal information about the extent to which the Department is adequately resourced to provide the services, healing and counselling that is required to work with families to address the factors that have contributed to concerns about the child's wellbeing, and where those services can be provided, how quickly they can be deployed in recognition of the fact that improvement takes time.
3. The extent to which other government agencies can be held to account for their core responsibilities, when those areas of responsibility (such as housing, health and education) are fundamental to ensuring children thrive.

Appropriate, timely and whole of government resources are required to build family capacity to build safe and nurturing homes for children within the time periods set for permanency decision making.

Focus on Children

In 2012 we wrote *the focus of the CCS Act is much more on what the Department for Child Protection is required to do, rather than on how children who come into contact with the department need to be treated.*

The following matters have been identified by the Alliance for Children at Risk, a peak body of not-for-profit providers of out of home care in Western Australia,

- *A commitment to treatment and development, not just keeping safe.*
- *A standardized assessment procedure for children being taken into care, including a recognition that every child taken into care has been subjected to severe trauma that will probably need treatment.*

- *Individual care plans for each child that involve all the stakeholders and are regularly monitored and updated.*
- *Needs-based provision of services including psychological and development support.*
- *Support including provision of a physical environment comparable to that enjoyed by a “typical Aussie kid”.*

While improvements have been made since 2012, including a move towards more standardised assessments and individual care plans, the Council remains concerned about inconsistent practice and an ad hoc approach to services, resulting in varied experiences for children and families, depending on where, and by whom those services are accessed. Families and children’s experience can be highly dependent on the good will of staff, an empathic culture within local teams and the extent to which rules, policies and procedures can be interpreted flexibly and with compassion.

While recognising that policies, procedures and guidelines are essential, they cannot be replaced by good practice. For example there are at least 8 documents that are intended to guide service delivery to Aboriginal children and families.⁵ However significant systemic and cultural barriers still exist which impede good practice.

The Council recommends that Section 78 Clause (5) of the CCS Act is amended to include provision requiring the Minister to report the extent to which the Rights included in the Charter have been met for children in care. **Recommendation 7.**

Children need treatment

The Council is concerned that The Act does not include provisions to ensure that children receive counselling, therapy, or cultural healing. This is a significant oversight given the Objects of the CCS Act include the need ‘*to promote the wellbeing of children*’ and that Division 2 states that the ‘*Best interests of the child are paramount.*’

Section 3A of the Act does include responsibility for making decisions about any medical or dental examination, treatment or procedure in respect of the child however it essential that children’s psychological, emotional and social needs are addressed given the nature of trauma, abuse and or neglect all children in care will have experienced.

The Council therefore recommends that Section 3A of the CCS Act be amended to include a requirement that all children in care receive appropriate and culturally sensitive, counselling, therapy or healing support based on an assessment of their individual needs and circumstances. **Recommendation 8**

⁵ Aboriginal Services and Practice Framework 2016-2018; 4 foundational elements and 5 guiding principles and 4 priority areas; Early Intervention Strategy, 4 priority areas and Workforce Development Plan; Culturally competent service standards; Aboriginal and Torres Strait Islander Child Placement principle; Principle of self-determination and the principle of community participation; Section 81 of the Act – requiring consultation; Casework Practice Manual – guides Child placement principles; Report of Placement in accordance with principles; Aboriginal Consultation Guide for staff

Raise the age

The Council advocates for the age at which children cease receiving support from the Department requires review. It has been the experience of Council members that the provision of support services to young people in WA who leave the care of the CEO tends to be ad hoc and variable between Department of Child Protection Districts. The Council fully supports the Home Stretch Campaign and CREATE who are advocating for the age at which children cease receiving support to be raised to 21. and we refer the Department to the policy work developed by CREATE in this area. <http://thehomestretch.org.au/>

In our 2012 submission we referred to the *Listen to Children Report*. Recommendation 49 of the Report states:

(T)hat the Australian Federal Government work with state and territory governments to implement procedures ensuring that planning for a child's transitioning from care commences no later than 15 years of age, and that support should be provided until 25 years of age to ensure the phase in which the young person is gaining their independence is adequately covered.²¹

In the CCS Act, Division 6 encompasses provisions relating to young people leaving the CEO's care. As a part of this Review, the Council believes that consideration should be given to Division 6, and that particular attention should be paid to clause 98(1) which relates to the support provided to young people leaving the care of the CEO.

The United Kingdom's *Children (Leaving Care) Act 2000*, is an example of legislation which provides a more complete framework from which young people can be supported as they transition out of care. Consideration should be given to improving the requirement of 'leaving care planning', and the provision of a 'personal advisor' to a young person transitioning out of the care system.

The Council recommends that the CCS Act be reviewed to increase the age to 21 that children in care can receive support consistent with the recommendations of the Home Stretch Campaign and CREATE's response to this review. **Recommendation 9**

Key Responses - Aboriginal Children and Families

Aboriginal children and young people are born into a culture of collective attachments and multiple connections and relationships. Self-esteem and a sense of belonging is rooted in a strong culture of song, dance, language, stories and lore.

Aboriginal and Torres Strait Islander Child Placement Principle

The Aboriginal and Torres Strait Islander child placement principle detailed in clause 12 of the CCS Act, is complemented by the principles of self-determination (clause 13), community participation (clause 14), as well as the general principles relating to children.

An issue of concern to the Council is the lack of any time frame included with in clause 12. An Aboriginal child could be in a placement inconsistent with the principles relating to Aboriginal and Torres Strait Islander children in care — for any period of time before this principle is applied. The Council remains concerned about the consistency with which this important principle is applied. Consequently, we recommend that, in consultation with Aboriginal stakeholders the CCS Act be amended to include a maximum time frame within which the placement principles must apply. **Recommendation 10**

In addition to the issues surrounding time frames for application of the principles the Council is also concerned about the extent to which they are consistently applied and what the outcomes for children have been. We recommend that, as in Victoria, The CCFS Act is amended to require regular reporting on the extent to which the Aboriginal and Torres Strait Islander Principles have been applied and the extent to which outcomes of those principles have been met for children and families. **Recommendation 11.**

Consultation Before placement of Aboriginal or Torres Strait Islander Children

Section 81 of the CCS Act relates to the placement of children and describes who the CEO must consult with in making a decision about placement. During our consultations we received substantial feedback that this section of the CCS Act should be amended to ensure that the CEO must consult with an Aboriginal person known to, and in relationship with, the child. There was widespread agreement that Aboriginal Officers within the Department are an important resource and bring considerable knowledge and experience to support the work of the Department. There was however overwhelming agreement that these roles cannot be a substitute for people who know, love and are invested in the child's best interests by nature of having a loving relationship with that child.

The Council therefore recommends that the CCS Act be amended to ensure that the CEO must consult with an Aboriginal person known to, and in relationship with, the child for whom a placement decision is required. **Recommendation 12.**

Aboriginal Community Controlled Organisations

We welcome the release of the *Aboriginal Services and Practice Framework* and the increased focus on early intervention and support for Aboriginal children at risk of entering care. We also support the voice of SNAICC, the newly formed WA Aboriginal Child Protection Council and Kimberley Kids in Care and other Aboriginal stakeholders calling for innovative early intervention and prevention services that are trauma informed, outcome focussed and evidence based, led by Aboriginal people using Aboriginal knowledge.

There is an important opportunity now to build the capacity of local Aboriginal organisations to deliver services. We support greater investment in Aboriginal community controlled intensive family support services to target and sustain prevention and early interventions services and support families and children. We are concerned to ensure that due consideration is given to the opportunity for emerging Aboriginal service providers to engage with the process, and the mechanism by which collaborative bids with mainstream organisations to build capacity may be encouraged and supported.

Family reunification after separation

Reunification is a long standing issue for Aboriginal and Torres Strait Islander peoples, tracing back to the Stolen Generations. Aboriginal and Torres Strait Islander young people are less likely than non-Aboriginal and Torres Strait Islander young people to have contact with their families, particularly in the first few months after being placed into care, and are also less likely to be reunified with their families. This occurs for a range of reasons including because Aboriginal and Torres Strait Islander young people can often be placed outside of their communities and resource issues arise in respect to reunification.

The Council recommends that the CCS Act be amended to ensure that reunification planning takes place, in close consultation with family and other key stakeholders as soon as children are taken into care and that

wherever possible, children stay connected and have those connections nurtured by care givers throughout their placement period. **(Recommendation 13)**

Responses to Consultation Paper Questions

Part 1: Improving Consistency in foster carer standards through the approval and revocation process

Consultation by WACOSS with the sector indicates a high level of concern about the level of inconsistency in standards of foster carers. Reasons cited for this included the lack of measures or agreed indicators to achieve consistency, the difficulty in recruiting foster carers and the lack of resources, support, training and incentives for foster carers who take on the role.

There was also a widely held view that a centralised panel would not necessarily improve consistency so the proposal for a centralised panel was not supported. Generally speaking, along with the Alliance for Children at Risk and CYFAA our members believe that it is not possible to legislate for good practice, but acknowledge that significant improvement is required to ensure that all foster carers deliver high standards of care and support to children. We agree with the statement made by the Alliance and CYFAA that:

*As a matter of principle, legislation should not be resorted to for matters than can be addressed through good practice. Many of the proposed legislative changes are inappropriately applied to matters that should be addressed by policy operational guidelines an effective performance management.*⁶

The sector is concerned that the Act is silent on relative foster carers and that the current cross sector panel does not consider relative carers yet they represent the majority of carers of children in care.

We acknowledge that the Department has a responsibility to assess outcomes for children and that high quality foster carers are an important contributing factor to good outcomes for children. We therefore advocate for high standards being built into contracting for outcomes and external monitoring and an independent complaints mechanism to improve the consistency of foster carer standards. This recommendation aligns with The Alliance and CYFAA who recommend “*Better Care Better Services be made more prescriptive and service providers be assessed against standards*”.⁷

Consultation question 1

Which of the described legislative models is preferred for improving sector-wide consistency in the approval of foster carer applicants and the revocation of existing foster carers’ approval when necessary?

Response: A centralised panel model is not supported.

Consultation question 2

Should a community sector organisation, in addition to the individual foster carer, have a right of review in the event that one of their foster carers has his or her carer approval revoked by a decision-maker?

Response: Yes

⁶ Review of the Children and community Services Act 2004 Consultation Paper. December 2016. Alliance for Children at Risk and CYFAA page 5.

⁷ Ibid page 6

Part 2: Improving Outcomes for Aboriginal Children and Families:

Consultation Question 3

Are there any changes to the Act which could help to clarify or strengthen the intended operation of the child placement principle as a way of enhancing and preserving Aboriginal children's connection with family and culture?

Consultation Question 4

What legislative changes might improve the effectiveness of the consultation required of the Department when making a placement arrangement for an Aboriginal child?

Consultation Question 5

Are any changes required to increase the effectiveness of the principles set out in sections 13 and 14?

Response: Yes. Please refer to the recommendation described in the body of our Submission.

Supporting the safety and wellbeing of children and families exposed to domestic violence

The Council acknowledges that children who witness and experience spousal abuse and violence should be protected. We agree with the Consultation Paper's intention to ensure that perpetrators are held accountable for failing to protect children from family and domestic violence.

The Council is aware that a committee of leading stakeholders has been established to make recommendations in this area but is early on in its deliberations. Consequently, we strongly advocate for further consultation with the sector about legislative improvements that can be made by 'unpacking' significant issues of interface between the Children's Court and the Family Court and for sufficient time to be allowed for this work to reach a conclusion and make recommendations to the Department.

Consultation Question 6

What further amendments might improve the effectiveness of the Act in protecting children from family and domestic violence while keeping them safe with a protective parent?

Response:

The Council urges the Reviewers to refer to the Family Law Council report to ensure proposed legislative changes take into consideration recommendation in the Family Law Council Report. <https://www.ag.gov.au/FamiliesAndMarriage/FamilyLawCouncil/Documents/Family-with-Complex-Needs-Intersection-of-Family-Law-and-Child-Protection-Systems-Final-Report-Terms-3-4-5.PDF>

Therapeutic Secure Care for Children at Risk:

The Council acknowledges the significant skills and expertise of staff who work in secure care facilities. We also recognise that for many children these facilities represent a place of safety, physically, and emotionally. Nevertheless, the Council does not support an extension in the time that children can remain in secure care for the following reasons:

1. There is a lack of research evidence that outcomes for children in care are positive. To the contrary there is research showing that children who stay in secure facilities, even for short periods of time, experience poor outcomes.
2. There is already provision in the CCS Act for some extension of time.

3. Given the substantial cost of keeping children in care, we recommend that these funds are diverted into intensive wrap around support being provided within families who can care for high risk children.
4. The data concerning readmission rates may be misleading, as readmission may be low due to lack of vacancy rather than need (or escalation).
5. The sector is concerned about the lack of independent assessment of children in care

Consultation Question 7: Would you support a limited increase in the maximum number of days a child may be placed in a secure care under an initial secure care arrangement, and an extension of a secure care arrangement, for example, from 21 to 28 days?

Response: No

Consultation question 8: What other amendments to the secure care legislation might improve the effectiveness of secure care as a short term therapeutic intervention?

Consultation Question 9

What legislative changes could be made to further enhance the integration of child protection proceedings with proceedings in the Family Court of Western Australia?

Response:

The Council is liaising with Women's Law Services, Aboriginal Legal Aid and the Aboriginal Family Law Service as they develop a submission on recommendations to improving 'interface' issues between the Children's Court and the Family Court. The Council recommends that the Department consider the findings of this committee.