

SOUTH WEST BRISBANE COMMUNITY LEGAL CENTRE INC

COMMENTARY ON QUEENSLAND CHILD PROTECTION COMMISSION OF INQUIRY DISCUSSION PAPER

The South-West Brisbane Community Legal Centre Inc, provides the following commentary in response to the Queensland Child Protection Commission of Inquiry Discussion Paper.

For a number of years we have been in receipt of funding to assist parents, grand-parents, carers and children who are affected by their engagement with Child Safety Services. With the allocated funding we have:

1. Produced handbooks to assist parents, allied service workers assisting families with child safety matters, and kinship carers. Unfortunately, due to a lack of funding we have had to cease the update and publication of the Kinship Carers Handbook.
2. Provided advice at our offices and through outreach services to those affected by an engagement with Child Safety Services.
3. Delivered a considerable number of community legal education sessions across the State.
4. Attended at the Beenleigh Court, Children's Court each Thursday to assist those appearing for Child Protection matters

The above has provided us with a considerable amount of experience with the Child Protection system.

In examining the discussion paper we intend only to comment on those issues raised in the discussion paper that are relevant to the work we perform as a community legal centre.

CHAPTER 4

Response to Question 5

In practice one would think that SCAN could be used as a beneficial tool in identifying strengths and weaknesses in families so as to develop any needed support to maintain the family structure. In reality SCAN is often quite useless.

The stakeholders in SCAN have a designated SCAN attendee. The attendee generally has no personal knowledge of the family involved and therein lies the problem. The attendee is only as good as the file notes provided to them.

During our engagement advocating for families we have identified a considerable number of inaccuracies and discrepancies on client files. These errors often lead to incorrect approaches which are detrimental to families.

It should be a requirement that attendees at SCAN must have had an engagement history with the family concerned.

Response to Question 7

We have sometimes found that it's not so much that the user is a repeat user of a tertiary service provider but that there were fundamental flaws in the delivery of programs to clients with their earlier engagement, such as, a lack of communication and practical skill of the tertiary service provider. Another common issue is a clash of personalities between the client and the service provider.

Response to Question 8

It is difficult to offer an opinion in relation to the SDM tools. They are only accessible by Child Safety Services staff. They are locked off to public access; interestingly and against the provisions of the Ethics Act their Code of Conduct is also locked away from public access and cannot be obtained from service centres.

CHAPTER 5

Response to Question 10

The focus should shift from parental rehabilitation and family preservation to a "stable" alternate arrangement when it is shown that either;

- the child is at reasonable risk of immediate harm in the household.

Or

- that despite all reasonable attempts the parent is unable or unwilling to address the concerns of the Department in a way that would safeguard the child.

Regarding the above suggestions we believe that if a decision is made by a service centre to apply to the Court to have a child placed in the care and long term guardianship of the Department that such a decision is audited by an independent body for appropriateness. We see too many clients that have had their children placed on a Long Term Guardianship Order after the family has had a relatively short engagement with the Department. Many times it has appeared to us that such a decision was made to avoid working with the family to achieve desired goals; such an approach appears to be made by Departmental staff who are juggling quite large case loads.

Response to Question 11

We refer to our response above and say, that we do believe this should be a minimum requirement.

Response to Question 12

It is concerning that a number of possible kinship carers are rejected by the Department from Long Term Care of a child for what appears to be very minimal concerns or historical dealings with the Department some 10-20 years prior. In one instance the concern related to the applicant being in care as a new born child for a number of days. The person was totally unaware of their history in

care as it had never been disclosed. By the time she discovered this fact she was at least 40 years of age. Her being in care was used as a barrier to her becoming a carer.

Response to Question 13

No, because it would remove the option for restoration of the family. It could lead to there being no option for the parent of the child to have the long term guardianship order revoked once they can successfully demonstrate that they have addressed all of the concerns that caused the child to go into care.

Such an option could also deny the child the right to know their parents.

CHAPTER 6

Response to Question 18

Up to the point where they can reasonably achieve independent living.

Response to Question 19

Government should prioritise its funding allocations to ensure that those children about to leave care have been adequately resourced during their time in care, irrespective of fiscal demands. These are some of the most vulnerable people in our society today. When they leave care, there is no fallback position to their family if something goes wrong in their lives.

Response to Question 20

Possibly. This has been demonstrated by existing non-government agencies, e.g. CREATE which assists young people in transitioning from care to independence. The question of capacity relates to the adequate funding of services of a similar nature.

CHAPTER 7

Response to Question 21

All service providers for child and family wellbeing services should be placed on triennial funding. This would enable them to recruit qualified practitioners who may be looking for more than 12 months employment. The oversight of the family wellbeing services should perhaps be performed by their identified peak body.

Response to Question 22

Yes, as they would be able to provide a full wrap-around service for the child's needs.

Response to Question 24

They could be given the authority to case manage all children on short term guardianship, prescribed supervision orders, intervention with parental agreements and care agreements. It is suggested that the use of their delegated authority would be subject to review by a Departmental audit team.

CHAPTER 9

Response to Question 32

It appears to us that the complaints handling process is very much like the old adage of Caesar judging Caesar. Our experience is that accountability within the Department varies from service centre to service centre.

In relation to accountability and public confidence, Department staff (as are all Government employees) are required to operate within the guidelines of their Code of Conduct. The Code describes how employees should interact with members of the public. It outlines the minimum standard of what is expected of them when dealing with non-government persons. The Code of Conduct should be made available to members of the public so that they have an understanding of what they may reasonably expect from their dealings with a Departmental Officer. The Code of Conduct is a locked document on the Department website and is only available to Departmental staff.

Response to Question 34

We suggest that consideration be given to the creation of an ongoing Commission whose function would be to provide random audit and compliance assessment of service centres, random audits and interviews, where age appropriate, to children in care, and to identify and report on any systemic concerns that may arise through their investigation. The Commission needs to have the ability to report directly to Parliament.

CHAPTER 10

Response to Question 37

Yes – perhaps a similar structure to that of the recently disbanded Special Circumstances Court which provided for the Magistrate to take a more inquisitorial role.

Response to Question 38

Yes – after a survey of the areas of highest need.

Response to Question 39

Similarly to the recently disbanded Special Circumstances Court, a Magistrate should be able to directly request information from non-government services on their ability to assist clients.

All child protection proceedings in Court should have access to a Duty Lawyer service.

Response to Question 40

Should an application be made to revoke a long term guardianship order that has been made in a Magistrates Court, then those proceedings should be elevated to the Supreme Court, thus removing any conflict of interest with the lower court.

Response to Question 41

That the parents attending are properly represented.

That any child over the age of 12 is allowed to have input to the process and/or be advocated for.

Where the Department has identified a non-government service to refer families to for service provision, that service have staff available at the meetings, or at the least, able to be contacted during the process.

In our experience, the case plan that is developed through the family group meeting process is rarely distributed to the family within the statutory time frames, placing them at a significant disadvantage if they seek to have it amended.

We suggest that any FGM only develop a **draft** case plan that is distributed within the statutory timeframe and a meeting be held to finalise the case plan after the family has at least 7 days to consider it.

Response to Question 42

That all parties are appropriately represented.

That the convenor be able to provide to the Magistrate a synopsis of the conference that is available to all parties.

Response to Question 44

Yes. All decisions about placement and contact should lie with the Children's Court Magistrate under case management principles.

Response to Question 45

There needs to be a significant number of specially trained Magistrates for appointment to Children's courts.

CHAPTER 11

Response to Question 46

Our experience is that there are a great number of inconsistencies in the operation of different service centres. If they all operate under the same criteria, it will increase efficiency and thus lead to decreased costs.

There are service centres in Queensland within metres of each other. Considerable savings in administration costs and overheads could be made by locating them in the one building.

Other cost savings would appear to be a logical outcome if all of the children from the one family were managed through the same service centre with the same CSO and the same Team Leader.

CHAPTER 12

Response to Question 47

A restructure of the Department to a stakeholder commission as discussed in the summary below.

Summary:

Given the unique nature of child protection services and the need to deal professionally, caringly and with compassion and understanding of those engaged with child safety services and a range of support agencies, we believe that the macro administration of this sector should be made through a Commission made up of representative stakeholders. What we propose is a similar structure to that identified by the Kennedy Commission of enquiry into the Queensland Prison system in the late 1980's. The Corrective Services Commission was made of at least eight Commissioner/Board members representative.

The requirement that any Direction of a Minister for Corrective Services be in writing and be published in the annual report to Parliament tended to safeguard it from the changing political landscape and unnecessary political interference of the administration of corrections.

Putting in place a Commission for corrections in Queensland provided a number of benefits and cost savings. Resources for service delivery were directed to those identified by the Commission for the benefit of its service delivery and to achieve the desired outcomes. For example, during the life of the Commission recidivism by offenders released to the community in Queensland was considerably lower than anywhere else in the country. Queensland now administers corrections without a Commission. Corrections having been back under State control for a number of years in Queensland have not been effective in that the cost of housing prisoners has increased significantly and recidivism has risen to alarming levels. There is much to be said about having key stakeholders at the helm of an industry delivering human services.

The only concern we have with a Commission structure is there needs to be a requirement that all parties agree not to interfere or dismantle the model once it's created. That the Commission be allowed to operate for a minimum of 10 years so that qualitative and quantitative outcomes can be effectively measured. Further, there must be a funding guarantee from treasury and it not be the target of treasury allocation cuts.

If the above proposition is of interest to the Commission of Inquiry, we would be extremely keen to assist the Commission of Inquiry in exploring the matter further.