

June 2019

Anita Doig
Planning and Program Support
Children and Youth Services, Communities Tasmania
Level 5, Marine Board Building,
1 Franklin Wharf, Hobart TAS 7000

Dear Anita,

RE: DEVELOPING A PERMANENCY FRAMEWORK FOR CHILDREN AND YOUNG PEOPLE IN THE CHILD SAFETY SYSTEM- CONSULTATION PAPER

CREATE appreciates the opportunity to comment on the *Permanency Framework Consultation Paper*, and encourages the Department of Communities to directly consult with children and young people in care, as permanency is a complex topic and children and young people in care are the experts in this area. They have the most significant and varied views with which to advise the Department. CREATE appreciates the need for stability in children and young people's lives and welcomes the Tasmanian Governments' commitment to implement a framework which will hopefully improve the wellbeing of children and young people in care in Tasmania.

While the timeframe for comment has not provided an opportunity for CREATE to consult with young people, we have provided comment based on prior research through CREATE's national survey (McDowall, 2018) to inform our position and offer the following points for consideration:

1. Children's best interests are paramount and at the centre of all decisions impacting on their lives.

CREATE promotes that the best interests of the child should be paramount when making decisions that will affect their lives. Specifically CREATE recommends that this be achieved in the following way:

- The permanency framework must provide guidance on best process to determine how permanency is achieved for each individual child;
- CREATE suggests that a guideline is established to assist practitioners to communicate with young people and explain concepts such as "permanency" in language that is accessible and child friendly;
- Participation in decision making is integral in supporting a child or young person to have a say in decisions that affect their lives and must involve meaningful engagements. Only 67.5% of 1275 respondents to CREATE's 2018 survey felt that they were consulted on issues that concerned them at least "reasonably often", while 16% reported being able to have a say on issues "rarely" or "never" (McDowall, 2018)'
- The Queensland Government has released the practice manual *Engaging with Families* (2013) and CREATE recommends this document as an excellent example of a resource which should be utilised by Child Safety Workers engaged in supporting
- families. The resource covers all elements of how to communicate effectively with diverse families, and summarises the implications of good practice.

2. Aboriginal and Torres Strait Islander Child Placement Principle.

CREATE agrees with Section 2 of the consultation paper, which recommends that there should be greater application of the Aboriginal and Torres Strait Islander Child Placement Principle. When considering permanency options:

- Aboriginal and/or Torres Strait Islander persons should be given options of support services which can assist with impacts of permanent care or adoption, especially in the context of “...the past laws, practices and policies which have resulted in the separation of Aboriginal and Torres Strait Islander children from their families by compulsion, duress or undue influence...” (Human Rights and Equal Opportunity Commission, 1997)
- CREATE supports the self-determination of Aboriginal communities, and advises the Tasmanian Government to seek the views of local Aboriginal communities before proceeding with creating a permanency framework.

3. Prevention and early intervention for all children is a key focus for achieving permanency. Families and communities should be supported so that children can live with their family wherever possible and/or in the community.

A child’s safety must always be of primary consideration when determining permanency. What is in a child’s best interests, and:

- What is unsafe for a young child now may not be unsafe for a child when they are in their teens or as they transition to independence;
- Permanency arrangements must take safety factors into consideration and ensure that ongoing and regular assessment of risk and protective factors is occurring;
- It is important that mechanisms are established to enable children and young people to have a say about what would allow them to feel safe, and to state when they don’t feel safe, or speak up about any concerns. These processes can be incorporated into discussions about safety planning to ensure that the Care Plan addresses in an accountable way the child’s safety.

4. Families, children and communities are supported to enable family preservation or reunification/restoration.

Placement stability is associated with improved life outcomes, particularly increased likelihood of employment and higher education access when a young person is transitioning to independence (Cashmore & Paxman, 2006).

- It is recognised that continuity and permanence are not only found through placement stability, but also through enduring relationships that can be established and maintained through family contact (including with extended family such as siblings and grandparents), community connections, and relationships at school (Tilbury & Osmond, 2006).
- The facilitation of contact is a vital component of effective permanency planning, irrespective of placement type. It is important, where safe to do so, to try to maintain family relationships, as these are important to children and young people while in care, and after leaving care, even when their family experience has been less than optimal
- Relational stability also can be considered an aspect of permanence, since predictable, safe, and responsive caregiving can help mitigate early trauma and maltreatment, and facilitate the development of positive views of themselves and others by young people (Cashmore & Paxman, 2006; McLean, 2016; Schofield, 2002).
- Young people must be supported to establish and maintain enduring relationships, including those which persist post-care. Through extensive consultation, CREATE has found young people particularly desire maintaining connection to their siblings (McDowall, 2018).

5. Various pathways to permanency are available to children and are considered as soon as statutory involvement occurs and reviewed regularly.

Permanency models to determine placement options utilised in NSW and VIC have a hierarchy of preference which CREATE does not support. Ultimately children and young people should be at the centre of decision making, and if the department imposes a hierarchy of preference this may not align with their opinions and individual needs. CREATE supports an approach that aligns with the needs and wishes of children and young people, and recommends that the benefits of various approaches be considered so that permanency decisions are appropriate to the individual.

6. Timeframes which promote timely permanency decisions including placements and hierarchy of permanency options are reflected in legislation and/or policy and practice, with national public reporting on permanency timeframes that are achieved.

CREATE advocates that timeframes must only be used as a guide and utilised on a case by case basis that highlights a child's/young person's need for safety and security.

- CREATE recommends a timeframe no less than what has been proposed within other jurisdictions' frameworks, with the following considerations:
 - The use of timeframes sets a precedent and potential mandate for Child Safety Workers and court workers to adhere to. CREATE notes that children and young people seek transparency around timeframes and clear communication;
 - The use of timeframes can eliminate drift of young people through the system by making it clear that decisions must be made in a timely manner.

7. Every child has a comprehensive and timely permanency assessment, and culturally and trauma informed permanency planning is in place and regularly reviewed.

CREATE is supportive of the need for comprehensive assessment and care planning for children and young people, regardless of the care options being explored. Reviewing permanency options recognises that circumstances change for children, carer, family and community. Concurrent permanency planning, alongside other care assessment processes, will facilitate early identification of changing circumstances.

CREATE strongly recommends that any review of permanency includes the genuine and meaningful participation of the child and young person, considering their developmental stage and supports available to participate.

8. Kinship placements that preserve a child's connection to culture and relationships with their parents, siblings, community and other significant people are prioritised in permanency planning when an OoHC placement is required; AND 10. Significant and lifelong relationships are supported and maintained.

Sibling placement and connection is crucial within the permanency planning process. The preservation of sibling relationships needs to be central to decision-making.

- CREATE highly recommends that sibling contact is maintained as a priority if siblings are not placed together. Priority needs to be given to maintaining contact between siblings, for example, through a range of supported activities such as regular contact visits, events, phone contact, and online. CREATE's recent survey revealed that "30% to 40% of respondents wanted more contact with family members in general, peaking at around 50% for siblings" (McDowall, 2018).

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- Children and young people who have lived in OOHC often have and want to maintain important relationships with other children and young people, as well as with significant adults such as teachers, previous and current carers, workers, family friends, neighbours, and other community members.

CREATE recommends that the Permanency Framework considers and promotes consultation with young people about these relationships in the discussion and implementation of permanency planning.

9. Carers/guardians/parents and the community are supported to provide children with the best practice permanency outcomes that meet their cultural, emotional and psychological therapeutic needs.

It must be acknowledged that sometimes adults do not have the skills, support, and/or training required to care for children and young people who present with significant impacts of trauma. Placing children into an unsupported environment may ultimately be more harmful to a child and potentially lead to placement breakdown. CREATE therefore recommends:

- Ongoing assessment and provision of the support needed by the child or young person, and by the carer, will help enhance the longevity of the placement.
- Better initial assessment and matching will help minimise placement breakdown.
- Specialised training is provided to carers, guardians, and parents throughout the course of children and young people's involvement with Child Safety Services, including the provision of information to help these caregivers understand the impacts of, and responses to trauma. This training should be individualised to reflect the needs of the children and young people and allow carers, guardians, and parents to build on their skills to be able to respond to ongoing issues, and to know where to gain further support.

This submission offers the Department of Communities an insight into CREATE's perspective around the development of a permanency framework, informed by the views of young people, and how the lives of children and young people in care may be affected if implementation is not individualised. CREATE has appreciated the opportunity to make comment and looks forward to working further with the Department on the final Permanency Framework.

For further information or clarification on CREATE's position please do not hesitate to contact myself on 03 6223 7749 or via email at dannielle.ashton@create.org.au. Alternatively, please contact Elisabeth Kobierski (National Policy and Advocacy Manager) on (07) 3062 4860 or via email at elisabeth.kobierski@create.org.au.

Yours sincerely



Ms Danni Ashton
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State Co-ordinator – Tasmania



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