



C/- PO BOX 4093  
KINGSTON ACT 2604

Email: [finact@ymail.com](mailto:finact@ymail.com)  
Web: [www.finact.com.au](http://www.finact.com.au)

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***FIN ACT Inc***  
***Submission to the KPMG***  
***National Standards of Out of Home Care***  
***Development Process***

***March 2010***



We acknowledge Aboriginal and Torres Strait Islander peoples as the traditional owners of the land



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**The Family Inclusion Network ACT Inc. (FIN ACT) is a not-for-profit organisation which promotes the needs of parents, children and families who are involved in the child protection system.**

FIN ACT acknowledges the trauma experienced by a parent when a child is removed or is at risk of being removed to out of home care by child protection authorities. It is within the context of trauma, recovery and rehabilitation that FIN ACT will aim to offer services to assist parents to determine personal, long-term, clear and considered goals, to work towards those goals and to fulfil their statutory responsibilities. FIN ACT aims to utilise professional skills in counselling, advocacy and mediation as well as developing linkages with specialised services from whom clients may require assistance.

FIN ACT recognises the intergenerational nature of child removal and believes that in-depth intervention with parents will assist in breaking the cycle leading to out-of-home care. In order to facilitate realistic planning for children who are in out-of-home care, parents must be assisted to a position where they are able to make long term decisions about their relationship with their children and to be committed to the changes that those decisions entail.

FIN ACT considers that children and young people are fundamentally part of their birth families. While FIN ACT acknowledges that some children need to be apart from their families, it believes that, as key stakeholders in the lives and futures of their children, parents and families must be involved in decision-making processes that affect them. FIN ACT believes that natural justice processes need to be followed and human rights afforded to families involved in statutory child protection systems.

This submission will focus:

1. On the critical importance of building and maintaining relationships between child protection authorities, parents, carers and children at all stages of intervention – whether the children are at risk of being removed to care or already in out-of-home care. The idea of restorative justice and Family Group Conferencing is used here to provide a way of intervening, especially as we know all too well the negative effects of conflict on children. Evidence shows better outcomes for children when families are supported and that removal practices are lessened when engagement with parents and families and their supports are embraced (Connelly, 2009).
2. The need to move from a deficit model to strengths based models by highlighting the critical importance of engaging with parents and families. The cost effectiveness (both financial and emotional) of current operation and the current level of child removal is unsustainable and therefore, makes the role of improving out of home care standards a significantly more difficult task.

This submission has been developed by FIN ACT, on behalf of parents, children, young people and their families in the child protection sector.

***Introduction***

FINACT believes that a true measure of better outcomes for children in general requires a significant reduction in the number of children in out of home care. Research overwhelmingly indicates that children and families would be better serviced if given adequate support in the prevention and earlier stages of involvement with child protection services (Scott, 2006). Further, a decrease in the number of children in out of home care would allow statutory services to better cope with the requirements of good out of home care standards.

Acknowledging that children coming in to care often come from living environments where there are other significant issues such as poverty, domestic violence, and drug/alcohol abuse (Wise, 1999). We know that when children are exposed to these environments, they often have poor health outcomes, low education attainment, and higher propensity for mental health issues. Entering care must be viewed as the beginning of a process designed to promote healing and improvement in children's welfare (Wise, 1999).

Increased investment in preventative services would not only promote better outcomes for children and families, but would also save resources in the long-term through a reduction of need in adult services (Morgan Disney, 2006).

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**Key Issues**

- 1. *The critical importance of building relationships between child protection authorities, parents, carers and children by introducing the notion of restorative justice and Family Group Conferencing, given the negative effects of conflict on children and the evidence showing better outcomes for children when families are supported. Research shows that removal practices are lessened when engagement with parents and families and their supports are embraced (Connelly, 2009).***

Based on research evidence, four years after leaving foster care, only one in five young people is fully self-supporting; 57 per cent return home to their parents and 13 per cent live with relatives or a guardian (Shirk & Stangler, 2004). Time and time again the message that 'the state is no substitute for a caring family' reverberates through the research evidence on outcomes for children in out of home care and yet in the absence of family support, the state must take responsibility for care and protection of children. At the same time, it should be remembered that "the psychological trauma created by the removal, combined with the neglect and abuse that preceded it, leaves the child forever changed and forever different from other children" (Shirk & Stangler 2004). The importance of family and social networks is a constant theme in the literature examining out of home care, the yearning for family, for connection, is well known in the child welfare field.

Family group conferences in New Zealand are used in every case where statutory action might be deemed appropriate. These conferences require the family's broader community to decide, with professionals, whether a child is in need of protection and if they do how that might be provided (Connolly, 1994; Harris, 2008). Family group conferencing and restorative justice processes provide an opportunity for issues within families to be openly and honestly discussed in an environment that provides support, encourages empathy and seeks ways to make amends (Braithwaite, 2002; Burford, 2005; Connolly, 2006; Pennell, 2006). Such strategies can be used at any stage of the intervention – ideally before children are removed but even when children are in out of home care, family group conferencing can be used to improve outcomes for children.

Any level of conflict between parents, carers, agencies and authorities are not in the best interests of children. Because of this conflict, a misdirected focus (and the subsequent significant waste of resources) on keeping children away from parents, extended family, community which has given the child their identity. An unintended consequence of this form of intervention (ie keeping children away from parents at all costs) becomes counterproductive to the original objective of keeping children safe, and we see this exhibited in children running away from placements and engaging in dangerous and high risk taking behaviours (Courtney and Zinn, 2009). Research indicates that in the long term children always seek out their families which justifies the need to build on restoring relationships early rather than any element of relationship destruction (partial or complete). The central idea of restorative justice is to talk through circumstances, and use the strengths of individuals in the group, including the perpetrators of harm, to make amends. The approach does not walk away or hide hurts – be they abuse of a child, stigmatization of parents, or humiliation of family. All these harms can be addressed and with the cooperation of members within the restorative justice circle, a degree of restoration can take place through acknowledgment and commitment to an action plan for a better future.

The necessity of statutory authorities to seriously consider the implementation of restorative justice principles is captured in the following statement in the journal *Communities, Children and Families Australia* (October 2009):

*“Parents need to know that if the authority interferes, they have serious concerns that certain practices are harmful to the child, that they have the support of the community in forming this judgement, that other family members are of the same view, and that an action plan will be developed that will be reasonable, fair and respectful of the child’s and family’s views on how future care should be provided”* (Braithwaite et al, 2009).

It is, therefore, the view of FIN ACT that moving from a deficit model to strengths based models by highlighting the critical importance of engaging with parents and families. It is also the view of FIN ACT that without a reduction of the number of children coming into out of home care a significant improvement of out of home care standards and good outcomes for children growing up in out of home care will not be achieved.

- 2. *The need to move from a deficit model to strengths based models by highlighting the critical importance of engaging with parents and families. The cost effectiveness (both financial and emotional) of current operation and the current level of child removal is unsustainable and therefore, makes the role of improving out of home care standards a significantly more difficult task.***

The cost effectiveness of current operation and the current level of child removal is unsustainable and therefore, makes the role of improving out of home care standards a significantly more difficult task.

*“A large part of the problem is Australia’s extraordinary level of dependence on the basic model of foster care, one that’s much greater than any other Western nation. If foster care repeatedly breaks down, and children are moved in and out of different homes, their ability to form lasting attachments is severely shaken. And life just gets harder.”* (Scott, 2004)

There are three significant reports that document the long term and intergenerational damaging effects of removal of children from their families which provide a strong evidence base increasing family support through restorative practices such as family group conferencing rather than removing children to out of home care.

1. Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (April 1997).
2. The Senate Community Affairs References Committee: ‘Forgotten Australians’ (August 2004)
3. Morgan Disney Transition from Care – Avoidable Costs of Alternative Pathways Volume 1: Summary Report 23 (2006)

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The Senate report was a report on Australians who experienced institutional or out of home care as children. The direct and indirect costs (economic and social) to individuals, families and society of the impact of time spent in care are unquantifiable according to the Committee Report.

The Bringing Them Home report found that children removed from their parents suffer from problems of identity and adjustment including loss of family resulting in feelings of powerlessness, loss, grief and bereavement, loss of linkage with culture, spirituality and land, inability to impart Indigenous culture to their children, long term mental health problems, lack of concentration at school and poor school performance.

The Morgan Disney Transition from Care report found that for around 45% of young people, post care, are very high users of mental health and health services, the justice system, substance misuse services and income support and employment support services and this will most likely continue across the life course.

In summary this research suggests that a significant number of care leavers across Australia are in pathways which incur higher costs across their life course, with these costs increasing over time as their health or circumstances lead into high or very high cost health, justice, substance misuse and mental health services, with high levels of income support sustained across the life course.

The research suggested that increased investment in preventative services would not only promote better outcomes for children and families, but would also save resources in the long-term through a reduction of need in adult services.

Importantly the research also suggests that some of the children of care leavers are also likely to be in high cost service usage pathways, and third and fourth generations from the same families are reportedly becoming apparent in the child protection service systems.

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**SUMMARY**

This submission has focussed on the critical importance of building relationships between child protection authorities, parents, carers and children through the notion of restorative justice practices such as family group conferencing. Evidence show that there are better outcomes for children when families are supported, removal practices lessened when the critical issue of engagement with parents and families is attended to and negative effects of conflict on children reduced when parties work together.

Moving from a deficit model to strengths based models by highlighting the critical importance of engaging with parents and families is fundamental if any change is to be effective in improving outcomes for children in out of home care. Cost effectiveness of current operation and the current level of child removal is unsustainable and therefore, makes the role of improving out of home care standards a significantly more difficult task.

FIN ACT therefore contends that for significant improvement of the current out of home care outcomes to be improved or for any quality standards to be set, a reduction of children being removed from their parents, families and communities needs to be addressed.

Sharynne Hamilton  
Chairperson  
FINACT Inc.

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