

Broken child protection system must focus on restoration

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FULL TEXT

MORE time, money and effort must be made to keep children at home, or in appropriate forms of foster care if they must be removed from their families, with a focus on restoration, says leading Hunter academic, Nicola Ross. Emergency care arrangements must be also better regulated, for instance, by strengthening independent oversight of the Office of the Children's Guardian, which would require minor amendments to the law.

Dr Ross's comments follow the publication of a state government review into the complete failure of the out-of-home care system to care for and protect two boys removed from their mother's care in 2020.

Their case has been the focus of investigation following Children's Court magistrate Tracy Sheedy's damning criticism of systemic failures which became clear in a hearing late last year.

In her judgement, handed down in October, Ms Sheedy identified what she described as the children's "unconscionable" treatment and "appalling neglect".

In response, the Department of Communities and Justice ordered a review made public today in a report from Megan Mitchell, former National Children's Commissioner for the Australian Human Rights Commission.

Ms Mitchell cites systemic failures involving every one of the service providers paid to care for the children.

Dr Ross, who has worked for more than 25 years in the School of Law and Social Justice at the University of Newcastle, teaching and researching issues affecting children and families who have contact with the law, said the department and the state government are to be congratulated for releasing the report.

It showed their commitment to accountability and transparency, which will help all relevant stakeholders to work together to better meet children's needs, Dr Ross said.

The report highlights evidence of inadequate actions to support the potential for the children to return home to their mother by DCJ, and the fact that no, or inadequate, support was provided to the foster carers by Lifestyle Solutions. That meant important opportunities to care appropriately for the children, given the pseudonyms Finn and Lincoln Hughes who were in Years 6 and 7 at the time of their removal, were missed early on.

"We need to address inadequate support in the community for parents who are struggling, by ensuring relevant support services are provided that can engage with them, including alcohol and drug services, mental health and domestic violence services and new services we haven't invested in yet, like peer support programs for parents having contact with child protection processes, run by parents with lived experience," Dr Ross said. "We have an innovative program like this running in Newcastle.

"As the national framework for Protecting Australia's Children 2021-2031 recommends, we need to listen and respond effectively to the voices of children, parents, families and carers.

"Ensuring children, parents and peak bodies representing users of the system are represented at all decision-making levels would improve our system."

Her views are echoed by many others including senior members of the judiciary who say that the risk of a child's restoration to family must be weighed up against the risks inherent within the current system.

Further to that, responsibility for children who have been removed needs to remain close to those with the power to make changes to ensure they are kept safe, Dr Ross said.

"While organisations that regulate the out-of-home-care sector have an important role to play, when the Department of Communities and Justice has parental responsibility for children it needs to take effective, timely action, when

required, to secure children's wellbeing and safety when there is evidence of abuse in out of home care," she said. "The report indicates that clear roles, practice, processes, monitoring and coordination of government and non-Government agencies is required to ensure emergency care of children is properly supported so that it does not cause harm or 'drift in care'."

In her report, Ms Mitchell appears to take a similar view, saying an emphasis on restoration or preservation of children within a family unit as the first permanency priority was a critical component of stemming the flow of children into the care system.

"This, however, requires sound skills and capabilities in engaging with parents and families, willingness to invest in and availability of needed interventions (such as drug and alcohol and mental health services) and potentially more flexibility in permanency timeframes to allow parents time to address any personal, safety or parenting issues they have," her report says.

"The reality is that for many children, despite difficult and sometimes unsafe relationships with their parents, strong bonds often exist that are intimately tied to their sense of identity and belonging, and they will ultimately be very likely to return to this and other family relationships throughout their lives."

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