



10 March 2020

Policy, Reform and Legislation,
Department of Communities and Justice
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ASHFIELD NSW 1800

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To whom it may concern:

Statutory Review of the Advocate for Children and Young People Act 2014.

Thank you for the opportunity to provide a submission to this review.

Adopt Change has a vision for **a world where all children grow, learn, play and thrive in a safe, nurturing and stable environment**, and a mission **to support and educate families and communities in caring for displaced children**. We believe that every child has the right to grow up in a safe, nurturing and stable family home, and that all families need the appropriate supports for children to thrive.

Adopt Change recognise the impact of childhood trauma, and provide information, services and resources, so that children and families can be supported and thrive. We work with government, the sector and community to work towards better outcomes for children and families.

Our work includes supports; workshops and online resources; research; pre- and post-permanency supports; trauma informed supports; information and community events; as well as working with governments, departments and the sector to address issues surrounding permanency and trauma informed care for children.

Adopt Change also operates My Forever Family NSW. The program was established in 2018 and is funded by the Department of Communities and Justice (DCJ). We work closely with the NSW out of home care sector including peaks and DCJ permanency support program providers. The NSW state-wide service and role is to focus on supplementing and coordinating recruitment, support, training and advocacy for carers in the NSW out of home care system, ultimately benefiting the children in OOHC across NSW. Improved support of carers and collaboration with permanency support program providers will lead to improved stability and permanency for vulnerable children and young people.



Submission

Adopt Change considers that the purposes of the Advocate for Children and Young People Act 2014 remain valid in representing the interests of children and young people in NSW.

In particular the focus of the Advocate to the issues and needs of vulnerable groups, reaching out to children and young people with disability, those from rural communities, those children and young people with a cultural and linguistically diverse background and Aboriginal and Torres Strait Islander children and young people is supported.

There should be improved emphasis in the work of the Advocate to the needs of over 16,000 children and young people in out of home care across NSW.

State and territory laws and policies provide for permanent care pathways for children in out-of-home care, including:

- reunification with the child's family;
- legal orders transferring guardianship or parental responsibility to a relative, carer or a third party; and
- adoption.

Questions 1 & 2 - What do you think about the principals and responsibilities of the Advocate?

Adopt Change submits that the principals and responsibilities of the Advocate are appropriate and reflect the need to support children and young people in NSW across diverse areas of need.

In particular, Adopt Change submit that the voice of children and young people who are displaced or in out-of-home-care is paramount in their wellbeing and is key for self-determination.

Adopt Change has recently released a set of 8 national recommendations as a result of national round table conversations held at our National Permanency Conference #THRIVE in 2020 ("Recommendations"). Relevant to this is recommendation 3:

Integrating the voice of children and young people in decisions that impact them and involving their input for policy making.

The United Nations Convention on the Rights of the Child (1989), ratified by Australia 1990, Principle 2 of the National Principles for Child Safe Organisations (2018) and Standard 2 of the National Standards for Out of home Care (2011) confirm the importance of children and young people being informed about their rights, participating in decisions that affect them and being taken seriously. What this means in practice for vulnerable children, particularly those in out of home care where decisions have been made that turn their worlds upside down, is an improved awareness of child-focussed, trauma informed approaches to case work and decision making. Many vulnerable children who are unable to live with their birth family



recognise their placement provides safety and nurturing. To complement this, children need to feel that in a world where decisions are made around them, that they also have a level of control, that their views are sought and communicated in an age-appropriate way, and respected. Informing caregivers and improved promotion and practice by caseworkers will be critical for these standards and principles to be upheld.

Question 3 - Are there other things the Advocate should consider when performing its responsibilities?

Adopt Change submits that special consideration ought to be given to the cohort of children and young people who have been displaced or who have been, or are currently in, out-of-home-care (including long term guardianship or kinship care).

Previous inquiries into child protection and out of home care have highlighted the increased complexity of the needs of children presenting to child protection systems over time. Children who come into contact with contemporary child protection systems have frequently experienced profound trauma, resulting in complex and multiple issues such as: cognitive and physical disability; mental health and psychosocial issues; and substance misuse (Avery, 2010; Butcher, 2005; McHugh & Pell, 2013; CWI, 2013; Vandivere, Malm, Zinn, Allen, & McKlindon, 2015).

Given the above, children who have experience with the out-of-home-care system are especially vulnerable often have considerable needs well into becoming a young adult. Adopt Change would welcome the Advocate's Responsibilities including a focus on advocating for children in care and for care leavers, see Recommendation 6 below.

Ensure Care Leavers are well supported.

Care Leavers who age out of the system at age 18 need support, including life skills. Children who age out of care at 18 years who are emotionally and developmentally immature because of early trauma, delayed or poor educational attainment are vulnerable to mental health crises, homelessness, interactions with the justice system, low employment and a range of other issues. These issues are well evidenced and researched, including the economic impact on the federal government and states and territories through various portfolios. The opportunity to offer increased stability for children to remain in the placement for a longer period, to continue their education, commence employment and build life skills cannot be under-estimated.

Question 4, 5, 6 - What do you think about the set-up of the YAC, e.g. number of members, age limits, etc? What do you think about the functions and responsibilities of the YAC? Should they be doing more / less? Do you have any other comments about the YAC?

Adopt Change welcomes any activities that provide a forum for the voice of young people to inform decision making and policy in relation to children and young people. We support ongoing existing function of the YAC, and in line with previous comments, if it is not occurring already, to include representation from young people with lived experience of out of home care.



Question 7 - Special Inquiry function

Adopt Change supports the special inquiry function of the Advocate and considers this should be retained, enabling independent investigations of key issues. For children and young people, especially if they are the subject of a child protection order, and have typically experienced early childhood adversity and trauma, an advocate for their wellbeing, including with the remit for special inquiries, is an important feature.

Question 9 - What do you think about the annual reports the ACYP has developed? Do you think there are any other issues of importance to children and young people that should be reported on?

Annual reports of the Advocate fulfil a vital function as a record to the public on the work of the Advocate and recommendations for future focus. Adopt Change supports the production and dissemination of annual reports as well as including a mechanism for the voice of children and young people to comment on the work completed by the Advocate in that year.

Question 10 - Do you think it is a good idea that Parliament monitors the work of the Advocate? Why or why not?

Adopt Change supports the work of the Joint Committee in monitoring the work of the Advocate.

The powers of the Joint Committee to raise issues and present to Parliament reports that may require consideration, debate and effect change is invaluable, offering an alternate pathway providing a focus on the needs of children and young people.

It is key that the Advocate is independent of the government in order to enable transparency and genuine advocacy based on the needs of children and young people and not based on any political agendas.

We again thank you for the opportunity to provide this submission.

If you would like anything further or to meet with our CEO Renee Carter regarding this submission, please do not hesitate to contact me.

With regards,

A handwritten signature in black ink, appearing to read "Elisha Rose", is written over a light blue horizontal line.

Elisha Rose
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