



ACTCOSS 2020 ACT Election Issue Brief

Supporting Canberra's Women, Children and Families

For a just and fair Canberra, the next ACT Government must:

- **Build a child protection system capable of ensuring the safety and wellbeing of children while working to keep families together and/or connected through measures including:**
 - **An independent external review mechanism for child protection decisions in the ACT**
 - **Building a restorative child protection system**
 - **Better access to advocacy and legal support for women, children and families in the child protection system.**
- **Implement all recommendations of the Our Booris, Our Way review into the care and protection of Aboriginal children in the ACT**
- **Increase investment in the out of home care (OOHC) system including:**
 - **Extension of supported placements for all young people in out of home care, without individual assessments and incremental approval, from 18 to 21 years**
 - **Access to an aftercare service for young people up to the age of 25 years.**
- **Provide additional funding for community-based specialist women's services including domestic violence services, legal services and housing and homelessness services**
- **Further improve inclusive education in the ACT to enable children with disability to participate in mainstream schooling safely and successfully**
- **Implement Respectful Relationships Education at a minimum standard for all staff and students from Preschool to Year 12.**

The details

A **restorative child protection system** brings together children and families with the help of a facilitator to determine the right supports and actions required to achieve the best outcomes for children and their families. At a minimum this includes:

- Fully funded early support services for children and families to prevent child removal and enable family reunification
- Functional Family Therapy such as the successful program run by Gugan Gulwan and OzChild
- Family group conferences
- Training for workers in the child and youth protection on restorative practices
- Clear and transparent communication with families.

An **independent external review mechanism for child protection decisions in the ACT** will ensure that child and youth protection decisions are accountable and will demand transparent procedures and processes. ACTCOSS is joined by the ACT Human Rights Commission and Legal Aid ACT in calling for an independent review mechanism.

The Our Booris, Our Way review into the care and protection of Aboriginal children in the ACT made 28 recommendations to improve the ACT's child protection system in ways that would ensure the safety of Aboriginal children and reduce the overrepresentation of Aboriginal children in OOHC. A new ACT Government must implement all Our Booris, Our Way review recommendations.

More investment in OOHC includes: capacity building of non-Indigenous carers to support Aboriginal and/or Torres Strait Islander children and young people; an Indigenous Foster Care Support Program; and culture camps for Aboriginal and /or Torres Strait Islander children and young people in OOHC. **Financial and other support should be extended for all young people transitioning from care to include** the option for young people to remain in care to 21 and a safe, secure and supported independent living program for young people leaving care to maximise opportunities for work.

The ACT has made marked progress on addressing the needs of women and children experiencing family violence. However, the ACT needs additional funding for community based domestic and family violence services to:

- Assist the children of women accessing their support, for example, through trauma counselling
- Support women on temporary visas experiencing family violence but excluded from Commonwealth supports
- Meet the needs of women with disability experiencing violence. We support Women With Disabilities ACT's call for investment to upgrade ACT women's crisis shelters to improve accessibility

- Build capacity for appropriate services and supported housing to assist gender and sexually diverse persons to receive domestic and family violence support
- Ensure that women have adequate access to legal representation
- Expand housing and homelessness services to meet the needs of women and their children including the increased number of older women experiencing homelessness
- Implement a minimum standard Respectful Relationships Education program from Preschool to Year 12 in all ACT schools.

Inclusive education in the ACT needs to be improved and progressed so that students with disability are adequately supported to attend their local, mainstream school. We need effective and resourced inclusive education as [called for by People With Disabilities ACT](#). As a starting point, an agreed community position on the meaning of 'inclusive education' should be developed.

The evidence

- Aboriginal and Torres Strait Islander children in the ACT are represented at more than 12 times the rate that they are represented in the community generally in child protection.¹
- In the 2018-19 reporting period, 931 children in the ACT were in OOHC or another supported placement, compared to 765 children in 2009-10.²
- CREATE Foundation found that children and young people are often excluded from key OOHC decision-making forums, such as case-plan meetings; young people report participating in meetings only 38.3% of the time and of those who had attended, they felt their views were considered only 52.4% of the time.³ The KPMG mid-strategy evaluation of the ACT Government's *A Step Up for Our Kids* OOHC strategy similarly found that by the end of 2017-18 only 66% of children and young people indicated they have a say in decision making and feel listened to.⁴

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- 1 Our Booris, Our Way Steering Committee, *Our Booris, Our Way Final Report*, 2019, https://www.strongfamilies.act.gov.au/_data/assets/pdf_file/0011/1457813/Our-Booris-Report-FINAL-REPORT.pdf.
 - 2 Australian Government Productivity Commission, '16 Child protection services', *Report on Government Services 2020*, 2020, <https://www.pc.gov.au/research/ongoing/report-on-government-services/2020/community-services/child-protection>.
 - 3 CREATE Foundation, *Submission on the Review of Child Protection Decisions in the ACT*, June 2019, <https://justice.act.gov.au/sites/default/files/2020-03/Submission%20-%20Review%20of%20child%20protection%20decisions%20in%20the%20ACT%20-%20CREATE%20Foundation%20-%2028062019.PDF>.
 - 4 KPMG, *A Step Up for Our Kids: One Step Can Make a Lifetime of Difference: ACT Out Of Home Care Strategy 2015-2020*, Final Report for the mid-Strategy evaluation, June 2019, https://www.communityservices.act.gov.au/_data/assets/pdf_file/0009/1393803/Final_Mid-Strategy-Evaluation-Report.pdf.

- ACT women with disabilities experience violence at approximately twice the rate of non-disabled women.⁵
- The cost of violence against women – of which the vast majority is domestic and family violence – is high and increasing in Australia and currently stands at \$21.7 billion a year. In 2015, Price Waterhouse Coopers and the Women’s Centre for Health Matters calculate that the share of those costs of violence against women in the ACT equated to \$355.2 million dollars a year.⁶
- The [ACT Family Safety Hub Design Insights Report](#) found that the domestic and family violence system in the ACT focuses on crisis service, leaving gaps in prevention, early intervention and recovery.

Testimonials

“We call for visionary and evidence-based primary prevention strategies that eliminate violence before it starts and creates a future without violence for Canberra girls. There is evidence demonstrating that young people are failing to grasp key concepts of sexual consent and awareness of what constitutes sexual harassment and violence. [We need] comprehensive and evidence-based primary prevention methods that address the issue of gender-based violence in the community before they take hold.” – YWCA Canberra 2020 ACT Election platform

“Whatever the reason care and protection have become involved, these matters usually have two factors in common: longstanding trauma, compounded by the inherent power imbalance between the institution and an individual. Women can be extremely vulnerable when they are involved in these processes, which is exactly the times processes must be fair, transparent and accessible. Legal assistance in these matters can try and balance the scale.” – Elena Rosenman, Women’s Legal Centre ACT

“Disability is not a justification for removal... In our experience, for parents with intellectual or mental health/psychosocial disabilities, it is a common feature that parenting orders extending to eighteen (18) years is placed, without the parent with disability having the opportunity to engage in parenting supports to enable them to keep and form relationships with their child/ren.” – Advocacy for Inclusion, 2019

“While some women in precarious visa situations may sometimes be able to access crisis accommodation, they are unable to regain independence due to lack of income support, burdening the already stretched out services. Crisis support services are regularly forced to choose between turning away women in precarious visa situations with no income, who

5 Women With Disabilities ACT, *Submission to Discussion Paper: Domestic and Family Violence – Policy Approaches and Responses*, September 2017, https://www.wwdact.org.au/wp-content/uploads/2018/04/20170922_Ad_DFV-Submission.pdf.

6 Women’s Centre for Health Matters, *Submission to the Standing Committee on Justice and Community Safety Inquiry into Domestic and Family Violence – Policy approaches and responses*, October 2017, <https://www.wchm.org.au/wp-content/uploads/2017/11/WCHM-Submission-to-the-Standing-Committee-on-Justice-and-Community-Safety-Inquiry-into-Domestic-and-Family-Violence.pdf>.

have no other options, or providing them with prolonged assistance subsequently reducing the service's capacity to provide assistance to others seeking help.” – Harmony Alliance 2020-21 Pre-Budget Submission

“There have been some significant positive shifts in the ACT in its implementation of the ATSI CPP (Aboriginal and Torres Strait Islander Child Placement Principles) during this period, with the implementation of Family Group Conferencing and broader commitment to Aboriginal and Torres Strait Islander community voice clear highlights. However, there is a significant way to go. Little appears to have changed in outcomes for Aboriginal and Torres Strait Islander children at this point, with the rate of over-representation increasing significantly from 13.9 times in 2016-17 to 16.3 times in 2017-18; although a significant drop in comparative rates entering care in 2018-2019 is promising.” – Reviewing Implementation of the Aboriginal and Torres Strait Islander Child Placement Principle ACT, SNAICC, 2019

“Eighteen is not a good age to leave care for young people with leaving school, and it is unreasonable to expect young people to find a job and live by themselves... Leaving the comfort of a household and a roof over your head at 18 takes away young people’s stability when they need it most.” – CREATE Foundation, 2020