



## A place to call home for children in state care

*One of the greatest issues facing us when we remove children from their birth families is finding safe, stable and nurturing homes in which they can live.*

*In this paper we look at the problems identified in Commissioner Nyland's [October 2016 report](#) and the [Government's response](#) in December.*

In South Australia, children are cared for under three main systems, home based care, which includes foster care and kinship care, residential care and emergency care.

### Home-based care – foster care

Home-based care is thought by most authorities and researchers to be the best option for most of the children placed into state care. In recent years, however, the supply of families willing to foster children has not been able to keep up with the increasing numbers coming into care. Changes in society in Australia and in similar countries around the world have meant that there are fewer families willing or able to foster children.

In her report, Commissioner Nyland was persuaded that the poor treatment of foster carers by staff of the then Families SA, lack of clarity about roles and a lack of support for foster carers have dissuaded families continuing or becoming foster carers.

Commissioner Nyland made a range of recommendations designed to improve the skills, remuneration, support, rights and voice of foster carers, most of which were accepted or accepted in-principle by the Government in December 2016.

These are the major commitments to change in foster care.

- Induction training for foster carers is to be changed to include material on managing trauma-related behaviours and on the types of support available (R112) and will include input from agency staff, children and existing carers in foster carers (R113). For consistency, all foster carer training will be co-ordinated by the Child and Family Welfare Association (R125).
- Advocacy organisation Connecting Foster Carers will be funded to provide advocacy services for foster carers (R115) and to develop new materials making clear foster carers' rights (R116).
- A system for resolving carer complaints will be set up (R127) and there will be a revised process within the Department to ensure that proper consideration is given to the removal of children from long-term placements, though this is not the independent panel that Commissioner Nyland recommended (R118).

- The right of approved carers to have access to information about the children they care for will be guaranteed in the new child safety legislation (R98).
- The role of the NGOs that provide support for carers will be clarified (R115) and those organisations will be reimbursed more consistently (R115). The Child and Family Welfare Association will be contracted to coordinate respite services for carers (R126).
- Placements that are at risk or under stress will be guaranteed access to therapeutic support (R84).
- The Government has also supported a number of recommendations leading to a more flexible tiered model of foster care. Remuneration rates and structures will be reviewed (R119). Foster carers will be able to change support agencies (R121) and to develop their skills and increase remuneration (R120) in line with the changing needs of the children they care for.
- Pre-empting the formal response, a handbook documenting carers support payments has been produced and is publicly available (R123).

## Home-based care – kinship care

Kinship care has grown rapidly in recent years and it was popular within Families SA because it promised an alternative to the declining numbers of foster placements available. It also offered the opportunity for children to maintain family connections, including recognising the significance of cultural connections for Aboriginal children coming into care.

As Commissioner Nyland revealed, though, the rush into kinship care has meant a lack of careful screening of many care placements and the lack of ongoing support to kinship carers once placements are started. Many children placed under fast-track interim registration processes have not had their situations reviewed. The result has been an increase in unsuitable and, at times, unsafe placements and increased numbers of placement breakdowns.

The breakdown of home-based placements is not just a numerical problem for the system. Each breakdown represents a significant crisis in the life of children who are frequently already traumatised.

These are the major commitments to change in kinship care.

- The Government has accepted the need for a complete overhaul and expansion of kinship care assessment processes, resources and tools to improve speed and efficiency of their response (R104,R105,R106). As part of this, there will be developed or purchased a new tool to assess the safety and appropriateness of prospective kinship placements (R103).
- A backlog team is promised within the Department to review the placements of children who were placed under interim registration processes and not reviewed within the required three-month period (R109).
- The Government has not accepted the recommendation to outsource to NGOs kinship care recruitment and support as is done with foster care, keeping it within the Department instead (R102).

## Residential care

Residential care historically fulfilled two functions. It was the placement of choice for young people where home-based care was assessed as not being suitable and a time of assessment or a temporary alternative for the few children who could not be found a home-based placement. The growth in the number of children in state care and the dearth of home-based care placements in recent years has meant that it has become a staple of the system, currently accommodating over 10 per cent of the children in state care.

In her report Commissioner Nyland described a system in which many children were unhappy in unsuitable environments in which children as young as nine years were housed. Some children lived in fear and were allegedly subject to abuse from other children and workers. She recommended an extensive program of reform which emphasised improved recruitment, training and supervision of staff, clearly articulated and enforced standards of care and a strengthening of the voice of the young residents. Most of her recommendations have been accepted by the Government.

These are the major commitments to change in residential care.

- There will be more stringent recruiting of residential care workers including psychological testing (R138) and strict probation and review requirements will be introduced (R139). The Government has also accepted in principle the recommendation that supervisory staff in residential care should be better trained and qualified (R147).
- It will be required that residential care youth workers will be properly supervised and, where necessary, performance managed (R148).
- There will be ongoing training for residential care workers with an emphasis on the risks and dynamics of abuse in institutions (R140).
- Single person shifts will not cease but the Government has accepted in principle that the use of commercial carers in residential care should cease (R150).
- Outsourcing of residential and emergency care will continue and expand as residential care is expanded, contrary to Commissioner Nyland's recommendation although the Government has promised increased scrutiny on the quality of outsourced care (R151).
- Improved processes and pathways for residential care staff to observe and report concerns about the behaviour of staff with respect to children will be introduced (R142). A tracking system will bring together and respond to information collected about suspicious staff behaviour from various sources (R143).
- Residential care will be streamed to better meet the needs of different young people with provision for short-term assessment placements and therapeutic placements for children with high needs and will incorporate measures by which the system's performance can be evaluated (R146).
- Residential care houses will be developed where there is need in regional areas (R217).
- The Government has accepted in principle that no child under 10 will be housed in residential care (except as part of a sibling group) and that no house will accommodate more than four children but will only commit to considering the closure of large units (R149).

- The Government has accepted the idea of a whole-of-sector model of therapeutic care to be rolled out across child protection, including residential care (R146).
- There will be proper recording and tracking of physical restraint used against children in residential care (R133) and (R141).
- A community visitors scheme in residential care and emergency care houses will be introduced (R137).
- Children in residential care will be supported with an education program to understand their rights (R136) and have a direct line of complaint to the Chief Executive of the Department for child Protection (R134) and a quarterly report on those complaints will be provided to the Guardian for Children and Young People (R135).

## Emergency care

In her report Commissioner Nyland described a situation in emergency care in which children were housed in temporary accommodation (such as motels, caravan parks and short-term rentals) by rotating shifts of workers with minimal training and supervision who were supplied by commercial organisations. Numbers have grown since Commissioner Nyland drafted her report and for around 200 children, some as young as a few months or a few years old, these are their defacto care arrangements.

She observed that these arrangements are very unsuitable for children for any but the shortest time, in a genuine emergency. They do not support their psychological needs and place them at enhanced risk of abuse.

These are the major commitments to change in emergency care.

- The use of commercial carers will be phased out (R 128) and commercial providers will be placed under more strict regulation of their employment practices and reporting requirements (R129).
- The Residential Care Directorate will take over responsibility for managing emergency care placements (R131) and government workers will be more fully informed to allow them to provide oversight of the workers placed from commercial agencies (130).
- The Government has undertaken that single-handed shifts by commercial carers will cease (R132) but not immediately as Commissioner Nyland recommended due to the capacity to provide the additional staff needed or suitable alternative placements.
- A community visitors scheme for emergency and residential care residents is promised (R 137) although work on the scheme awaits the passage of the Child and Young People (Safety) Bill 2016 which is in State Parliament at the time of writing.
- Children in emergency care will be supported with an education program to understand their rights (R136) and have a direct line of complaint to the Chief Executive of the Department for child Protection (R134).
- An annual report on those complaints will be provided to the Guardian for Children and Young People (pending the setup of the complaints system) rather than the quarterly reports recommended by Commissioner Nyland. (R135).

- There will be more stringent recruiting of care workers including psychological testing (R138) and strict probation and review requirements will be introduced (R139).
- Improved processes and pathways for residential care staff to observe and report concerns about the behaviour of staff with respect to children will be introduced (R142). A tracking system will bring together and respond to information collected about suspicious staff behaviour from various sources (R143).
- The Government has accepted in principle the recommendation to abandon and plan to outsource residential care or emergency care (R151). It has committed to decreasing the numbers of children in emergency care but this will necessitate, it states, the expansion of residential care by outsourcing .
- The Government has accepted in principle the recommendation to articulate the standards against which deficiencies in care can be assessed (R179).
- The Government undertaken to provide a report to the Minister and the Guardian for Children and Young People on performance against service criteria (R198) but the scope of this may be limited by the capabilities of the C3MS case management software allows.