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FAMILY AND COMMUNITY SERVICES ADVISORY COUNCIL (FACSAC)

Meeting: 7-9th April 2008

ADVISORY COUNCIL PROCEEDINGS AND DISCUSSION

Background

FACSAC meet four times a year. Last meeting was in October 2007.

Meetings include a time for each member to provide an update and raise issues relevant to FACS in their region or area of interest. Typically there has been a focus on using case examples as a way of highlighting current issues. There has been some difficulty translating the case examples into clear recommendations and advice to the Minister. Rather, there is agreement that FACSAC use case studies to highly systemic issues and that the focus for FACSAC is to advise the Minister on broader systems and operational issues with FACS.

Accordingly FACSAC arranged to conduct a facilitated workshop at the scheduled meeting of April 7-9, 2008, with the following aim:

To assist members to elevate and move beyond “stories” and/or case studies of child protection practices in the Territory, so that they can advise the Minister on strategies to advance the NT Government objective of “giving children and young people the best start in life and strengthening families, individuals and communities”.

1. To assist FACSAC to determine its priorities for advising the Minister
2. To develop strategy advice based on case examples to address concerns
3. To work towards an annual plan to build up an advice and strategy platform for the Minister.

The format for the workshop was:

- Raise current successes, concerns and experiences
- Identify major issues
- Consider a case study
- Identify strategies
- Prioritise strategies
- Establish annual plan for strategic platform

This paper reports of the result of that workshop and covers the following areas:

- Identified areas of concern
- Issues for FACSAC
- Issues for the sector
- Consequent advice to the Minister

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FACSAC identified 5 major areas of concern

1. Service Delivery and Practice
2. Consultation and Partnership with Aboriginal people and communities
3. Consistency
4. Consultation and partnership with NGO's
5. Transparency and Accountability

In the following section each of these areas are explained in detail. Later in the paper these same issues will be used as the framework from which to offer recommendations and advice to the Minister.

1. Service Delivery

Child Protection Services – needs stability

Children in Care

The following areas are of current concern and not being implemented adequately:

- Exit planning
- Access
- Supported visits home to remote communities
- Realistic expectations of family vs. holistic needs of child

Family Group Homes/Residential care and the newly proposed safe houses:

FACSAC members questioned how this will be implemented and what is happening to currently support carers in remote areas who have been doing this work for many years without support?

Staffing and practice issues

- Performance management of staff
- Case Management practice is poor
- FACS is understaffed
- There are many inexperienced staff
- Reports that there is not regular formalized case reviews and that this is essential to good work practice
- There is a focus on assessing for risk management as opposed to assessment for well being – this means that staff focus on their legal risks rather than the well being of the child – use of statutory intervention overrides use of family and community driven solutions – this goes against the principles of the act and policy

Early Intervention and Prevention

- There is too little focus on early interventions
- Focus on family support prior to things falling over needs to be strengthened
- Training of staff in early intervention and prevention is required

2. Consultation and Partnership with Aboriginal people/communities

Identified concerns:

- No real community engagement by FACS staff
- Consultation with remote communities and service providers should be standard practice to determine optimum ways to provide child protection and related services and support

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Lack of Acknowledgement of skills and Aboriginal knowledge in community

- Not enough Aboriginal case workers
- Taking advantage of Aboriginal people - using them as unpaid care
- Culturally inappropriate placements for Indigenous remote children

3. Consistency

Members identified that there is a lack of consistency within FACS in how they respond or report in the following areas:

- Information
- Assessment and assisting abused children and their family
- Case planning
- Advice from Department

4. Consultation and partnership with NGO's

- Bureau-speak creates barriers
- There is a need for greater collaboration between FACS and NGO's regarding young people in care
- Need for more agencies being engaged outside of FACS to provide support to families
- Joint Case Management not working
- Lack of Consultation with NGO's on most matters including assessment, case management, referral and action
- There is greater opportunity for cross sector links
- NGO and FACS often experience similar issues. Department develops strategies but rarely includes or shares knowledge or ideas with the broader sector e.g. workforce development

5. Transparency and Accountability

- What is the current complaints mechanism for people who are engaged with FACS?
- Need for transparent quality assurance measures
- Need for clearer information to general consumers and NGO's regarding process and practice standards

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Issues for FACSAC

FACSAC is concerned to provide quality advice to the Minister regarding issues for children, families and community. FACSAC need to be clear about how it would like to communicate with the Minister. It needs to 'get the ear' of the Minister and have something focused and concrete to say.

FACSAC/Ministerial Communication

Current and ongoing FACSAC/Ministerial Communications

1. FACSAC confirm an open invitation for the Minister to come to the full meeting towards the end to meet the Council if she is available
2. FACSAC maintain a formal delegation meeting with the Minister following full Council meeting 4 times per year - who to meet and when to be determined
3. Present Minister with clear advice and recommendations
4. FACSAC have a formal meeting with delegation prior to full meeting to receive report on action on previous advice
5. Offer to Minister that FACSAC members are able to accompany her in relevant jurisdictions to offer advice and support

FASCAC ACTION: Determine meeting dates as soon as possible and inform Ministers office

Support and Consultation

Secretariat:

Current Secretariat for FACSAC is very good and highly efficient. They offer ready support and clear communication to FACSAC.

Consultation:

1. FACSAC is concerned that it is not always consulted properly. Currently all change is driven internally with little external comment or input requested
There have been a number of restructures involving FACS, reviews, inquiries and policy changes, none of which have been referred to FACSAC for formal comment. Examples include:
 - i. Inquiry into Child Sexual Abuse in the Northern Territory – FACSAC had to approach the department repeatedly before the Inquiry met with them
 - ii. Differential response is a major change and based on Victoria – there has been no consultation or input from FACSAC
2. How does Minister and the Department see FACSAC – is it as per the terms of reference
3. FACSAC would like to advise on a number of serious issues, however FACSAC question:
 - i. How committed is FACS to change?
 - ii. Are they aware of their dysfunction?

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Issues for the Sector

There is strong leadership and commitment by the department to implement policies, protocols and practices that respond to the best interests of the child and respect Aboriginal cultural life. However, this intent is not always being achieved in practice.

Issues identified were:

1. Lack of partnership with the NGO sector – on policy change and implementation such as the differential response that relies heavily on the involvement of the whole sector and the NGO's
2. Quality assurance transparency
3. Complaints mechanism is unclear and not family friendly
4. Culture within FACS needs to change to one of collaboration and partnership – much is done in house without involvement of advisory bodies or NGO's

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ADVICE TO MINISTER

Using the issues and 5 identified areas of concern outlined above, FACSAC provide the following advice to the Minister.

Issues for FACSAC

In relation to sustaining healthy and productive FACSAC/Ministerial communications, support and consultation, FACSAC suggest the following:

That a FACSAC delegation meet prior to and following each full advisory council meeting to discuss advice, recommendations and responses

That input be sought formally from FACSAC on all major reviews, inquiries, policy changes and restructures involving FACS

Issues for the Sector

In relation to the implementation and maintenance of policies, protocols and practices within FACS, FACSAC suggest the following:

That input be sought formally from NGO's on all major reviews, inquiries, policy changes involving provision of services to families and children particularly where these intersect with the NGO sector

That FACS work on improving their complaints mechanisms to make them more family friendly and that they develop quality assurance measures that are transparent

The FACS implement policy and action to ensure regular care reviews for all staff with a senior and experienced worker who is aware of, and actioning the policies in the Department and the intent of the Act in relationship family approach, Aboriginal Child Placement Principles and protocol requirements.

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Service Delivery and Practice

In relation to the delivery of stable, inclusive, well planned and realistic services for children and families within a supportive working environment, FACSAC advice the Minister of the need for:

A full external review with input from FACSAC on staffing issues within FACS, including:

- Levels
- Experience
- Workload
- Recruitment and retention
- Supervision
- Aboriginal workforce
- Workplace culture

This review should include an independent Worksafe review – with a focus on care and support of workers, conditions, treatment of staff, and workplace protection.

In addition, FACSAC suggest the Minister seeks response and action from the Department on the following practice issues:

- FACS ensure family meetings be implemented (as per policy) at the beginning of any case to ensure best interest of the child and adherence to Act and Policy of child placement with family where possible
- Reinforcement with all staff of need for policy and practice adherence
- Regular case review and supervision internally should be implemented with clear time frame
- Well being and best interest of the child needs to be given priority over the risk management of the department - There is an emphasis on use of statutory interventions rather than family support responses - this requires a review and training with staff
- Consistent and timely response to all notifications is required – early intervention and effective partnership response with NGO's requires speedy and consistent communication
- Advising notifiers is part of protocol adherence

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Consultation and Partnership with Aboriginal people and communities

In relation to community engagement, cultural appropriateness and consultation with Aboriginal people, including recognition of existing skills within communities, FACSAC advise the Minister of the need:

To Increase focus on support for communities to deliver services and care including recognition and support for cultural systems

For a reminder to all staff that keeping families together is a matter of Act compliance

For cultural awareness and anti-bias training to be introduced for all staff

Consistency

In relation to consistent case planning and response, FACSAC advise the Minister that:

There is a need for FACS to improve their consistency in the following areas:

- Information provided to public, carers and NGO's
- Assessment
- Assisting abused children and their families
- Case planning
- Advice from department regarding policy and procedures

Consultation and partnership with NGO's

In relation to breaking down barriers and building partnerships and links with NGO's , and other cross-sector services, FACSAC point to the current area issue of the implementation of the Differential Response. This has been implemented with little discussion and there is concern by FACSAC that core business of FACS (re statutory compliance) and resource allocation may seriously undermine this important policy and practice shift.

FACSAC advise the Minister that:

Input be sought formally from NGO's on all major reviews, inquiries, policy changes involving provision of services to families and children particularly where these intersect with the NGO sector

That the Department improve partnerships and consultation with NGO's at both the case management and the policy level.

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Transparency and Accountability

In relation to transparent information sharing, quality assurance procedures and complaints mechanisms, FACSAC suggests that FACS ensure Compliance to

- Act
- Protocols
- Policies

Through:

- Regular monitoring and regular case reviews for all staff with a senior and experienced worker who is aware of, and actioning, the policies in the department and the intent of the Act in relation to family strengths approach, Aboriginal Child Placement Principles and protocol requirements.
- Measures to be introduced and taken in the case of compliance being breached
- Development of compliance and accountability measures that are transparent and shared with sector and the public
- Flow chart of response for case management to be distributed – for wider public and NGO's to encourage consistency
- Flow chart for complaints
- That FACS with advice from FACSAC work on improving their complaints mechanisms to make them more family friendly and accessible and clearly explained to the public

Courts are awarding additional interim orders in the case of reports not being ready. This appears to be a procedural matter and not a decision based on the best interest of the child. Further there are occasions where court proceedings are instigated without family being notified. Family representation should be sought and family should be informed as a requirement by court wherever possible and where this does not compromise the best interest of the child.

To this end, FACSAC suggest that:

The Minister or Family Services meet with the Attorney General to ensure that court practices are consistent with working in the best interest of the child and the intent of the Act.

The Minister liaise with the Attorney General to ensure that the courts are acting in the best interest of the child and where needed ordering reports rather than awarding further interim orders.

The Minister liaise with Attorney General to determine whether court requires family representation or ensures family have been informed of court proceeding prior to orders being made.

CASE STUDY REVIEW TO IDENTIFY SYSTEMS ISSUES

FACSAC has identified the following concerns:

1. Service Delivery and Practice

- Failed to meet with family or NGO
- Did not comply with the Act or the policies of department regarding best interests of the child, Aboriginal Child Placement Principles or protocol guidelines
- Prioritised court over family
- More complex than needed
- Whole Month of child being displaced and separation from family to get to same point as NGO
- Lack of timely response – 4 promised meetings and none occurred
- Lack of information to NGO and Family
- Understaffed
- Did expedient thing – not best thing Only responded to critical incident notification They lost the child
- Lack of Decision making
- Created separation and grief and stress for child and family unnecessarily
- Question if breached own internal policies
- Strengths based family approach is very good but not adhering

2. Consultation and Partnership with Aboriginal people and communities

- Failed to work directly with the family
- Dismissive of family
- Assumed dysfunction of family
- Cultural issues ignored
- Non Indigenous Foster Carers
- Lack of support for identified carer - placed employment and training at risk

3. Consistency

- Lack of consistency

4. Consultation and partnership with NGO's

- Lack of respect for NPY
- Failed to work in partnership with NPY

5. Transparency and Accountability

- FACS isolating self

Principles of the Act not complied with:

Aboriginal Child Placement Principle ignored

Best interest of child ignored

Lack of identification and support for family as first option of placement

Case Management Practice policies and protocols not adhered to:

Family Strengths based approach disregarded

FACS/Child Welfare Coalition Protocol – requires joint case work with NGO