



Family Relationship Services
A U S T R A L I A

Response to the Australian Government's Discussion Paper: *Australia's Children: Safe and Well*

National leadership, local initiative – turning the curve on child safety and wellbeing

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Family Relationship Services Australia (FRSA) is the national peak body for family relationship services. For more information visit our website www.frsa.org.au or contact us:

PO Box 326

Deakin West, ACT 2600

Ph: 02 6162 1811

Fax: 02 6162 1794

admin@frsa.org.au

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GLOSSARY

Blended family: A couple family containing two or more children, of whom at least one is the natural child of both members of the couple, and at least one is the stepchild of either member of the couple. (Australian Bureau of Statistics)

Child abuse: is the violation of a child's human or civil rights, through an act or actions of commission or omission, by another person or persons. Abuse can take many forms:

- physical assault;
- sexual assault, rape or incest;
- psychological or emotional abuse;
- constraint or restriction that is inappropriate to the developmental age of the child;
- chemical abuse through the over use or misuse of medications;
- financial abuse; and
- denial of access to rights and services such as the criminal justice system.

Child neglect: is the failure to provide the necessary care, aid or guidance to dependent children by those responsible for their care. Forms of neglect include:

- Physical neglect (the failure to provide or wilful withholding, of the necessities of life including but not limited to food, clothing, shelter or medical care; and
- Emotional neglect (the failure to provide the nurturance or stimulation needed for social, intellectual and emotional growth or well being)

Extended family: A child's relatives (other than parents) including grandparents, aunts, uncles, and relationships of support such as close family friends or those with cultural ties.

Family Violence: Family violence occurs when one person in a relationship deliberately uses threats, force or intimidation to control another. It also includes witnessing violent actions or threats between other family members.

Intact family: A couple family containing at least one child who is the natural or foster child of both members of the couple, and no child who is the stepchild of either member of the couple. (Australian Bureau of Statistics)

One-parent family: A family consisting of a lone parent with at least one dependent or non-dependent child (regardless of age) who is also usually resident in the household. The family may also include any number of other dependent children, non-dependent children and other related individuals. (Australian Bureau of Statistics)

Shared parenting: When parents who have separated or divorced collaborate to do what is in the best interests of the children. Often, children will spend substantial time with both parents but shared parenting is not measured by the amount of time children spend with each parent.

Stepfamily: A couple family containing one or more children, at least one of whom is the stepchild of either member of the couple and none of whom is the natural or foster child of both members of the couple. (Australian Bureau of Statistics)

1. Executive Summary

Family Relationship Services Australia (FRSA) welcomes the Australian Government's commitment to the development of a National Child Protection Framework.

The time for national leadership has come. The development of the national framework offers a rare opportunity to develop a shared vision for achieving sustained improvements in safety and wellbeing for Australia's children. Underpinning this, there is a need for national targets, shared language, common outcome measures and the capacity to identify strategies that work.

While national leadership is important, it is local initiative that will make a difference in the day-to-day lives of children. Real change in wellbeing and safety occurs at the local level through the quality of relationships between family members, neighbours, peer groups, and community, health and education services.

Communities across Australia are diverse, one-size-fits-all approaches are unlikely to be successful. Each community has a unique mix of strengths and challenges. To 'turn the curve' to enhance child wellbeing and reduce the rate of abuse and neglect, effective local strategies will be needed.

Local strategies most likely to be effective are those that reduce social isolation, wrap supports around children, parents and families and increase the capacity of services to identify children at risk and respond appropriately.

The importance of community organisations that work with families and children cannot be overstated. They have a deep commitment to the wellbeing and safety of children, they also know their communities very well – the strengths, the vulnerabilities, the challenges to be overcome. They can mobilise substantial community resources and leverage existing infrastructure to implement strategies quickly and efficiently.

Community organisations are important partners in the development of the National Child Protection Framework from conceptualisation through to implementation.

Family relationship services are community organisations at the forefront of child safety and wellbeing. They have been working in partnership with the Australian Government to provide quality support to Australian families since the 1960's.

Family relationship services work with individuals and families across the life cycle, particularly at the transition points that create 'teachable moments' (e.g. the breakdown of existing relationships or the formation of new ones) and in response to the 'episodic events' that can impact on the safety and wellbeing of children.

As the national peak body for family relationship services FRSA has drawn on the expertise of member organisations to inform our response to the Discussion Paper: *Australia's Children: Safe and Well*. We support many of the options identified in the paper, we have also identified other areas in which action is needed.

Of particular note is the need to recognise the role of family courts and family law in child protection and include strategies in the national framework to enhance collaboration between court systems, statutory systems and community services when children are at risk.

A summary of our recommendations is provided below. FRSA looks forward to continuing to work with the Australian and state/Territory Governments as the National Framework takes shape.

1.1 Summary of Recommendations

Recommendation 1: Use the development of the National Framework to establish a shared vision for turning the curve on child safety and wellbeing, encompassing the development of shared language, consistent definitions and outcome measures.

Recommendation 2: Harness local initiative by engaging with community organisations as important partners in the development of the National Child Protection Framework from conceptualisation through to implementation.

Recommendation 3: Build on existing infrastructure to expand the reach of family relationship education and increase capacity for early intervention through more intensive programs 'in the field' such as schools, workplaces and in the community.

Recommendation 4: Recognise the value of local initiatives that build community connections and reduce social isolation in the prevention of child abuse and neglect.

Recommendation 5: Invest in early intervention programs offering intensive and sustained support to families at risk using predictive indicators, before abuse occurs.

Recommendation 6: Engage the broader community in reducing and responding to child abuse and neglect through a national community education campaign.

Recommendation 7: Enhance the wellbeing of children by improving the capacity of governments and community service providers across a broad range of sectors (e.g. public housing, health and education) to accommodate and respond to complex family structures and shared parental care arrangements.

Recommendation 8: Include as an objective for the National Child Protection Framework, the reduction of children's and young people's exposure to high and sustained parental conflict in intact as well as separated families.

Recommendation 9: Recognise the significant role of family courts in identifying and responding to children at risk of abuse and neglect and include strategies to enhance this role through case management and collaborative processes, building on the achievements of the Magellan Project.

Recommendation 10: For children in family law matters consider the development of a single court process to handle child abuse and / or family violence matters to reduce the risk that children fall through the gaps of the two systems.

Recommendation 11: Enhance the capacity of family relationship services to work with grandparents and extended family networks through targeted communication strategies and the development of more inclusive models such as family group conferencing.

Recommendation 12: Undertake a national review of child abduction, violence and homicide post separation and related research projects to better identify those at risk and take appropriate action.

Recommendation 13: Increase the community based entry points to child wellbeing and protective services to encourage community engagement.

Recommendation 14: Include in the National Framework, the development of properly resourced, sustainable partnership models of integrated service delivery.

Recommendation 15: The UN Convention of the Rights of the Child to be adopted into domestic law through national 'Child Safety and Wellbeing' legislation.

Recommendation 16: Establish a national system for monitoring child wellbeing and child safety through a set of agreed indicators that include:

- 1) Measures of wellbeing across the domains of health, education and welfare
- 2) Measures of abuse, neglect and risk that are consistent across jurisdictions; and
- 3) Collated statistics on serious injuries and death caused by family violence and homicide.

Recommendation 17: For children and young people in out-of home care, encourage meaningful relationships with parents and other relatives including use of Children's Contact Services to facilitate contact and provide other relationship supports.

Recommendation 18: Explore the potential application of Child Inclusive Practice in child protection and out-of-home care decision-making processes.

Recommendation 19: Strengthen the capacity of Australian and State/Territory funded programs to respond to the needs of grandparents through:

- 1) A national advice service for grandparents and service providers;
- 2) Resources for training staff and improving service responsiveness; and
- 3) Practical assistance for grandparent carers including financial support, access to regular breaks from full time care and help at home.

Recommendation 20: Resource a national project to enhance the capacity of family relationship services to respond to Indigenous children, families and communities - encompassing the development of appropriate models of service delivery, flexible performance measures and training for Indigenous and non-Indigenous workers.

Recommendation 21: Increase funding to community organisations delivering programs to children and families to improve salary rates and conditions commensurate with the public and private sector.

Recommendation 22: Support the development of a workforce strategy for the family relationship services sector that includes, among other things, investment in tertiary scholarships and vocational training to increase the supply of qualified practitioners to the sector.

Recommendation 23: Adjust funding models to recognise the higher costs associated with the delivery of services in regional, rural and remote areas with capacity for services to receive funding adjustments in response to local cost pressures when appropriate.

Recommendation 24: Invest in a broader range of conditions, inducements and benefits to attract and retain skilled Indigenous and non-Indigenous staff in isolated communities.

Recommendation 25: Include in the National Framework a national system for screening staff and volunteers working with children and families.

2. Turning the Curve

Family Relationship Services Australia (FRSA) welcomes the Australian Government's commitment to the development of a National Child Protection Framework.

The rates of child abuse and neglect are unacceptably high and continuing to climb in most jurisdictions. The time for **national leadership** has come. The development of the national framework offers a rare opportunity to develop a **shared vision** for achieving sustained improvements in safety and wellbeing for Australia's children.

The vision needs to embody a genuine commitment to 'turning the curve' on child safety and wellbeing. We use this terminology to convey a focus on measurable outcomes. If sustained national effort is successful there should be clear evidence of:

- o Decreasing rates of child abuse and neglect
- o Increasing child safety and wellbeing

The term 'turning the curve' is deliberately borrowed from Results Based Accountability developed by Mark Friedman of the Fiscal Policy studies Institute (US)¹. This approach is being widely adopted in human service programs across Australia, UK and the US because it provides a methodology for developing both population accountability measures and performance accountability measures - linking the performance of programs to broader population outcomes.

Adopting a focus on outcomes and outcome measures relies on the development of shared language, common definitions and agreed measures. The development of nationally consistent definitions of child wellbeing as well as child abuse and neglect will allow targets to be set and programs to be aligned. This is one of the most significant opportunities in the development of a National child Protection Framework.

Recommendation 1: Use the development of the National Framework to establish a shared vision for turning the curve on child safety and wellbeing, encompassing the development of shared language, consistent definitions and outcome measures.

While national leadership is important, it is **local initiative** that will make a difference in the day-to-day lives of families and children. Real change in wellbeing and safety occurs at the local level through the quality of relationships between family and extended family members, neighbours, peer groups, and community, health and education services.

Communities across Australia are diverse, one-size-fits-all approaches are unlikely to be successful. Each community has a unique mix of strengths and challenges. Local strategies most likely to be effective are those that reduce social isolation, wrap supports around children, parents and families and increase the capacity of services to identify children at risk and respond appropriately.

Community organisations that work with families and children have a deep commitment to the wellbeing and safety of children, they also know their communities very well – the strengths, the vulnerabilities, the challenges to be overcome. They can mobilise substantial community resources and leverage existing infrastructure to implement strategies quickly and efficiently.

Recommendation 2: Harness local initiative by engaging with community organisations as important partners in the development of the National Child Protection Framework from conceptualisation through to implementation.

¹ Friedman M (2006) *Trying Hard is not Good Enough*, Trafford Press. <http://www.fiscalpolicystudies.com>.

3. About Us

Family Relationship Services Australia (FRSA) is the national peak body for family relationship services.

Our vision is for an Australian society that is enriched through respectful relationships in all of their diversity.

In the achievement of this vision, our role is to support the delivery of quality services and engage in the development of public policy.

FRSA is supported by member organisations (Appendix 1) and receives funding through the Australian Government's Family Relationship Services Program (FRSP).

Family Relationship Services

Family relationship services are cost-effective and widely supported by the community.²

Program and service evaluation over the 40 year history of the FRSP consistently identifies the benefits to individuals, families and the broader community.

Australian Government investment through the Family Relationship Services Program (FRSP) is jointly appropriated from the Attorney-General's Department and the Department of Families, Housing, Community Services and Indigenous Affairs. Further collaboration occurs with the Child Support Agency (Department of Human Services) and Family Courts.

The organisations that deliver services funded through the FRSP are non-profit organisations embedded in local communities. The majority deliver a mix of services include Australian Government programs (eg Reconnect, Communities for Children, Strengthening Families – Local Answers and mental health services) as well as State/Territory Government Programs relating to children and family services. Family relationship services work across the spectrum of child protection:

1. **Preventing child abuse and neglect** by strengthening family relationships, reducing family conflict and assisting families during transitions such as separation.
2. **Early intervention** with individuals and families experiencing relationship difficulties including high conflict, health or mental health issues and family violence.
3. **Tertiary response** to children at risk or directly affected by family violence, abuse or neglect – this may involve working with Statutory Authorities and/or the Family Courts, an example would be the provision of supervised contact in a children's contact service.

These services are uniquely placed to inform the development of the national framework for protecting children and to implement its commitments.

² Department of Families and Community Services & Attorney-General's Department (2004) *Review of the FRSP*.

Family Relationship Services Program (FRSP)

Program aims:

1. To enable children, young people and adults in all their diversity to develop and sustain safe, supportive and nurturing family relationships
2. To minimise the emotional, social and economic costs associated with disruption to family relationships

The program currently funds 105 organisations to deliver services in more than 600 locations across Australia, including:

- **Family Relationship Centres (FRCs)**
- **Post Separation Services:**
 - Family Dispute Resolution
 - Family Relationship Counselling (also referred to as Family Counselling)
 - Children's Contact Services
 - Parenting Orders Program
 - Post Separation Cooperative Parenting
- **Early Intervention Programs:**
 - Family Relationship Counselling
 - Adolescent Mediation and Family Therapy
 - Family Relationships Education and Skills Training
 - Family Relationship Services for Carers
 - Family Relationship Services for Humanitarian Entrants
 - Family Relationship Services for Families in Special Circumstances
 - Men and Family Relationship Services
 - Specialised Family Violence Services
- **Mensline Australia**

4. Prevention and Early Intervention

Family Relationship Services Australia (FRSA) welcomes the Australian Government's commitment to the development of a National Child Protection Framework. We see this as an opportunity to create a platform on which to build national cooperation and leadership.

4.1 Seizing the moment

Very few parents deliberately expose their children to abuse or neglect. Most start with good intentions, wanting the best for their children.

Abuse and neglect usually occur when family relationships breakdown and parents are no longer able to care for children adequately. This may be a result of external factors as well as internal factors – issues such as unemployment, insecure housing and a lack of supports can all play a part in this. Before things start to go wrong, prevention strategies aim to reduce the likelihood of difficulties arising and encourage help seeking so that problems do not become entrenched.

Prevention programs are often designed for a broad population. One way to target prevention strategies is to focus on 'teachable moments' — situations where individuals and families may be more open to information and support than at other times.

There are a range of services within the Family Relationship Services Program that have a prevention focus but primary among these is Family Relationships Education and Skills Training. These services provide low cost and free relationship education across the country. They often target people on the cusp of significant transitions. For example:

- Relationship education for couples about to get married or move in together
- Parenting seminars for families with children starting school
- Group programs on topics such as anger management
- Programs for parents and their children who are in the process of forming a stepfamily

There are many more 'teachable moments' that family relationship services could target. For example, there is considerable interest in providing relationship education to adolescents in school settings – when interest in personal relationships is high. Some providers have collaborated with schools keen to incorporate relationship skills such as effective communication and conflict resolution into the education program. However, a lack of funding has made it difficult to sustain this work.

There is also a case for more investment in the provision of relationship education seminars in work places where programs for post-separation support have been very popular (see for example [Staying Connected](#) funded by the Child Support Agency).

Moving beyond prevention, relationship education also has a role in Early Intervention. It is often combined with family counselling and family dispute resolution to assist couples experiencing difficulties that could lead to relationship breakdown or poor parenting. This capacity could be further enhanced through the development of more intensive models for relationship skills development. An example is provided below of a group work program delivered by UnitingCare Burnside.

Family Work Program: preventing out-of-home care

Unitingcare Burnside (NSW) developed the Family Work Program for children and young people who are at risk of entering out-of-home care, and for their families. The Family Work Program (FWP) team has professionals in Clinical Psychology, Family Counselling, Social Work, Group Work and Training.

Running between January 2002 and July 2006 it aimed to help families establish an environment of positive wellbeing mainly through family counselling and group work on:

- Improving family relationships, parenting awareness and skills;
- Assisting families with conflict resolution, and
- Preventing children and young people from entering out-of-home care.

Groups were run in partnership with agencies such as Family Support Services, schools and other services. Parenting groups were generally held once a week for six weeks, for 2 to 2.5 hours a session. Of the 117 groups and 25 workshops provided during the evaluation:

- Almost all participants felt they benefited from the group while 93% described it as helpful and 84% reported improvement in their situation
- 83% of participants reported knowing where to get support if needed
- Participants' felt less alone, had learnt new information and strategies and most had learnt two new ways to deal with problems and were using two or more new strategies
- 84% of participants felt more confident in their parenting while 82% were more positive about family relationships
- 75% of participants reported that they had improved their communication skills.

Some individuals and families need more intensive relationship coaching over the medium to long-term (weeks or months) to successfully address issues such as anger management, family conflict excessive or inappropriate use of discipline, ongoing behaviour problems with children etc. More intensive models of relationship skills training, similar to approaches to life coaching or mentoring could be developed to help turn things around before the risk of child abuse or neglect intensifies.

Recommendation 3: Build on existing infrastructure to expand the reach of family relationship education and increase capacity for early intervention through more intensive programs 'in the field' such as schools, workplaces and in the community.

4.2 Local initiatives for building community connections

One of the best ways to 'immunise' families against negative outcomes for children is to link them into community supports, building a relationship of trust that encourages help-seeking.

Making contact with families that are socially isolated and disadvantaged can be a challenge for service providers. This is where community based initiatives that are not directly linked to service delivery but create frequent opportunities for contact between families and services can be effective. Those families that experience difficulties at some point in the future then know where they can go for help and are more likely to do so.

The **Drum African Family Centre** was established by [Drummond Street Relationship Centre](#) 'in 2007 in response to the presenting family, health, financial and social needs of African Australians who often experience a sense of helplessness, crisis and confusion, conflicted family relationships. The centre provides programs such as family and parenting support and out-of-school homework help for children and young people. Over 30 children and one or more of their parents attend each homework session and many parents have then started attending playgroups, parenting and sewing classes, family support sessions, conversation/language groups and leadership training. The program has had temporary funding from various sources but has no ongoing financial support.

This cannot be done in the same way in each community. Local wisdom is needed to identify initiatives most likely to be successful and draw together the different elements needed – premises, staff and volunteers, expertise etc. Often these initiatives are opportunistic – driven by a community need or suggestion - and constantly evolving.

Organisations often struggle to secure funding for these initiatives because they do not target a single issue or fit neatly into funding criteria. Funding programs for community development projects tend to provide small amounts of funding on a time-limited basis. Organisations working with disadvantaged communities and groups need more sustained investment that can be used flexibly to support initiatives that build community connections and strengths. This is a consistent message from research into areas with entrenched disadvantage³ (see for example Vinson, 2007).

Recommendation 4: Recognise the value of local initiatives that build community connections and reduce social isolation in the prevention of child abuse and neglect.

4.3 Intensive models of early intervention

Early intervention is one of the most significant gaps in child protection.

Service providers and families consistently report that it is very difficult to arrange family support – particularly intensive family support – unless children are in immediate risk. This can mean that parents have to hit ‘rock bottom’ before getting any significant assistance.

Yet there are a number of robust predictors which alone or in combination are associated with child abuse. For example, a literature review of risk predictors for infants identified⁴:

- Maternal Psychopathology – especially depression
- Substance abuse
- Disability
- Maternal age under twenty years
- Parental childhood experiences of abuse/neglect
- Domestic Violence
- Low parenting knowledge, especially where there is a lack of social support
- Economic disadvantage

³ See for example Vinson (2007)

⁴ Jackson et al (1999) cited in Flynn & Hewitt (2007)

The **Community Kitchens** program run by Bethany Community Support involves groups of people with common backgrounds, interests or dietary requirements meeting together to cook and socialise. All members participate in the cooking process, which involves budgeting, menu planning, shopping and cooking.

Utilising existing community resources Community Kitchens operates in Neighbourhood Houses, Community Centres, church halls, schools, sporting clubs and anywhere else there may be suitable kitchens. The program is currently supported by the Howard Glover Perpetual Charitable Trust through United Way Geelong.

The **Community Bubs** program developed by **Family Life** is an innovative model of intensive outreach that aims to strengthen the individual, family and community resources, in order for at-risk infants to thrive and develop safely in the care of their family.

The Community Bubs program offers intensive assistance for up to a year. A professional Parent Support Worker provides support to the families and babies for three months. After this initial 3 month period, a trained and fully-supervised Family Support volunteer engages with the family for a further 9 months.

Fundamental to the program is the linking of the families into the broader community, in particular to the Family Life run Creating Capable Communities program and the Keith Street Community House.

The Community Bubs program is a research-based 3 year pilot study, with the research strategy having been developed in conjunction with the Monash University Social Work department. The evaluation report found that:

- 100% of infants remained living safely at home
- 80% of participant families (12/15) showed reduced risk factors
- 87% of infants (14/16) were assessed by the worker to have established a positive attachment with parent/s
- 87% of families (14/16) showed evidence of stability in maintaining housing, finances and key relationships.

The Community Bubs program was made possible thanks to the generosity of Roger and Pat Riordan, trustees of the **Cybec Foundation**.

- Social support – isolation
- Poor parent-infant relationship
- Poor family structure
- Previous child protection involvement

This makes it possible to target intensive support programs to families identified as having risk factors – before there is a report or substantiated report of child abuse or neglect. The Community Bubs project is an example of this (see above).

Recommendation 5: Invest in early intervention programs offering intensive and sustained support to families at risk using predictive indicators, before abuse occurs.

4.4 Community education campaign

Education and empowerment across the community may help to prevent tragic outcomes, where family, neighbours, and the wider community aware of children in vulnerable or abusive circumstances wait for someone in authority to do something. This has been a consistent theme in the recent media coverage of five high profile cases of child neglect, two of which resulted in the deaths of seven children. Journalists and members of the public have asked - *Who knew about these situations? Why did no one act? What should we do?*

The sense of loss and shared responsibility that is being voiced in the wake of these recent cases suggests that the community would be receptive to an education campaign on child abuse and neglect. This could help individuals to become more aware of the issues, take small actions that contribute to a stronger protective environment for children and where necessary be prepared and understand how to act for the benefit of children.

Recommendation 6: Engage the broader community in reducing and responding to child abuse and neglect through a national community education campaign.

5. Family Separation

Family relationship services work to strengthen families and prevent family separation where appropriate. Nonetheless it needs to be recognised that relationships do breakdown and that family structures are becoming more complex. A third of marriages end in divorce and around half of those who divorce go on to remarry. Similar rates of separation and re-partnering are estimated for de-facto couples with children.

The most common family household structure in Australia continues to be a couple family with children but the number of one parent families is increasing (15.8% of all family households), as is the proportion of step and blended families (12% of couple households with children)⁵.

Not an uncommon family structure

Teneil is 17, her parents separated when she was 4. She has a younger brother Sean (15). Teneil's mum Sharon remarried three years later and has two children – Astrid (9) and Milo (7) - with her second husband Steve. They have since separated. Teneil's Dad also remarried. His wife Sue has a son from a previous marriage – Tom (14) and has since had a daughter – Amy (7) with Jake.

5.1 Shared Parenting

More than a million Australian children have one parent living elsewhere⁶.

Contrary to common misconceptions, longitudinal studies have demonstrated that children from divorced or separated families are not at risk of poor outcomes because of the family dissolution. Indeed many emerge as strong resilient and well adjusted adults.

Where there is a negative correlation between poor outcomes for children and family dissolution it is most commonly associated with financial deprivation or high levels of inter-parent conflict both before and after separation⁷.

Parents can benefit from support to maintain amicable relations and share parental responsibility through separation. For many parents this is a highly emotional time and may be a difficult transition. Family relationship services provide family counselling, family dispute resolution and a range of other supports to assist families through this transitional phase.

Separated parents can experience difficulties when interacting with other service systems that do not accommodate or recognise shared parenting arrangements. Examples include:

- o Public housing authorities that will not provide accommodation suitable for part-time care of children;
- o Crisis and temporary accommodation that are not suitable for children to visit and stay; and
- o Schools and health services that do not recognise the role of non-resident parents in decision-making.

Better understanding of shared parenting arrangements across government and non-government sectors working with families has the potential to reduce the frequency of difficulties arising. The family relationship services sector is well placed to work at both the national and local level to achieve this if supported to do so by in-principle agreements across Federal and State/Territory Governments.

⁵ Both figures quoted are from the ABS 2006 Census Community Profile for Australia Cat. No. 2001.0. The proportion of step and blended families is likely to be an underestimate because resident and non-resident parents are defined.

⁶ Australian Institute of Health and Welfare, Australia's welfare 2007.

⁷ Ellis E M (2000);; Booth, A, and P Amato (2001)p 197-212; McIntosh, J. (2003) p 63-80.

Recommendation 7: Enhance the wellbeing of children by improving the capacity of governments and community service providers across a broad range of sectors (e.g. public housing, health and education) to accommodate and respond to complex family structures and shared parental care arrangements.

5.2 High conflict separation

While some conflict is to be expected in any couple relationship, there is a difference between healthy and unhealthy conflict. Healthy conflict is when both parties can articulate disagreement, be in conflict with one another and together seek to resolve the conflict. Unhealthy conflict occurs when parties attack each other, perpetuate disagreement and fail to resolve the conflict or move forward. Unhealthy conflict may sometimes lead to low-level threats and aggression but it is not a euphemism for domestic violence. Domestic violence occurs when one person in a relationship deliberately uses threats, force or intimidation to control another. It also includes witnessing violent actions or threats between other family members.

Unresolved, enduring parental conflict compromises children's core developmental needs and their psychological growth.⁸ A substantial body of evidence is now available to demonstrate that the degree of conflict in the co-parental relationship is harmful to children's wellbeing and adjustment post-separation.

Where parents are caught in chronic conflict, their capacity to parent – their 'parental attunement' – is inhibited. Parental attunement is defined as "the parent's capacity to take their child's perspective...[to reflect] on their own internal emotional states and differentiate and process the child's internal states." Parents who have this capacity help their children develop a sense of self and go on to form strong attachment relationships in life.⁹

Successful programs have been developed by post separation support services to assist parents to reduce conflict and co-parent more effectively. The Building Connections program described below has provided the foundation for expanded post separation services within the FRSP. There is further scope for programs such as this to be utilised in family support and child protection service systems with families that remain intact but have high levels of conflict and those that have separated but did not access support services during that transition.

Building Connections: post separation services for high conflict families

Building Connections is a half-day psycho-educational seminar, developed and piloted by [Interrelate Family Centres](#) and conducted through child contact centres. Twenty seminars held at four different locations were attended by a total of 105 participants. Its aim was to help participants:

- Become aware of the effect of high entrenched unresolved parental conflict on their children
- Recognise the need to deal more constructively with the other parent.
- Become aware of the importance for the child's sake of supporting their relationship with their other parent.
- Value the role of both parents.
- Change attitudes/behaviours during their involvement with the Child contact Service.
- Commit to enrolling in a course or seek other professional help such as mediation or counselling.

An [evaluation](#) of the program showed 58% of participants gave more child focussed parenting responses (compared to 39% prior to the seminar) and 63% of participants identified an increased number of beliefs seen as more conducive to child-focussed parenting. Contact centre managers also observed improved handling of child contact arrangements..

⁸ see for example Kelly, J B (1993)

⁹ Moloney and McIntosh (2006), p.9

Recommendation 8: Include as an objective for the National Child Protection Framework, the reduction of children’s and young people’s exposure to high and sustained parental conflict in intact as well as separated families.

5.3 Children and family law

There is now a legislative base to children and young people maintaining meaningful relationships with both parents after separation. The legislation and the family law system more broadly encourages parents to share parental responsibility, including sharing residential care of the child where appropriate.

To assist parents to develop shared parenting agreements or parenting plans, the Australian Government has substantially expanded the capacity of the community based post separation services. The network of 65 Family Relationships Centres (FRCs) will be fully established from July this year. FRCs provide a gateway to family relationship services and offer family dispute resolution. There has also been a substantial expansion of family counselling, family dispute resolution, children’s contact services, parenting orders programs and early intervention services.

A small proportion of parents entrenched in high conflict will attempt to use family court systems to perpetuate child abuse and domestic violence¹⁰ or continue to wage war with one another. Family courts¹¹ need the capacity to respond with case management approaches that deal decisively with family conflict and behaviour that fails to prioritise the wellbeing of children.

In the past the family courts have adopted the view that separating couples benefit from more time to sort out their difficulties. However couples experiencing the highest level entrenched conflict are disproportionately represented in family law proceedings. They do not have the skills to ‘work things through’ on their own but need more support and direction to have improved outcomes. Delays can exacerbate the conflict, defer solutions and impose more hardship on children caught in these proceedings.

Allegations of Abuse

Due to the nature of high parental conflict there has been a tendency to view allegations of child abuse and family violence with a degree of suspicion as they are potentially attempts by one parent to gain advantage over the other in the court. This has coloured the family law system’s response and the protection afforded children.

For some time there has been a concern that the family law system has not adequately protected children who are the subject of abuse allegations.¹² The Family Courts have relied on State/Territory Child Protection Authorities to respond but many family law cases, particularly where children resided with a non-abusing parent, never make highest priority. Sometimes child protection workers have presumed that the Family Court investigated and dealt with abuse allegations.

The ‘Project Magellan’ (see description below) was introduced to improve response to cases involving allegations of sexual abuse against children and young people.

Other measures include the use of Children’s lawyers to provide independent representation for children in family law proceedings and the capacity for courts to commission a family report undertaken by a family consultant or expert who interviews parents and sometimes children.

¹⁰ Evans I (2007) chap 5

¹¹ The term ‘family courts’ is used to refer to the three family courts operating in Australia – The Family Court of Australia, the Federal Magistrates Court and the Family Court of WA.

¹² Family Law Council Report to the Attorney-General (2002) ‘Family Law and Child Protection’.

Project Magellan

In mid-1998 the Family Court began Project Magellan, initially in Victoria. With a judge-lead tightly focused time line, a child centred approach, uncapped legal aid for all parties, along with a well resourced and expert team, Magellan's outcomes were positive.

Disputes were resolved more quickly, fewer cases proceeded to judicial determination, the proportion of children 'highly distressed' was down, parent satisfaction levels were up and the length of proceedings was reduced.

Recently the Family Court of Australia incorporated 'Magellan matters' across all its registries. Those cases where child abuse (including the witnessing of family violence) is alleged, are placed on the Magellan list to be managed by a single judge, registrar and counsellor. In this process, the court is empowered to investigate allegations by requesting reports and information from relevant state authorities, direct involvement of the child through the appointment of Independent Children's Lawyers and the inclusion of a Family Consultant in the process to work with the family, collectively and individually, to provide direct evidence, clinical advice and guidance to the court.

A recent evaluation of Magellan found that of the approximately 200 cases dealt with through the Magellan process (nationally), court appearances had been dramatically reduced and the judge led proceedings had hastened the process. It is also interesting to note that all allegations of abuse were confirmed.

While the results of the evaluation are encouraging Magellan has some limitations:

- It has been most successful in Victoria, primarily due to the willingness of state agencies to participate, but the same cannot be said of other states.¹³
- Magellan deals only with child abuse there is no process to address family violence allegations despite a strong correlation between the two.
- Magellan operates only through capital city registries, thus regional and rural families are obliged to travel significant distances to access the court.
- Magellan case lists are overloaded resulting in many Magellan-appropriate cases being dealt with by the Federal Magistrates system.

Further development and monitoring of Magellan is warranted for concerns about child safety to be addressed. For example, a recent evaluation undertaken by the Australian Institute of Family Studies recommended more follow-up with families and sharing data with child protection authorities to determine if families in which allegations have been made have come to the attention of authorities following family law hearings.

Children caught between two systems

It is common for cases involving the same children and families to be lodged in State Children's Courts and Australian Family courts. In one jurisdiction, state agencies may be seeking to prove child abuse and possible removal of the child from a particular residence or situation. In the other, parents may be seeking judicial determinations on parental care and protection.

Due to differing judicial systems, burdens of proof, procedures and administrative arrangements, information is not communicated between the state and Australian court systems. Individuals and their representatives have to present the same information in different courts, often in the absence of a court decision.

State protection agencies regularly withdraw from child abuse cases once applications are lodged in the Australian courts, arguing that it is no longer in their jurisdiction. The withdrawal of state agencies from child abuse cases, results in many lawyers and other advocates advising clients to not raise child abuse concerns in Australian jurisdictions for at least two reasons including:

¹³ The Family Law Council (2002) noted "Through the Family Law Act, the Australian Government has a major responsibility for child protection. It requires the co-operation of the States and Territories also, in meeting that obligation and ensuring that no children are endangered because of preventable harm arising from system failure."

Ongoing child safety – unless the family court issues immediate interim orders restricting parental contact, it is likely the child will have to continue to see and visit with the abusive parents. The allegation of child abuse in the court is likely to increase the child’s risk of abuse and/or homicide; and

Court prejudice against the alleged – the focus of the recent Family Law reforms is on the future parent relationship – not the past relationship. Many lawyers quietly acknowledge that in raising instances of family violence and / or child abuse, their clients (predominantly women) are seen as being unwilling to facilitate a meaningful relationship between the other parent and the child. As a result they face an increased likelihood that shared care and time will be awarded against them.

A single court solution

Over the last ten years a single court process for children’s matters has been advocated as the most effective way of dealing with issues of child abuse and parental responsibility and care. A report of the Family Law Council of Australia in 2002 called for a ‘single court’ process for those cases where protection issues intersected with family law issues¹⁴. This model requires one court to hand appropriate powers to the other, so that the process might be managed expeditiously. In most cases this would require the Australian courts to allow state courts to make judicial determinations on parental responsibility and care.

In other jurisdictions, such as New Zealand, single courts have been constituted to deal with the full range of children’s and family law issues. This allows the court to make determinations on child protection issues prior to making orders for parental responsibility and care.

In the UK, all courts who have applications relating to a family / and or child before them, convene a joint directions hearing at the first instance. At that time the judges are able to collectively determine the process, make relevant interim orders for the wellbeing of the children, and ensure that information is shared across the judicial jurisdictions. The advantage of this and the New Zealand process is that they clearly identify how the child’s wellbeing and best interests are being protected and promoted and expedites the process in other courts to allow final determinations to be made as to where and with whom the child should reside.

Recommendation 9: Recognise the significant role of family courts in identifying and responding to children at risk of abuse and neglect and include strategies to enhance this role through case management and collaborative processes, building on the achievements of the Magellan Project.

Recommendation 10: For children in family law matters consider the development of a single court process to handle child abuse and / or family violence matters to reduce the risk that children fall through the gaps of the two systems.

5.4 Abduction, violence and homicide post separation

The most extreme cases of harm occurring to children in the post-separation context occurs when one parent abducts, assaults or kills one or more children. Despite the high profile these cases receive in the media there has been relatively little research into the circumstances that might inform future prevention. The identification of risk factors, strategies to enhance safety, the capacity of police to respond to child abduction – these are all areas that could be further explored.

Recommendation 12: Undertake a national review of child abduction, violence and homicide post separation and related research projects to better identify those at risk and take appropriate action.

¹⁴ Family Law Council (2002) *‘Family Law and Child Protection’, Final Report.*

5.5 Engaging grandparents in post separation services

The Discussion Paper refers to the Family Relationship Centres and their role in working with extended family members at key moments in the provision of support to separating couples and the negotiation of shared parenting arrangements.

FRSA recognises the important role of grandparents and the value of their relationships with children whose parents separate. Frequently a trusted insider in vulnerable families they may be amongst the first to recognise where children are experiencing or at risk of neglect or abuse. They can also be a constant in the lives of children experiencing difficult or traumatic transitions such as high-conflict between separating parents.

The Family Relationship Centres are well placed to work with the extended families and regularly engage with grandparents keen to maintain regular contact with children after family dissolution. One of the difficulties is that grandparents are often unaware that there is the potential for them to be involved and parents may need time to work through a range of issues before being ready to engage other parties.

Recognising that there are some existing resources (such as the information available on seniors.gov and through Centrelink), family relationship services have identified the need for resources for grandparents that help them to understand the supports available to them when grandchildren are affected by separation. There is also considerable interest in developing models of dispute resolution that can more readily accommodate multiple parties – family group conferencing is being used now in some centres but could be further developed.

Recommendation 11: Enhance the capacity of family relationship services to work with grandparents and extended family networks through targeted communication strategies and the development of more inclusive models such as family group conferencing.

6. Improving the Child Protection System

6.1 Community based entry points

A common source of frustration in child protection is that people in the community who may be concerned about the wellbeing of a child are often reluctant to alert authorities. They may be concerned about getting someone they know into trouble, or triggering a dispute with a neighbour.

In recent high profile media cases neighbours of neglected children talked of not knowing whether to 'call in the police'. For many people this is a significant step to take and perhaps a 'last resort'.

There are examples of systems change that have widened the lens to focus on child wellbeing in addition to children at risk. A significant feature of this approach is that community based entry points allow people to make contact with an agency to report a concern, without feeling that they are triggering a punitive or legal process. They can also ring for advice or information about support services and options for reaching out to families who may be experiencing difficulty. The Victorian Child Wellbeing and Safety Act combined with Child First is been identified by organisations involved in family support and child protection as a significant improvement.

An advantage of this approach is building on the 'teachable moments' and episodic events where families are more likely to engage with services. The organisation can support parents individually and jointly as well as provide services to children and other family members.

We believe that locally based initiatives involving partnerships between statutory authorities, community organisations and neighbourhood groups or leaders hold the most promise. These initiatives can work with the strengths of the community while also ensuring a 'ready response' capacity when children need protective intervention.

Recommendation 13: Increase the community based entry points to child wellbeing and protective services to encourage community engagement.

6.2 Service integration

There has been a strong commitment to integrating services for families with complex needs to streamline timely access to a range of supports. However, there are many challenges in service integration, examples include:

- o Funding restrictions that prevent agencies pooling resources across programs or across organisations;
- o Inconsistent and overly prescriptive eligibility criteria for funded programs;
- o Performance requirements for funded organisations that prevent more intensive assistance being provided when needed or fail to 'count' improvements in child safety or wellbeing as an output (particularly in adult service programs); and
- o The use of competitive selection processes to distribute funding amongst providers which can negatively impact collaboration and sharing of knowledge.

In the domestic violence arena a major evaluation of inter-agency coordinated programs involving 200 initiatives in Britain found that where inter-agency approaches consisted primarily of agency representatives meeting to network and share information about domestic violence they were not found to be particularly effective or efficient¹⁵. Initiatives which were identified as undertaking innovative practice were generally those where there was a designated employee to the program who acted as a coordinator. For inter-agency approaches to be effective the systems that they are coordinating have to be adequately resourced. Agencies must have a commitment to the project

¹⁵ Hague (1997) cited in PADV (1999)

through delegated representatives who are able to implement change in their agency policy and practice. Power differences between agencies need to be acknowledged and dealt with. A further issue of importance was consideration of how such initiatives can be accountable to those they aim to assist.

Partnership models require resources and expertise to develop effective relationships between agencies and across programs. This is often not well resourced in the community services sector and there has been very little investment in research or skills sharing to identify the best approaches.

Once again the Child First model adopted in Victoria in which local partnerships underpin service delivery is proving very effective, benefits include:

- Providing single point of contact for information and referral for professionals and families
- Reducing the number of 'hand overs' between services and therefore the number of times families need to "tell their story".
- Reducing service duplication and multiple referrals to services for same family.
- Facilitating collaborative coordination of 'best fit' service by working closely with the broader service system including specialist and other community services and Child Protection.

Developing integrated responses to children and families cannot be left to individual discretion or good will. It must be underpinned by a commitment at all levels of the system, from the political commitment by Ministers to shared budgets, joint planning and approaches, down to service delivery undertaken collaboratively with the client.

Recommendation 14: Include in the National Framework, the development of properly resourced, sustainable partnership models of integrated service delivery.

6.3 Legislation

FRSA believes that the role of the Australian Government in strengthening child protection and promoting the wellbeing of children more generally would be clearer if the Convention of the Rights of the Child was adopted into domestic law.

This could be achieved through the development of Commonwealth legislation ensuring lasting change beyond the life of a national framework.

Such legislation would provide an opportunity for the Australian Government, with agreement from State and Territory Governments to establish national principles, benchmarks and standards for responding to children at risk¹⁶. The legislation could also include model legislation for State and Territories to adapt for use in each jurisdiction enhancing the potential for greater consistency across borders.

The process of developing and adopting legislation in itself would be powerful. This would be a clear statement to the community that this Government and the Australian parliament are taking the wellbeing of children very seriously.

Recommendation 15: The UN Convention of the Rights of the Child to be adopted into domestic law through national 'Child Safety and Wellbeing' legislation.

6.4 Research

The Australian government has powerful tools at its disposal for data collection, co-ordination and analysis and to commission research into children's wellbeing, health and safety. Its resources include agencies such as the Institute of Family Studies and associated clearinghouses notably the Australian Family Relationships Clearinghouse; the Australian Institute of Health and Welfare, the Australian Bureau of Statistics and not for profit government supported organisations such as the Australian Research Alliance for Children and Youth (ARACY) and the National Initiative for the Early

¹⁶ Fogarty AM, J (2008)

Years (NIFTEY), to name a few.

Recommendation 16: Establish a national system for monitoring child wellbeing and child safety through a set of agreed indicators that include:

- 1) Measures of wellbeing across the domains of health, education and welfare
- 2) Measures of abuse, neglect and risk that are consistent across jurisdictions; and
- 3) Collated statistics on serious injuries and death caused by family violence and homicide.

6.5 Improving responses for children in care and young people leaving care

There are two lessons from the post separation service sector that are potentially relevant to supporting children and young people while they are in out-of-home care to maximise positive longer term outcomes.

The first is that children and young people benefit from maintaining meaningful relationships with both of their parents wherever possible. When parents separate there is substantial emphasis in family dispute resolution and family law on finding appropriate ways for this to occur. Even when it is not safe for the child or young person to be with one or both parents alone or overnight, arrangements can be made through Children's Contact Service for supervised visits to occur. Enabling regular phone calls, email communication and other means of staying in touch can also be important.

There has been some use of Children's Contact Services by child protection services to facilitate safe contact with parents and other relatives. There is scope for this to be expanded, particularly as contact centres can provide therapeutic intervention to parents to assist them to cope with the situation and build their parenting capacity while children are in care.

The second important lesson is that involving children in significant decisions about where they live and what relationships they have with parents and other relatives they are not living with can significantly enhance their sense of empowerment. This does not mean allowing children to make decisions that might be unsafe but rather ensuring that they are heard and their views are genuinely considered in decisions made about their placement/s in out-of-home care.

Research by Mudaly & Goddard (2006) also raises the importance of giving children and young people the opportunity to tell their story and continue to have relationships with parents and relatives even where there may be a history of abuse or neglect. This can be important to the child's sense of identity and healing.

The use of Child Inclusive Practice in post separation services involves specialist child consultants who discuss the impact of parental separation with the child/ren and feed this back to parents during family dispute resolution. It is a powerful way to ensure that parents move past old conflicts to focus on the best interests of their child/ren. Comprehensive research confirms the benefits of child inclusive practice when properly implemented, particularly in the process of family dispute resolution¹⁷.

Recommendation 17: For children and young people in out-of home care, encourage meaningful relationships with parents and other relatives including use of Children's Contact Services to facilitate contact and provide other relationship supports.

Recommendation 18: Explore the potential application of Child Inclusive Practice in child protection and out-of-home care decision-making processes.

¹⁷ McIntosh, Wells & Long (2007) pgs 8-25; McIntosh & Long (2006)

6.6 Grandparent Carers

An increasing number of grandparents find themselves unexpectedly providing temporary or long term care for grandchildren during a crisis in which children cannot live with their parent(s).

If the circumstances leading to grandparent care have been traumatic e.g. family violence, parental death, injury, mental/ physical illness, addiction or imprisonment, the children will often be traumatised and may experience a range of emotional, psychological and physical difficulties. Ongoing treatment and support may be costly and difficult to organise.

The basic and very different needs of babies, children and adolescents for accommodation, bedding, food, clothing and education can be difficult to meet urgently and particularly on a fixed income.

Significant shifts in childrearing practices and expectations have occurred over the last fifty years. Grandparents may be elderly, in poor health or 'out of the loop' and uncertain about what is appropriate or where to go for support.

Grandparents' relationships with their own children may be deeply conflicted: fraught with feelings of guilt, resentment and ambivalence. This can make them reluctant to seek financial or legal support if it places them in conflict with their children or usurps benefits previously available to their children.

In some situations grandparents may have the care of children but no legal responsibility. They are frequently unsure about the implications for their own finances including eligibility for government benefits. They may need to take expensive legal action to clarify their guardianship and access government benefits.

While children and their grandparent carers need legal protection there are no easy avenues to obtain it. Grandparents may apply to State/Territory Child Protection Authorities to have children made wards of the state and placed into kinship care with them. Sometimes the relevant agency advises them to apply to the Family Court for guardianship. The processes are confusing and costly particularly for those on fixed incomes.

In the interests of ensuring the wellbeing of children it would make sense to provide both practical and financial support to grandparents, as recommended by other advocates¹⁸. There is also scope to reduce the burden of care on grandparents by exploring options for shared care arrangements and/or opportunities to give grandparents a break by supporting children and young people to participate in holiday and recreational programs.

Recommendation 19: Strengthen the capacity of Australian and State/Territory funded programs to respond to the needs of grandparents through:

- 1) A national advice service for grandparents and service providers;
- 2) Resources for training staff and improving service responsiveness; and
- 3) Practical assistance for grandparent carers including financial support, access to regular breaks from full time care and help at home.

Grandparent support program: Mission Australia, Nowra

Operating since 2004 and assisting approximately 50 grandparents this program aims to increase the capacity of grandparents as primary carers, access to local support mechanisms, strengthen social supports, develop leadership skills. The program provides activities, workshops, advocacy, recreation, networks, handbook and information kit.

¹⁸ Brennan, Cass, Hampshire & Marchant, (2007)
http://www.sprc.unsw.edu.au/ASPC2007/papers/Brennan_Cass_Hampshire_48.pdf

7. Improving responsiveness for Indigenous children

7.1 Resourcing service systems

Aboriginal and Torres Strait Islander families are under-represented in the client population of family relationship services nationally, though there has been some steady improvement over recent years.

Levels of engagement vary considerably from one location to another. In areas with a high Indigenous population some services may work predominantly with Indigenous families. In other areas there are individual service outlets that have developed expertise and community connections to work effectively with the Indigenous community, achieving higher levels of engagement than average.

There is limited opportunity to share insight into what approaches work best for Indigenous families and Indigenous children.

Agencies with dedicated funding for Indigenous liaison workers (currently limited to some Family Relationship Centres) have reported substantial improvements in engagement.

Some of the challenges to enhancing responses for Indigenous children include:

A critical undersupply of suitably qualified Indigenous practitioners and lack of training options available, particularly in rural/remote areas.

A lack of flexibility in performance measurement systems that can make it difficult to spend time developing relationships with communities and identifying alternative service delivery approaches such as discussion groups, drop in services and working with schools¹⁹.

Lack of investment in the development of culturally appropriate service models and practice in areas such as (but not limited to) family dispute resolution.

Individual providers cannot address these challenges on their own. Yet there have been few national projects to enhance service delivery to Indigenous families and these have generally been limited and short-term. The development of the National Child Protection Framework presents an opportunity for sustained and coordinated effort to improve Indigenous service delivery.

Recommendation 20: Resource a national project to enhance the capacity of family relationship services to respond to Indigenous children, families and communities - encompassing the development of appropriate models of service delivery, flexible performance measures and training for Indigenous and non-Indigenous workers.

In 4 clients of the Family Relationship Centre in Darwin, operated by **Relationships Australia NT** are Indigenous; the FRC employs both Indigenous practitioners and community liaison workers.

In Alice Springs, **Centacare NT**, employs an outreach worker to deliver men and family programs in several satellite communities.

The **Men's Outreach Service** in Broome, (WA) is delivering counselling for men on personal and relationship issues, anger management, and drug and alcohol abuse.

In Lismore on the NSW North Coast, **Interrelate Family Centres** have established 'Indigerelate' a dedicated service for Indigenous families.

¹⁹ Department of Families and Community Services & Attorney-General's Department (2004) *Review of the Family Relationship Services Program*. The report notes " *the need for a less formal process also has the potential to result in lower client volumes (i.e. clients per day per counsellor) than traditional models and also more flexible, longer sessions...As a result there is a cost import versus delivery the delivery of services to other clients groups.*"

7.2 NT emergency response

There is a diversity of views on the Emergency Response in the Northern Territory. None would deny the need for substantial and urgent action to be taken to protect children in the Territory. The Australian Government's investment to mobilise health professionals and police and more recently the recognition of the urgent need to address housing issues are positive strategies that respond to community the requests made by many communities for investment in services and infrastructure to bring them on par with towns of comparable size across Australia.

In contrast, the treatment of remote communities as homogeneously dysfunctional and in need of external management is at odds with the practice knowledge of those working in the Territory and those who have worked with Indigenous and non-Indigenous communities experiencing entrenched disadvantage.

Practice wisdom would suggest that it is more effective to work from a strengths perspective in which local initiative is harnessed through community engagement. This is not incompatible with taking immediate steps to secure the safety of children; rather it means that where possible this should be achieved in a way that builds the capacity for change and does no further harm in the community. Generally, strategies that take away personal autonomy including income support quarantining, would only be used as a last resort and combined with intensive supports to enable a pathway back to individual autonomy and responsibility.

The application of one-size-fits-all policies - such as the alcohol ban - ignores local achievements in some communities and perpetuates negative stereotypes. This may cause longer term harm and create a sense of disempowerment.

It may be that alternative strategies could achieve the same benefits with less risk of harm. For example, the provision of (long called for) banking services, extended voluntary payment arrangements and improved local services may have achieved some of the benefits being attributed to income support quarantining more efficiently and with less risk. These issues will no doubt be examined in the evaluation of the emergency response and urge broad consultation as part of that process.

Rather than make specific recommendations in relation to the NT Emergency Response FRSA supports the recommendations of the SNAICC and other Indigenous peak bodies dedicated to the wellbeing of Indigenous children.

8. Attracting and retaining the right workforce

To meet the challenging and complex needs of Australian families and children, practitioners require qualifications, specialist training and appropriate experience. A survey of FRSP provider organisations conducted in 2004 found that the majority of practitioners hold degree qualifications in social science, law and/or counselling. There is increasing competition for these skill areas and a national undersupply of graduates from relevant university courses.

The current undersupply of qualified practitioners poses a significant threat to the capacity of the family relationships sector to improve outcomes for families and children. As critical staff shortages and competition for skilled workers require FRSP funded organisations to compete with a well resourced public sector and the private sector for the services of qualified and experienced practitioners. Generous remuneration packages (including substantially increased superannuation contributions) offered by the public and private sectors cannot be matched by community based providers under current FRSP funding levels.

FRSA member organisations estimate the gap in salaries for practitioners (including qualified and experienced counsellors, mediators and family dispute resolution practitioners) between the community based FRSP sector and the public sector is between \$15,000 and \$30,000 per annum for each full time equivalent position²⁰. Some examples include:

- o A large Sydney based provider reports that their counsellors and mediators are paid in the order of \$50,000 per annum, compared to \$80,000 per annum for comparable positions in other sectors – including the private sector, the Family Court and state government agencies.
- o A Brisbane based provider reports that superannuation rates for practitioners in the community based services is 42% less than that of their counterparts in the public sector.
- o Another provider organisation gave the following summary of recent exit interviews with staff leaving the organisation:
 - Relationship educator/counsellor offered a position in government at a salary more than double the hourly rate we can afford to pay.
 - Senior counsellor left for a State Government position at \$25,000 more per annum for similar levels of responsibility.
 - Well qualified practitioner had to return to State Government employment as they were unable to manage the drop in salary at over \$25,000 per annum.

Recommendation 21: Increase funding to community organisations delivering programs to children and families to improve salary rates and conditions commensurate with the public and private sector.

Recommendation 22: Support the development of a workforce strategy for the family relationship services sector that includes, among other things, investment in tertiary scholarships and vocational training to increase the supply of qualified practitioners to the sector.

²⁰ Ernst & Young (2006) pg 26, notes that professional salary (direct service delivery i.e. counselling, mediation, education) costs represent 54.29% of organisational costs. Administrative (non direct service delivery i.e. corporate staff) salaries represent 18.17%. There is ongoing discussion regarding the role of intake staff, who have traditionally been regarded as administrative staff. However since the implementation of the New Family Law system these staff are performing more direct service delivery functions.

8.1 Working in regional, rural and remote areas

The cost of attracting and retaining the services of highly trained and professional staff to regional, rural and remote areas is generally higher and substantially more variable than the cost of services in metropolitan areas. We estimate that a third of FRSA members operate services in non-metropolitan areas, providing the full range of FRSP service types as well as specific services such as drought counselling and other specialised assistance for rural communities.

Organisations can be highly vulnerable to cost fluctuations as the current FRSP funding model does not directly accommodate higher costs or readily allow for services to receive funding adjustments in response to local cost pressures²¹. For example, organisations operating in places affected by the resources boom report a multitude of impacts including:

- o Lack of affordable commercial premises available for establishing new services and large increases in rent being charged for existing premises;
- o Rising housing costs making it prohibitive for staff to relocate or maintain housing on existing salaries;
- o Increased demand for services as result of rapid population growth; and
- o Cost increases arising from changes in the local economy and increased competition for staff.

Across the board, regional, rural and remote FRSP services have reported higher costs related to: distance and transport costs; housing costs; telecommunications; recruitment and wages costs including meeting 'zone allowances'; service delivery to meet the needs of the local community; and a lower capacity to generate income through client fees.²² This is making it more and more difficult to maintain a regular presence in some communities.

This is of particular concern in remote Indigenous communities and rural towns that have a high Indigenous population. Family relationship services understand the importance of maintaining a stable workforce in these areas. Dr Sue Gordon, outgoing Chair of the NT Emergency Response Taskforce, recently argued that services work best where staff are embedded in communities, are consistent, well known and trusted. The isolation and conditions of staff are obstacles to achieving this in remote communities. A better and broader range of incentives and conditions such as housing and tax relief would help attract and retain skilled Indigenous and non-Indigenous staff to these critical roles²³.

Recommendation 23: Adjust funding models to recognise the higher costs associated with the delivery of services in regional, rural and remote areas with capacity for services to receive funding adjustments in response to local cost pressures when appropriate.

Recommendation 24: Invest in a broader range of conditions, inducements and benefits to attract and retain skilled Indigenous and non-Indigenous staff in isolated communities.

8.2 National Safety Check for Staff and Volunteers

All family relationship services screen staff and volunteers to try to prevent people with a known history of criminal behavior – including, but not limited to, sexual or physical assault – coming into contact with vulnerable families and children. Screening includes optioning a police clearance check as well as undertaking other background checks such as employment referees etc.

²¹ FaCS & AGD(2004) pg 58

²² Ernst & Young (2006) pg 52; FaCS & AGD(2004) pg 58

²³ Dr Sue Gordon, outgoing Chair of the NT Emergency Response Taskforce, in interview on *Bush Telegraph*, ABC Radio National, 30 June 2008 available at <http://www.abc.net.au/rural/telegraph/content/2006/s2289678.htm>

The current system of police checks is fragmented and it is not always easy to be sure that the check obtained includes possible offence histories in other jurisdictions, sometimes requiring two checks – one from local police and one from federal police. A national streamlined system would make it substantially easier for all services working with families to undertake appropriate screening.

A more sophisticated screening system would be based on risk rather than convictions. Convictions are usually rare but persons may be known to police because of accusations and investigations that were unable to conclude the behavior did not occur but were inadequate to proceed to trial. It would be appropriate to exclude persons for whom this is the case from working with vulnerable families through a 'three strikes' policy. For example people who have been suspected of crimes against children more than twice could be excluded from working with this population by being denied a clearance card - similar but perhaps more sensitive to risk than the Queensland '[blue card](#)' system.

Recommendation 25: Include in the National Framework a national system for screening staff and volunteers working with children and families.

8.3 Concluding comments

Rather than respond to each option identified in the discussion paper FRSA has chosen to focus on priority areas in which we believe the opportunities that derive from the development a national framework are particularly important.

We would be happy to provide more detail around any of the recommendations made in this submission and look forward to continuing to work with the Australian and State/Territory Governments as the National Framework takes shape.

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Appendix A: FRSA Members

NEW SOUTH WALES

- Anglican Counselling Service
- Anglicare NSW
- Baptist Community Services
- Broken Hill Family Mediation Service
- Centacare Bathurst
- Centacare Broken Bay
- Centacare Maitland-Newcastle
- Centacare New England North West
- Centacare Parramatta
- Centacare Sydney, Catholic Community Services
- Centacare Wagga Wagga
- Centacare Wilcannia-Forbes
- Centacare Wollongong
- Community Connections North Coast NSW Inc.
- Community Programs Inc
- Interrelate Family Centres
- Macquarie Legal Centre
- Manning Support Services Inc
- Newcastle Family Support Services
- Relationships Australia NSW
- The Family Centre
- UnitingCare Burnside
- UnitingCare Unifam Counseling & Mediation

QUEENSLAND

- Centacare - Catholic Diocese of Rockhampton
- Centacare Brisbane
- Centacare Cairns
- Centacare Toowoomba
- Centacare Townsville
- Community Services Australia Ltd
- Foundations Child & Family Support
- Kinectons
- Kyabra Community Association Inc
- Lifeline Community Care Queensland
- Lifeline Darling Downs & South West QLD - Men & Relationships Program
- Mackay Children's Contact Services
- Men's Information and Support Association Inc
- Mercy Family Services
- Pine Rivers Neighborhood Centre
- Queensland Program of Assistance to Survivors of Torture and Trauma
- Relationships Australia QLD
- Sunshine Coast Family Contact Centre
- Toowoomba Children's Contact Centre
- Youth and Family Service (Logan City)

VICTORIA

- Anglicare Victoria
- Australian Greek Welfare Society
- Berry Street Victoria
- Bethany Community Support
- Brotherhood of St Laurence
- Centacare Ballarat
- Centacare Melbourne
- Centacare Sandhurst - Bendigo
- Child & Family Services Ballarat
- Children's Protection Society
- City of Greater Geelong
- Community Connections (VIC) Ltd.
- Community West Inc.
- Crisis Support Services
- Drummond Street Relationship Centre
- Eastern Access Community Health (EACH)
- Family Life
- Family Mediation Centre
- Family Relationships Institute Inc (RELATEWELL)
- GordonCare for Children
- Goulburn Valley Family Care Inc t/a Family Care
- LifeWorks Relationship Counselling & Education Services
- MacKillop Family Services
- Mallee Family Care
- Relationships Australia Victoria
- South East Region Migrant Resource Centre
- Spectrum Migrant Resource Centre Inc
- Stepfamily Association of Victoria Inc
- The Cairnmillar Institute
- The Salvation Army Bendigo Community Services
- Upper Hume Community Health Service
- Upper Murray Family Care

SOUTH AUSTRALIA

- Anglican Community Care Inc
- Anglicare SA Inc
- Centacare Adelaide
- Centacare Whyalla
- Lutheran Community Care
- Relationships Australia SA
- UnitingCare Wesley Adelaide
- UnitingCare Wesley Bowden
- UnitingCare Wesley Port Adelaide
- UnitingCare Wesley Port Pirie
- Whyalla Counselling Service

WESTERN AUSTRALIA

- Agencies for South West Accommodation
- Anglicare WA
- Catholic Marriage Education Services
- Centacare Geraldton
- Centrecare
- Clan WA
- Men's Outreach Service Broome
- Ngala Inc
- Relationships Australia Western Australia

TASMANIA

- Anglicare Tasmania Inc
- Centacare Tasmania
- Positive Solutions
- Relationships Australia Tasmania

NORTHERN TERRITORY

- Anglicare Northern Territory - Resolve
- Centacare NT
- Relationships Australia NT

AUSTRALIAN CAPITAL TERRITORY

- Centacare Canberra & Goulburn
- Marymead Child & Family Centre
- Relationships Australia Canberra and Region

ASSOCIATE MEMBERS

- Citizens Advice Bureau of WA (Inc)
- Family Action Centre
- First Light Care Association Inc
- Lifeline Australia
- MAREAA
- Migrant Resource Centre of SA
- Mission Australia
- Parentline ACT Inc
- Pathways Counselling & Family Services
- Relationships Australia - National
- Southern Youth & Family Services Association
- The Centre for Excellence in Child and Family Welfare Inc
- The Salvation Army Counselling Service
- UnitingCare Family Services - Northern Tasmania
- Victoria Legal Aid