



Children in Care
Collective

Children in Care Collective



IN THIS ISSUE

BRINGING A CHILD RIGHTS
LENS TO CHILD PROTECTION
AND ADVOCACY

INCREASING SUPPORT OF
CARERS OF CHILDREN WITH
COMPLEX NEEDS

IMPLEMENTATION OF THE
RECOMMENDATIONS OF THE
ROYAL COMMISSION INTO
INSTITUTIONAL RESPONSES TO
CHILD SEXUAL ABUSE

WORKING IN COLLABORATION
WITH GOVERNMENT AND THE
SECTOR

Child protection and out-of-home care viewed through a child rights lens

At its December meeting, the Collective welcomed a representative of the Child Rights Team from the Australian Human Rights Commission to give an outline of the process for reporting under the UN Convention on the Rights of the Child on the implementation of child rights in Australia and the current implications for the implementation of these rights in Australia.

This process is how the UN Committee on the Rights of the Child (UNCRC) monitors compliance with the Convention: by way of 'constructive dialogue' through reports, responses and hearings. Parties other than the State can also report to the Committee. The Australian Human Rights Commission, in its role as a national human rights institution, submitted an independent report to the UN Committee. The Australian Child Rights Taskforce report to the UNCRC, The Children's Report is an example of the views of civil society being

included in the monitoring process.

The [Concluding Observations](#) are the final report in a cycle of reporting and contain the UNCRC recommendations for action. The UNCRC asks that the country the subject of the report responds with what actions will be taken, including if a recommendation will not be taken up. There are no requirements except that the country makes the Concluding Observations widely available. Compliance with recommendations may be subject to comment in the next 5 yearly report.

Many of the recommendations made by the UNCRC at the completion of the last report on Australia in 2012 have been reiterated in the 2019 Concluding Observations as action has not been taken on many of them and there was no formal response by Australia, except as part of its initial report to the UNCRC. While the UNCRC noted some progress had been made by Australia, it recommends urgent action in a number of matters, including: protecting children from violence; investing in prevention and support measures for children and their families to avoid removal of those children; restoring children as soon as possible; and ensuring participation of children and families in all decision-making. The UNCRC particularly

noted the need for support of Aboriginal and Torres Strait Islander children and communities to prevent the removal of these children into out-of-home care.

Human rights is a common framework for discussions about disability and rights, but is not currently how Australia views child protection. Child rights is a slightly different framing of child protection issues, although a number of these issues are the subject of recommendations in the Concluding Observations. The Collective noted that child rights would be a strong platform for the national plan that is under development as it is a broad but rigorous focus to bring to policy debates and practice improvement.

The Collective agreed that the Concluding Observations and the UNCRC recommendations can be used as an advocacy tool to inspire change and draw attention to what needs to be done to improve children's rights in Australia. Child rights will inform the Collective's work plan in 2020, underpinning its approach to working collaboratively and proactively on the range of issues facing children and young people with complex needs living in out-of-home care, and their carers.

Supporting carers of children with complex needs

The Children in Care Collective acknowledges the need to increase the number of carers of children with complex needs, and to support those already undertaking this essential but often difficult task.

Foster carers are critical to undertaking and achieving the significant government, and societal, aim of caring for vulnerable children where it is not safe for those children to be raised in their

family. With increased efforts to properly target which children need to be taken into care and a recognition of the need to respond to the trauma held by any one of those children, there has been an increase in expectations on carers and the costs incurred in looking after children with complex needs.

The Collective is supportive of the widespread

development of the paid professional foster care workforce. It also believes that legitimate expenses should be paid, and that these payments to carers of children with complex needs should be more reflective of their actual expenses rather than linked to historic assessments of the costs of general foster care as determined by average household expenses. On the question of proper remuneration of carers, the Collective has had very fruitful discussions with the Australian Tax Office (ATO) about non-taxable carer allowances. It is more expensive for carers to be working with these children and they often have increased housing costs, different transport needs, increased respite, counselling and other expenses. The Collective has worked with the ATO to develop an understanding of what payments to carers of children with complex needs may be justifiable as non assessible income.

The aim is to have a system-wide level agreement on these expenses, rather than agencies needing to obtain individual advice as is currently occurring.

In line with the provisions of S. 15-2 of the *Income Tax Assessment Act 1997* and the relevant Tax Determination (TD2006/62) the reimbursement of expenses incurred in caring for children is not considered assessible income for taxation in the following circumstances:

- the foster care is provided to children unable to live with their parents



- the payments are made to help meet the costs associated with providing the care
- volunteer foster carers are not employees of foster care agencies
- the payments are not received as part of a business of providing foster care.

The ATO has acknowledged that the items in the checklist developed by the Collective would be acceptable non-taxable allowances paid to carers of children with complex needs. It is not an exhaustive list and the ATO would consider other items if and when required. The checklist can be found in the Latest News on the Children in Care Collective's website at <http://childrenincarecollective.com.au>.

Implementation of the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse

The Children in Care Collective has welcomed the Federal Government's announcement of a legal platform to allow states and territories to share child protection information. Child protection authorities, which are run by

states and territories, will be allowed to share information on vulnerable children as recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse. In the media release published on the Children in Care Collective website,

Deputy Chair of the Children in Care Collective and Special Counsel at Life Without Barriers Rodrick Best says:

This new platform will allow us as child protection agencies to be able to support children by allowing access to information on children, parents, families and foster carers when they travel or move interstate – all in the interests of keeping children safe. For example, at the moment, if a family moves from one state to another, the child protection agency in the state they have moved to will only get the barest of information to say that this child is at risk.

With this system, we will be able to access much richer information around what the risks are, what action has been taken by the previous state’s child protection agency and any other relevant information. This will ultimately allow us to ensure that children who are at risk of harm don’t fall through the cracks when they cross state borders. It also means children and families are spared having to retell their experiences and history to agencies which can further impact on people experiencing high levels of trauma. Not only is this platform a critical first step in allowing availability of this information to child protection agencies, the platform itself is designed to do so in the most effective way.

The Collective congratulates the Federal Govern-



ment for funding this platform and for their commitment to keeping children safe.

The media release can be accessed at <http://childrenincarecollective.com.au/>

Working in collaboration with government and the sector

Representatives of the Collective have continued to meet with senior representatives of state and territory government departments and with government ministers.

We have met with Hon Michelle Landry MP, Assistant Minister for Children and Families for the Federal Government on two occasions, in her

parliamentary office in Canberra and in Brisbane. The discussions included a number of the Collective’s priorities: the tax status of and incentives for carers; raising the leaving care age from 18 to 21 years and the need for increased support for young people transitioning from out-of-home care to independence.

Collective members also met with the Director General, Community Services Directorate ACT Government and her two Deputy Secretaries in September. The meeting was very positive. The ACT department representatives indicated that they were very keen to join activities organised by the Collective, noting that they are a very small department with limited resources. They were particularly interested to talk about caring for children with harmful sexual behaviours.

In November, Collective members met with the Deputy Secretary, Children and Families, and two directors, in the Victorian Department of Health and Human Services. The discussion included matters of particular concern for the Victorian Department, including residential and alternate care, the intersection of NDIS and out-of-home care and the translation of evidence into operational practice. The Collective was able to advise that it could assist with each of the issues because of the projects it was proposing to develop in 2020 and work already underway in member agencies.

Members of the Collective also participated in two workshops in New South Wales on:

- the development of a NSW Health program responding to children under the age of 10 with problematic and harmful sexual behaviours
- interagency innovation, led by the Department of Education, exploring student voice at the centre of learning and support planning, transition to post-school options and optimising the growth and achievement of high potential and gifted students with a care experience.

In addition, members of the Collective participated in the national consultations on the successor plan for the National Framework for Protecting Australia's Children 2009–2020.



The Collective's position is that a focus on child protection will be too narrow. There needs to be a focus on child rights and wellbeing with child protection issues addressed as a consequence. The Collective also noted that the priorities being developed should not only address the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. While this is clearly important, these recommendations are only addressing one aspect of children's wellbeing. Also emphasised, was the need to develop mechanisms that can track the impact of the new framework, including positive measures about issues such as school attendance, building relationships and involvement in community activities.

The Collective is clear that building on the existing framework will involve concrete and practical work as well as aspirations, without being so prescriptive that it loses support from individual jurisdictions.

ALLAMBI CARE



EVERYDAY

CareSouth



SERVING CHILDREN, FAMILIES & COMMUNITIES

WE
LIFE WITHOUT BARRIERS
VE



Members of the Collective

- Allambi Care
- Anglicare NSW South, NSW West and ACT
- Anglicare Sydney
- CareSouth
- Key Assets
- Life Without Barriers
- MacKillop Family Services
- Stretch a Family
- Settlement Services International
- Australian Catholic University, Institute of Child Protection Studies