

Independent Inquiry into Foster & Kinship Care Report: chapter summaries

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This document is an overview of the Independent Inquiry into Foster & Kinship Care report provided by Dr Fiona Arney. The overview includes a summary of each chapter of the report and associated recommendations. The full report is available on the Department of Premier and Cabinet [website](#).

Chapter 2: Existing complaints mechanisms

This chapter of the report is the first of two chapters addressing Term of Reference 1: 1. Existing complaints mechanisms in the Department for Child Protection (DCP) as they relate to foster care and kinship care, including consideration of— 1.1. how such complaints are processed by the Department; and 1.2. the independence of the complaints process; and 1.3. outcomes and actions arising from such complaints; and 1.4. the extent to which outcomes and feedback relating to such complaints are communicated to foster carers and kinship carers

The Inquiry makes the following recommendations:

1. That internal complaints management processes in the Department are amended to enable complainants to pursue additional channels for making complaints as the first step in the complaints process.
2. That the Department ensure frontline staff are trained in receiving and responding to complaints in alignment with the principles of the Australian Standards and recommended best practice by the Australian Human Rights Commission, and that all policies, procedures and performance requirements relating to complaints management reflect these principles and best practice.
3. That in addition to the existing internal complaints management process, an external Independent Quality Assurance Unit be established in a relevant statutory body to respond to complaints that relate to bullying, discrimination, harassment and other matters currently unable to be reviewed through existing internal and external mechanisms. The Unit should be established in compliance with the principles and requirements in the Australian Standards and best practice advice for complaints management, should be based on restorative justice principles and allow for alternative dispute resolution processes. The Unit should also have the capability to review the Department's policies, practice and reform and implementation against best practice and provide recommendations to the Minister and Chief Executive.

Chapter 3: Care Concerns

This chapter of the report is the second of two chapters addressing Term of Reference 1: 1. Existing complaints mechanisms in the Department as they relate to foster care and kinship care, including consideration of— 1.1. how such complaints are processed by the Department; and 1.2. the independence of the complaints process; and 1.3. outcomes and actions arising from such complaints; and 1.4. the extent to which outcomes and feedback relating to such complaints are communicated to foster carers and kinship carers. The chapter deals with these matters in relation to care concerns.

The Inquiry makes the following recommendations:

4. That the risk and harm standards that apply to all children, be applied to children in care and that the “deficit in care” grounds are abolished.

5. That responding to allegations of abuse in care be incorporated into functions of the Independent Quality Assurance Unit proposed at Recommendation 3 to enable care concern investigations to be undertaken by an independent investigator in accordance with best practice, and to avoid conflicts of interest in the care concern process between the Department, support agencies and carers.

6. That the Children and Young People (Safety) Act 2017 be amended to prescribe the care concern investigation process, including to:

- establish a clear and reasonable threshold for what is a care concern
- embed principles of natural justice and procedural fairness into the care concern investigation process
- prescribe the process by which care concerns are investigated, and the duties owed to Carers during investigations
- ensure that unsubstantiated care concerns are not recorded on carer files, and
- enable a review or appeals process for care concern outcomes.

Chapter 4: Consultation

This chapter of the report addresses Term of Reference 2: 2. The adequacy of existing consultation processes between the Department, other persons and bodies involved in foster care or kinship care, and foster carers and kinship carers.

The Inquiry makes the following recommendations:

7. That a formal body, such as a Carer Council, be created and suitably resourced to provide advice directly to the South Australian Government through the Minister for Child Protection. In addition to providing advice, the body should have the functions of contributing to design of policy, practice and legislative reform in relation to kinship and foster care and the preparation of Carer Impact Statements. The body should include both foster and kinship carers, include Aboriginal carers, have clear and transparent Terms of Reference, clear consultative mechanisms and public reporting requirements.

8. That implementation of the Statement of Commitment, including requirements for consultation and participation, be adequately resourced and undertaken as an active process, including increasing awareness of the Statement in the Department and support agencies, providing widespread training and supervision across the organisation in relation to the Statement, and develop key performance measures in relation to the Statement that are monitored and reported on. One such indicator should include carer consultation in relation to children and young people's Annual Reviews.

9. That resourcing for be invested in expanding the number of PACS, expansion of the ACCO led FGC program and for additional RATSIOs to support Family-led Decision making and the 75 participation of Aboriginal families and communities in fulfilment of the responsibilities for consultation and in support of the implementation of the Aboriginal and Torres Strait Islander Child Placement Principle.

Chapter 5: Documentation and Information

This chapter of the report addresses Term of Reference (TOR) 3: The transparency and availability of documentation and information held by the Department and other persons and bodies involved in foster care or kinship care to foster carers and kinship carers (including care concerns and manuals of practice).

The Inquiry makes the following recommendations:

10. That the Department and other persons or bodies involved in foster care or kinship care commit to train and supervise staff in their obligations under legislation regarding the creation, sharing, accessibility and accuracy of information and documentation and in the importance of records created and kept to meeting the current and long-term information needs of children in care.

11. That policy information or guidance impacting foster and kinship care should be publicly available, ensuring that all carers and children and young people in care can access the information that impacts them.

12. That an independent audit is conducted relating to the existing records about foster and kinship carers held by the Department and other bodies involved in foster care or kinship care, including records relating to unsubstantiated care concerns, to ensure these records are accurate, reliable and current staff practices of records creation are compliant with legislation and policy. The results of the audit to then be used to implement a dedicated process by which foster and kinship carers and the children currently or formerly in their care be supported to apply to amend incomplete, incorrect, misleading or out of date information, in accordance with the FOI Act.

Chapter 6: Partnerships

This chapter of the report addresses Term of Reference (TOR) 4.1: The adequacy of internal procedures and arrangements within the Department and other persons and bodies involved in foster care or kinship care in ensuring that there is a sound partnership between the Department, those persons and bodies and foster carers and kinship carers

The Inquiry makes the following recommendations:

13. That the CYPS Act be amended to ensure foster carers are included in the partnership approach set out in Section 14 (1) (a).

14. That there is a review of the contractual arrangements and agreements between the Department, support agencies and carers to ensure that services agreements and carer agreements are transparent in the obligations of all parties, including joint responsibilities for children and young people in care, and that they transparently address service and conduct issues.

The review should also:

- Ensure that agreements outline the obligations of support agencies to provide support to carers and the methods by which any potential conflicts of interest will be dealt with to ensure carers remain supported in their roles
- Include any Departmental policy or practice guidance (e.g., Who Pays for What) in which parties' obligations to children in care are ambiguous

15. That the independent status of the peak body, Connecting Foster and Kinship Carers South Australia, be enshrined in legislation, or in their contract of service, or both.

16. That carers and their families can access the Department's or support agencies' employee assistance programs. Where such arrangements already exist, that carers are made aware of their entitlements in this regard.

17. That an interactive foster and kinship care portal be created that enables foster and kinship carers to perform the following functions:

- Find and store the contact details of key personnel including the child’s care team members, Departmental and support staff supervisors and managers, educators and healthcare providers
- Schedule meetings with Departmental staff and support agencies
- Access and share details of key appointments, assessments and other information relating to the child or young person with the care team
- View and contribute to care plans and care agreements
- Contribute to the child or young person’s annual review
- Plan, seek and book respite arrangements
- Identify and book training and professional development events
- Access Departmental policies and procedures
- Submit requests for reimbursement, keep track of progress and be advised of payments
- Submit requests for assessments for children and young people
- Access and complete regularly used forms (for example, Centrelink forms, NDIS applications, school enrolment)
- Submit feedback, including reflective questionnaires and complaints

Chapter 7: Rights of children and young people in care

This chapter of the report addresses Term of Reference (TOR) 4.2: The rights of children in foster care and kinship care (including their rights relating to safety, cultural identity, access to services and opportunities, autonomy and decision-making) are respected, addressed and realised.

The Inquiry makes the following recommendations:

18. That legislation be amended to recognise and enforce the rights of children and young people in care, including their rights to services and supports that uphold these rights.

19. That Departmental policy, practice guidance, training and performance management be strengthened in relation to these rights for children and young people in care.

20. That priority reforms be co-designed with foster and kinship carers and other stakeholders, around the following:

- Supporting access to health and therapeutic care for children and young people in care
- Improving the assessments, treatments and support for children with suspected or diagnosed FASD
- Addressing the frequency of and approach towards transitions in placements for children and young people in care
- Addressing concerns about safety in residential care settings and in rushed reunification without adequate assessment or transition planning for children and young people in care
- Enhancing sibling connectedness and reducing traumatic access experiences
- Improving cultural case planning and connection to family and culture for Aboriginal children and young people in care

Chapter 8: Other Matters - Respite Other Matters

The terms of reference for the Independent Inquiry into Foster and Kinship Care include provisions for the Independent Person to have regard to any other relevant matter considered in the course of the inquiry (TOR 6). Consequently, this report of the Independent Inquiry includes two additional areas of focus and recommendations that were raised in submissions: 1. respite care; 2. the costs of caring and remuneration

The Inquiry makes the following recommendations:

21. That the Department fast tracks the project to examine supports for carers that provide a “respite like effect” and that foster and kinship carers are offered flexible funding packages that can be used to pay for respite care placements and/or other arrangements that support the placement.
22. That in the short term, contract review and performance management is undertaken to ensure that respite is available to carers through support agencies, reflects the 2020 principles and is not limited to respite provided by their own agency, and that carers who have been unable to utilise respite options for some time are considered a priority for accessing these supports.
23. That the NDIS eligibility for children who are not currently receiving NDIS supports, including respite care, be immediately determined through appropriate diagnostic assessments, to enable this support to be provided

Chapter 9: Other Matters - Costs of caring and remuneration

The Inquiry makes the following recommendations:

24. That a skilled, multidisciplinary backlog team of paediatric specialists is established in the short term so that children who have had delayed or denied assessments and treatments, for health, medical, developmental, disability and therapeutic needs, including for suspected or diagnosed FASD, can urgently have their needs met. That there is a process for supporting the carers of children and young people who receive a relevant diagnosis through such a process to access all payments, loadings and supports to which the children and young people are entitled.
25. That the South Australian Government pay the costs of private health insurance, and any related gaps in payment, for children and young people in care.
26. That identified costs and planned reimbursements are included in the child’s case plan, that this is regularly reviewed, and any such costs are processed without delay.
27. That a scheme is created to enable carers to have superannuation contributions made by the South Australian Government while they provide care for children and young people
- ~~28. That carers can access the Department’s or support agencies’ employee assistance program. Where such an arrangement already exists, that carers are made aware of such arrangements (this recommendation is a duplicate of recommendation 16 as advised by Minister Hildyard at the time of presenting the report to CF&KC-SA)~~
28. That the Department implement a new system of carer payments and reimbursements that reflects the true costs of caring, provides consistency and equity