

## **Submission to the Royal Commission into Domestic Violence**

### **Oversight and Advocacy**

#### **Personal details of the Submitter:**

[REDACTED]

This Submission is on my behalf and that of Foster and Kinship Carers (Carers) more generally. The Carer Project Surveys, private Carer pages and direct communication with Carers has helped formulate the evidence I am submitting to the Inquiry.

Please note rural Carers, Carers with Aboriginal children in care, culturally diverse Carers and Specialist Carers have provided recent information and examples I refer to in this Submission.

#### **Contact details:**

[REDACTED]

**Topic: Domestic Violence.**

**Existing Complaint Mechanisms as they relate to Carers**

**Existing consultation process with Carers**

**Information Sharing and the sharing of documentation with Carers**

**Ensuring that there is a sound partnership with Carers and that the rights of children in foster and kinship care are respected, addressed and realized.**

**Recommendations to improve foster and kinship care in South Australia especially in the context of Domestic Violence.**

#### **Relevant other Legislation or Codes:**

- Terms of Reference of the Royal Commission
- Royal Commission Guidelines
- The Children's and Young People (Oversight and Advocacy Bodies) Act (2016)
- Children and Young People (Safety) Act (2016)
- Inquiry into Foster and Kinship Care Amendment Act 2021 – Section 169A (3)
- Freedom of Information Act (FOI) (1991)
- South Australian Statement of Commitment with Foster and Kinship Carers
- Information Sharing Guidelines (ISG) for promoting safety and wellbeing (Government of South Australia, Department of Premier and Cabinet)

- Department for Child Protection (DCP) Service provider responsibilities in the management of care concerns
- Existing Complaint Mechanism (DCP website)
- DCP Care Concern Process Flowchart
- The Carer Project Abuse of Power Report 2021
- Supporting and collaborating with Carers Practice Paper
- Ombudsman Annual Report 2018-19 Audits- Information Sharing Guidelines & Complaints

**Confidentiality / Privacy: No**

**Submission:**

The Nyland Royal Commission highlighted the important role Foster and Kinship Carers play in providing a safe and loving environment for some of society's most vulnerable children.

Much of this is a direct response by Foster and Kinship Carers to Domestic Violence surrounding these children in care.

This Submission is relevant to the Commission as the Oversight Bodies have not provided the needed oversight nor have they advocated for Carers, who hold the primary understanding of the needs of these children in care.

The Carer Project's Abuse of Power Report April 2021 contains many examples of wrongdoing by workers and senior executives of DCP. That Report is attached to this Submission. The Children's and Young People (Oversight and Advocacy Bodies) Act 2016 ("the Act") created the following:

- the Commissioner for Children and Young People
- the Commissioner for Aboriginal Children and Young People
- the Guardian for Children and Young People
- the Child Death and Serious Injury Review Committee
- the Child Development Council

The name of the Act indicates what the South Australian Parliament's intentions were namely: "Oversight and Advocacy".

The Carer Project has sought to bring accountability in respect of the egregious wrongdoing of certain workers and senior executives at DCP. Despite oversight and advocacy being the very reason for their creation by the Act, none of the Commissioners or bodies see it as their role to provide oversight of DCP or to advocate on behalf of Carers or their children in care vis a vis DCP! No other regulatory body (including the Ombudsman) will acknowledge that they have that role of oversight and advocacy.

**Many Carers are leaving the child protection sector due to their treatment by DCP and the lack of a meaningful and transparent oversight and complaints mechanism.**

### Examples of Prejudice Due to a Lack of Proper Oversight

Many Carers are leaving the child protection sector due to their treatment by DCP. The lack of meaningful and transparent oversight as well as the lack of an independent complaints mechanism is causing a severe loss of carers in the child protection sector.

### Recommendations:

- One or more of the Commissioners and bodies established under the Act should be tasked with the responsibility to provide:
  - oversight of DCP and in particular to provide an independent and robust complaints mechanism.
  - advocacy on behalf of Carers and their children in care in their dealings with DCP.
  - an Annual Report to Parliament on their activities so as to provide transparency and public confidence in the governance of the child protection sector.
- An Independent Complaints Mechanism must be implemented immediately for Carers. (The Internal review system is unjust and unacceptable to Carers. They should not be obligated to deal with DCP personnel in addressing their complaints when they fear this action may lead to retribution and removal of children in their care.)
- Under performing staff (in particular those with a proven track record of misconduct and/or incompetence) must be removed from the sector. The safety of children in care demands as much.
- Senior management have been complicit in DCP ending up where it is. They cannot be relied upon to fix the problems they themselves helped to create.

### Action by the Commission:

1. Acknowledgement of receipt of this Submission.
2. Findings of the Commission support robust advocacy and oversight that report to Parliament annually.
3. Findings of the Commission specifying the need for the establishment of an Independent Complaints Mechanism and the mandating of the essential partnership with Foster and Kinship Carers to accord with understood universal principles of fair practice, natural justice to replace the present system.
4. Findings that the DCP Support Workers (and NGO workers) receive comprehensive, documented, ongoing and updated in-service training (including DCP trainers with experience as Carers) in order to meet the requirements of the mandated essential partnership with Carers of value and respect. (The essential role Carers perform in the child protection system and the value they deliver to taxpayers saving hundreds of millions of

dollars annually, demands a shift in culture that place Carers and the children under their care at the centre of DCP practices and not in a subsidiary role).

5. That the Commission report to the proper authorities, breaches of legislation and directives that the Commission has been made aware of.