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23 December 2016

Ms Cheryl Vardon
Principal Commissioner
Queensland Family and Child Commission
cheryl.vardon@qfcc.qld.gov.au

Dear Ms Vardon

Thank you for your invitation to make a submission to the review of the *Foster Care System* discussion paper.

As you are aware, the Office of the Public Guardian (OPG) does not hold a systemic role in relation to children in the foster care system. I am therefore submitting the following overarching feedback instead of responding to each of the questions posed in the discussion paper, with the exceptions of Questions 17 & 18, which specifically relate to the function and purpose of the Community Visitor Program. As you will see from below, we believe this review is a wonderful opportunity to address some fundamental concerns regarding the current regulatory landscape's impact on enabling to deliver true advocacy and oversight through the program.

The Public Guardian's role in relation to relevant children and children at visitable homes, which includes foster and kinship care placements, is to promote and protect their rights and interests.

The Public Guardian has child advocacy functions, which includes a Community Visitor Program. The child advocacy function aims to give children in care an independent voice, ensuring their views are taken into consideration when decisions are made which affect them, including placement decisions. The Community Visitor Program aims to ensure children and young people in the child protection system are safe, well and receiving proper care. As outlined on page 11 of the discussion paper, in accordance with section 56(1)(f) of the *Public Guardian Act 2014*, a community visitor has the following functions for a visitable home:

- (i) to inspect the home and report on its appropriateness for the accommodation of the child; and
- (ii) to ensure the child's needs are being met by persons caring for the child.

The role of child advocacy officers and community visitors is to develop trusting and supportive relationships with children in out-of-home care, confirm their placement needs are met and help them address any concerns or needs they identify.

The OPG works with the Queensland Family and Child Commission (QFCC) and other relevant government and non-government agencies to ensure improvements in the oversight of foster carers and the safety of children who reside in the foster care system. This is done predominately through the OPG's Community Visitor Program.

Approval of suitable foster care placements and foster carers for children and young people in care is the responsibility of the chief executive of the Department of Communities, Child Safety and Disability Services (DCCSDS) as provided for under the *Child Protection Act 1999* Chapter 4- "Regulation of Care." DCCSDS contracts with various non-government service providers who are responsible for recruiting, screening, training and monitoring carers. The OPG has no function in relation to the selection, assessment and approval of foster carers and the functions of the Community Visitor Program are child centred.

The responsibility of the community visitor is to be a 'voice' for the individual child in the decision making process and to provide a child friendly complaints mechanism that is independent of DCCSDS, the funded service provider and the carer. The purpose of the visit is to determine whether the rights of the child or young person are being upheld and their needs are being appropriately met. If concerns or issues are apparent, then the visitor raises these with DCCSDS. For example, in 2016 to-date, community visitors have raised approximately 572 issues relating to the appropriateness of foster care accommodation for the child and approximately 196 issues relating to the child's needs being met by the carer (noting that some of the 196 issues raised form a subset of the 572 issues raised).

Whilst some direct engagement will occur between a community visitor and a carer during a visit, this engagement does not involve seeking specific information from a carer about their own personal background or suitability. In fact, the Community Visitor Program has been criticised in the past for being "captured" by carers and there has been education directed at the community visitors and the carers (by Foster Care Queensland) to make sure that this "capture" does not occur.

Additionally, inquiries undertaken by a community visitor must be respectful of the carer's right to privacy and the carer is not under a direct obligation to respond to queries of this nature made by a community visitor. Any data collected by community visitors as a result of information directly provided by a carer would therefore not be comprehensive and would be unreliable.

The Community Visitor Program has identified that additional education and training, particularly for kinship carers, about the independent functions of the

community visitor and the carer's obligation to facilitate visits to children, needs to be provided by DCCSDS.

In relation to page 20 of the discussion paper which references the findings in the Queensland Ombudsman's report *Management of child safety complaints*, I am pleased to advise that a Memorandum of Understanding is currently being drafted to embed greater collaboration between Child Safety Services and the OPG to make sure serious issues identified by community visitors are handled as child safety complaints by DCCSDS.

Question 17: What are the most effective aspects of community visitors' functions in monitoring the safety of children in out-of-home care?

Question 18: How could the community visitor program be enhanced to improve the safety of children in out-of-home care?

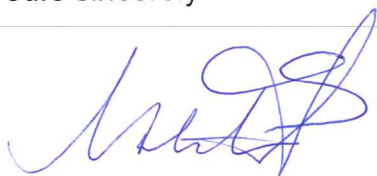
The need to consider unannounced visiting capability for the Community Visitor Program in relation to Children and Young People:

The number of visits to children that are unable to be executed, due to lack of cooperation by foster carers, reduces a Community Visitor's ability to fulfil their role in developing a trusting and supportive relationship with children in out-of-home care, confirm their placement needs are met and help them address any concerns or needs they identify. Feedback from Young Consultants at CREATE indicates that unannounced visits to children in foster care would assist in identifying issues at a visitable home. A great deal of time is spent by Community Visitors simply negotiating access to the site or visitation of the child or young person. A critical aspect of this is ensuring foster carers are aware of the program as part of their qualification, so that proper access and oversight is enabled.

Moreover, critical consideration should be given to broadening the powers of the Community Visitor Program, to specifically include unannounced visits to foster care placements and the power of entry in certain circumstances. Any powers would need to balance the safety of children, whilst giving consideration to the rights of foster families to private time.

I trust this information is of assistance. Should you have any queries, please don't hesitate to contact Ms Shayna Smith, Director of Policy and Reporting on 07 3225 8306.

Yours sincerely



Ms Natalie Siegel-Brown
Public Guardian
Office of the Public Guardian