

**To:** DCJ Child and Family Directorate

**Via email:** [FamilyPreservationSubmissions@dcj.nsw.gov.au](mailto:FamilyPreservationSubmissions@dcj.nsw.gov.au)

**Date:** 31 May 2024

## **Feedback from Family Inclusion Strategies in the Hunter Inc (FISH). Response to *Redesigning Family Preservation in NSW Discussion Paper, April 2024.***

Family Inclusion Strategies in the Hunter (FISH) is a parent and family led community organisation based in the Hunter Valley of NSW. We are led and staffed by parents and family with lived experience of the child protection system. The parents on our Management Committee and our peer support and advocacy team have experienced child removal, restoration, and other child protection processes. We bring this lived experience expertise to our response to this submission and to all the work we do.

FISH was established in 2014 and formally incorporated in 2016. We are a registered charity and provide a range of services in our community including individual peer support and advocacy, support groups and workshops, workforce development, research, systems advocacy and more. We promote greater family inclusion in child protection processes and the lives of children in care. We are a children's rights organisation, driven by the needs of children and their right to family, community, and culture.

FISH is advocating that peer parent and family support and advocacy be integrated into the child protection system at all stages, including prevention. We have not responded to the discussion paper questions as such. Instead, we have written an overall response based on our proposed solutions.

For more information about FISH, including the peer parent and family advocacy services we currently provide, please visit our website at [www.finclusionh.org](http://www.finclusionh.org) where you will also find this submission. To discuss this submission please contact Tammy Prince-Doyle, FISH President, at [contact@finclusionh.org](mailto:contact@finclusionh.org).

### **The discussion paper as it is written does not describe a redesign of family preservation.**

This paper is essentially proposing that we shift the deck chairs around on the Titanic. It describes a continuation and reinforcement of the current system via a commissioning process. It embeds and strengthens the central role of DCJ and mandatory reporters as the gatekeeper to services. It continues to largely prescribe the nature of those services. It does not require or enable family participation in processes. It continues the non-evidence-based focus on parental deficits and familial capacity to change when we know harm to children is caused by an array of familial, social, and economic factors. It shuts down the potential for families to seek and tailor their own support and sidelines family and community as the main protectors of children. It relies on failing structures such as mandatory reporting and procedurally driven collaboration between agencies and practitioners, many of whom will have never met the family. We also note that there is limited linkage between the "what we heard" paper and this discussion paper.

A redesign is urgently needed, and it requires participation by families. FISH suggests that the next step is not commissioning more of the same. Participation by families is needed to

genuinely learn from our experiences and together design services that respond to the needs and experiences of our children.

### **Principles of Family Preservation.**

FISH supports a principled approach. We would suggest different principles be selected by and with children and families. The principles as described are contradicted by the current and proposed service system. While some of the principles have merit, there are others that make more sense in this context and would have more impact. Some of the principles are inappropriate and lack an evidence base. For example, *directive* services are unlikely to be effective and imply a punitive approach. We have listed some possible alternative principles below:

- Family Inclusion and Family Led
- Child and Family Focused
- Trauma Informed
- Ecologically Oriented
- Strengths Based
- Accountable to Families and Community
- Just

We recommend these as a starting point for consideration with and by families. Above all, the principles of family preservation need to frame families as the solution and facilitate family participation.

### **We need to decentre /decouple the role of DCJ and mandatory reporters from family preservation.**

The paper describes the family preservation system as not part of the child protection system. This is not borne out by the experiences of families who can only access services when allowed or referred by DCJ, are subject to assessments before this can be considered and remain under the gaze of DCJ and mandatory reporters throughout engagement with family preservation services. The family preservation system, both currently and as described in the discussion paper, is firmly embedded in the statutory child protection system. This is not subtle or nuanced. It is clearly the case.

It is vital that this changes. Fear and mistrust are never good places to start. The role of DCJ and mandatory reporters needs to be decentred and decoupled from family preservation. Access to needed services needs to be reframed as a right with families and children exercising control over the nature of those services.

### **Integrating restoration and prevention services.**

Families experiencing restoration have similar needs and challenges to families who fear the removal of their children. Restoration and family preservation are closely linked – many families who experience child removal go on to have more children who are at high risk of removal. When families experience removal they experience a reduction in support, often leading to homelessness, poverty, and a reduced chance of restoration. By ensuring services are integrated and continue after removal and post restoration we will see better outcomes.

We propose, for both family preservation and restoration, that families are offered wraparound services, tailored to their need, in plans and goals developed by them that are sustained over time for as long as families need them. An escalation in need or ongoing need is not a sign the family is failing, and the provision of ongoing services is almost always

better than out-of-home care. Supports need to be accompanied by peer parent and family advocacy, to drive family participation and accountability to families.

### **Peer Parent and Family Advocacy: an essential ingredient in family preservation.**

Advocacy is increasingly being called for in the sector, especially in relation to First Nations families.<sup>1</sup> Advocacy, including peer advocacy, helps families interact positively with workers, challenges power imbalances, aids productive engagement with legal representation and helps families participate. Peer advocacy has an evidence base in prevention and restoration<sup>2</sup> and has already been successfully trialed in Australia by FISH, Life Without Barriers and the University of Newcastle.<sup>3</sup> FISH now continues to independently deliver peer parent and family advocacy in the Hunter Valley, and we are aware of other emerging initiatives around Australia.

### **What is peer parent and family advocacy?**

Peer advocates are parents and family members with lived experience of child protection intervention. They support and advocate for parents and family who are currently experiencing this intervention. Peer advocates drive equitable and child and family focused practice. Through role modelling and their lived experience, they become credible messengers to and for parents and family. They provide valuable insight to child protection workers in government and non-government settings, who rarely share the life experience of the families they work with.

Peer advocates have a unique understanding of the confusion, anger, grief, disorientation, and distress that parents experience through child protection intervention. They can quickly connect with families and provide information, advocacy, and hope at critical times when families fear and distrust statutory services. For many families, their motivation to engage in services is driven by an urgent need to escape the gaze of statutory authorities. This is understandable due to the devastation caused by child removal and the current and historical reality of the nature of statutory services. Timely intervention from a peer advocate can reduce fear and anxiety. It can enable families to think more clearly about their circumstances, set goals and move to plan collaboratively. Peer advocacy also challenges risk averse and negative thinking in staff, reducing fear and anxiety in staff and enabling better practice. This connection is depicted in Figure One, showing how peer advocates bring people together to collaborate in the interests of children.

Peer advocacy can be readily integrated in family preservation and prevention. While it plays a role in engagement it must not be limited to engagement (as potentially flagged in the discussion paper). Access to trusted peers who can advocate for and walk alongside families is an important feature of all phases of work in restoration and family preservation. The *advocacy* role of peer advocacy is crucial, and this is required throughout all child protection processes.

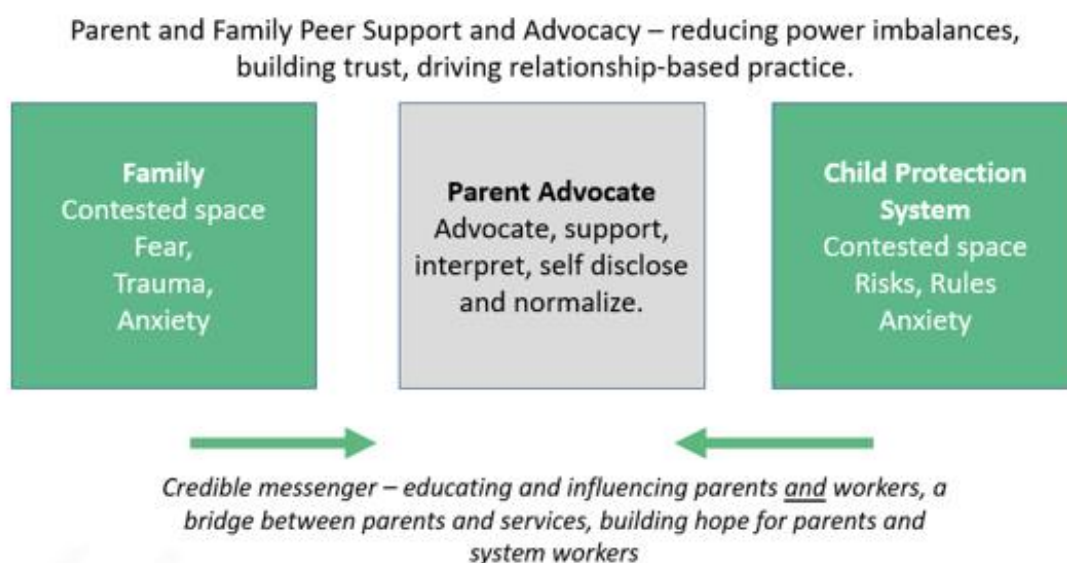
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<sup>1</sup> Absec, 2020; Davis, 2019.

<sup>2</sup> For example, Chambers, et al., 2019; Sankaran, 2021; Gerber, et al., 2019

<sup>3</sup>. Our report, *From Little Things Big Things are Coming...*, describes implementation of the Parent Peer Support Project. It also provides a summary of other peer initiatives emerging around Australia. The report is available at our website at <https://finclusionh.org/our-documents/>

Figure One: Peer Parent and Family Advocacy: driving better relationships in family preservation.



Integrating peer advocacy will:

- Provide hope and encouragement to families and staff. Peer advocates are living proof of the strength and capability of families. They challenge negative and one-dimensional discourses about families by their very existence.
- Advocate for case plans that are targeted to the problems families face. They challenge the sole focus on family change and call out the social conditions that also need to be addressed.
- Connect families to one another through group programs and peer networks.
- Actively improve relationships between child protection workers and families which is key to family preservation and restoration.
- Challenge the stigma and shame attached to child protection system involvement.
- Shift expenditure to where it is needed: prevention and restoration.

Peer advocacy emerged in the US where it has a strong evidence base. It is now developing globally, including in Australia<sup>4</sup>. Peer advocacy occurs at individual, group, community, and systems levels. Peer advocacy at all levels is vital in a redesigned child protection system, including and especially in family preservation. A summary of how peer advocacy helps and where it is provided is in Table 1. Figure 2 provides a summary of our conceptualisation of how peer advocacy needs to exist in NSW. FISH is currently doing working at all these levels in NSW and stands ready to expand and support expansion throughout the state.

<sup>4</sup> Cocks J, (2020). "Peer Parent and Family Advocacy in Child Protection: a pathway to better outcomes for kids" in Yarnold, J., Hussey, K., Guster, K. & Davey, A. (Eds). *Policy Futures, A Reform Agenda*, University of Queensland and Winston Churchill Memorial Trust; Tobis, D., Bilson, A. & Katugampala, I. (2020). *International review of parent advocacy in child welfare: Strengthening children's care and protection through parent participation*. Better Care Network and International Parent Advocacy Network.

Table 1 – Examples of how peer advocacy helps and where it can happen.

Where in the system (examples)	Examples of how peer advocacy helps	Examples of the evidence base
<b>Legal services</b>	Improves instructions to lawyers, emotional support, ensures case plans are targeted to family needs, coaching, helps parents navigate the system, improves relationships with workers.	Restoration and prevention <sup>5</sup> .
<b>Integrated into child protection and NGO teams</b>	Emotional support, ensures case plans are targeted to family needs, coaching, helps parents navigate the system, improves relationships with workers.	Restoration, family participation, relationships with workers, prevention. <sup>6</sup>
<b>Group processes</b>	Connection to other parents, access to information and education, coaching, emotional support.	Prevention, restoration, participation <sup>7</sup> .
<b>Family group Conferencing and other meeting processes</b>	Emotional support, coaching, helps parents navigate the system, and improves quality of safety and case planning.	Participation and prevention <sup>8</sup> .

FISH is currently providing individual and group advocacy in the Hunter Valley in the form of phone support, court support and our restoration workshops. Family preservation workshops, developed and delivered by parents and family, with parents and family, hold enormous potential in NSW and are urgently needed.

*She's a mum, just like myself, she has experienced some of the same life experiences I have. She made me feel very comfortable and very supported, in the sense that she has been there and done that, and experienced the same things that I was going through at that time... So, she's been absolutely fantastic, just letting me know I don't have to go through this stuff alone and that I do have support from other mums who are going through what I'm going through.* Parent user of FISH.

Peer advocacy properly implemented is there for families and does not play a role in surveillance, assessment or evidence gathering. This creates space for families to navigate complicated and power laden relationships and overcome fear and distrust.

*[A mum] had some trouble a while back and she had to tell her caseworker what had happened, but because I helped her word it and said to her, 'be honest', 'be upfront', like, 'tell her what's happened before they find out'... Two years ago, I would have said, 'oh, don't tell them, don't tell them'. But now, no, you've got to tell them. And, like, she's changed everything about how she approached them.*

FISH peer worker

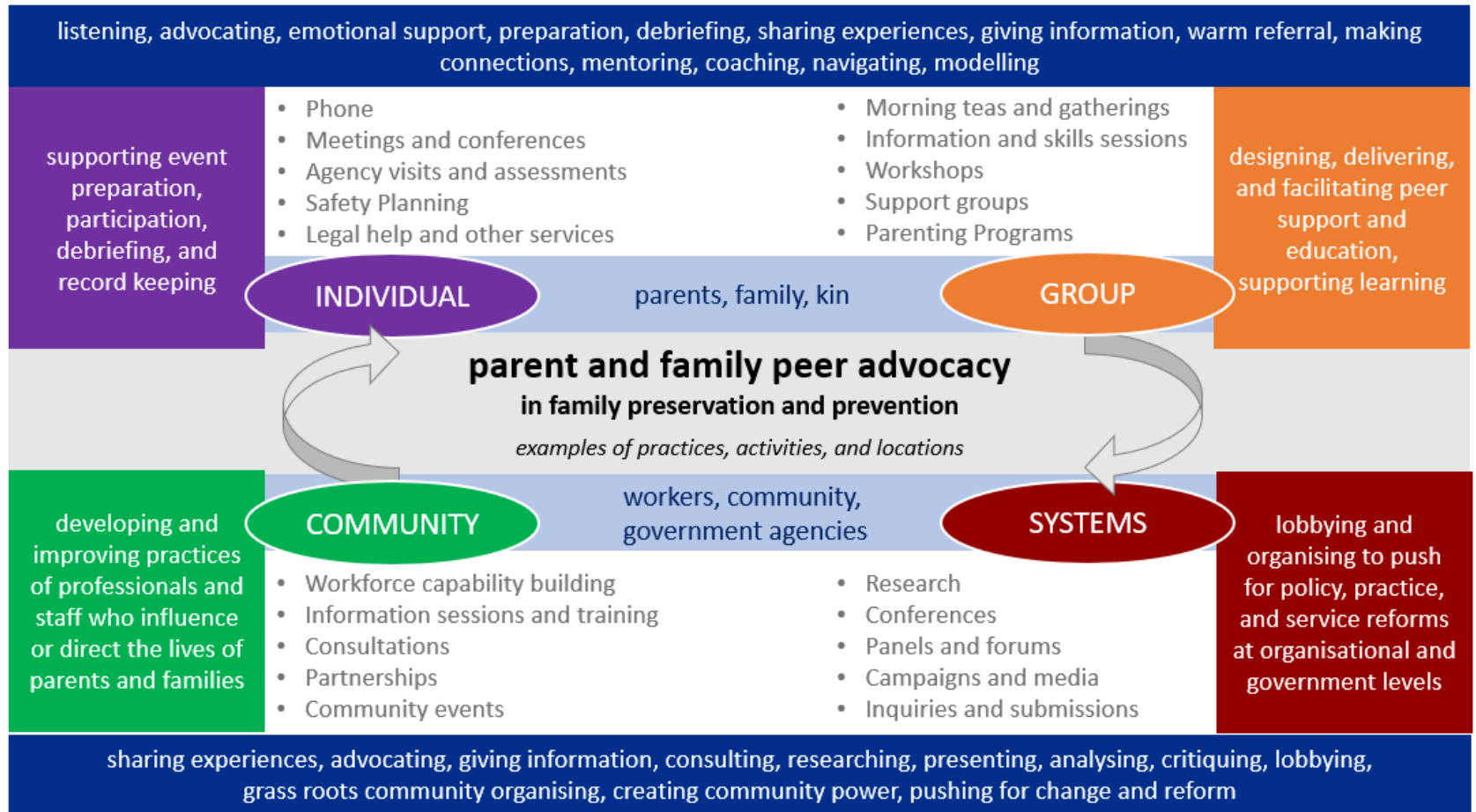
<sup>5</sup> Gerber, L., Pang, Y., Ross, T., Guggenheim, M., Pecora, P. & Miller, J. (2019). Effects of an interdisciplinary approach to parental representation in child welfare. *Children and Youth Services Review*, 102, 42 – 55. University of Michigan (2013) *Detroit Center for Family Advocacy Pilot Evaluation Report: 7/2009-6/2012*, University of Michigan Law School

<sup>6</sup> Chambers J M, Lint S, Thompson MG, Carlson MW and Graef MI (2019) 'Outcomes of the Iowa parent partner program evaluation: Stability of reunification and re-entry into foster care', *Children and Youth Services Review*, 104.

<sup>7</sup> Polinsky ML, Pion-Berlin L, Williams S, Long T and Wolf AM (2010) 'Preventing child abuse and neglect: a national evaluation of parents anonymous groups', *Child Welfare*, 89(6):43–62.

<sup>8</sup> Lalayants M, Wyka K and Saitadze I (2021) 'Outcomes of the parent advocacy initiative in child safety conferences: placement and repeat maltreatment', *Children and Youth Services Review*, 130:106241, doi: 10.1016/j.childyouth.2021.106241

Figure 2 – our conceptualisation of how peer advocacy can play a role in family preservation.<sup>9</sup>



<sup>9</sup> This diagram was developed by Lou Johnston on behalf of Family Inclusion Strategies in the Hunter and has been adapted for this submission. It is © Family Inclusion Strategies in the Hunter Inc and can only be reproduced with permission.



## **Using the best available evidence – integrating legal services into family preservation.**

Families experiencing adversity benefit from early legal help as a preventative measure. There is strong evidence that integrating legal services into health and welfare services improves health and welfare outcomes. For example, integrating legal help into maternity services can reduce newborn reports and removals<sup>10</sup>

This is not just about properly informing and advising families about the child protection system. Families need legal help in a range of settings and ways that will reduce risk of child removal and keep families together. For example, tenancy issues, debt issues, family law and family violence. Legal services are evidence based in prevention and restoration and vastly under utilised in Australia.

When legal services are combined with peer advocacy as part of a multi-disciplinary team the benefits are huge. Legal services combined with peer advocacy address the underlying causes of child removal and it is time to learn from the evidence and integrate them systematically into family preservation. FISH is well placed to drive the development of multi-disciplinary legal services in NSW in partnership with legal services. We have already partnered with legal services providers and currently partner with the NSW Children's Court in the delivery of court support.

## **Addressing underlying causes.**

The discussion paper makes no mention of underlying causes. Instead, it focuses on how decision makers (embedded in the statutory system) will determine a family's readiness to change using questionable and poorly understood evidence in this context such as the stages of change model. Prescriptive programs to be continued in family preservation don't have the consistent evidence base that is often claimed for them<sup>11</sup> and don't address underlying causes. This is especially the case for Aboriginal and Torres Strait Islander children and families. There is ample evidence that families interacting with the child protection system are almost always facing intersecting social, familial, and economic issues including inadequate housing, inadequate transport, poverty, gendered violence, and little or no access to suitable services<sup>12</sup>.

## **Families have the solutions and need to lead redesign.**

In this submission we have proposed new and innovative approaches, such as peer parent and family advocacy and multi-disciplinary legal services to keep families together AND to ensure timely and safe restoration. FISH calls on DCJ to partner with us and others, especially others with lived experience, to genuinely redesign family preservation and restoration services in NSW, integrating these and other initiatives.

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<sup>10</sup> Chia, J (2023). *Health Justice Partnership as early support for children and their families*, Health Justice Australia, Sydney.

<sup>11</sup> See for example:

[https://www.campbellcollaboration.org/media/k2/attachments/0547\\_SWCG\\_Littell\\_Multisystemic\\_therapy\\_for\\_youth\\_PLS\\_EN.pdf](https://www.campbellcollaboration.org/media/k2/attachments/0547_SWCG_Littell_Multisystemic_therapy_for_youth_PLS_EN.pdf)

<sup>12</sup> For a useful summary of the evidence of underlying causes see this [research report](#), in which FISH collaborated.