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Your submission for this review:

Childrens cultural care needs are inconsistently considered for children from culturally and linguistically diverse family backgrounds 1. The CALD package is paid once, at the time of entry in care, while a cultural resource is allocated to a First Nations child at a higher rate and paid annually. 2. If transferred from one agency to another, there is no further payments. This means, to do an adequate job of cultural care planning and implementation, subsequent agencies receive no compensation for associated costs. 3. There are also no additional funds linked to cultural care considerations for a child where there is a case review as a result of a placement change. 4. The current assumption infers childrens cultural connections are established and maintained at one point in time (i.e. when a child enters care) and that ongoing cultural maintenance is cost neutral for children from culturally and linguistically diverse backgrounds but not First Nations children. 5. The formulae does not include costs associated with updating data on cultural inaccuracies which is not uncommon. Our own research has identified that this is not an uncommon occurrence. In these instances, it is incumbent on caseworkers to investigate childrens cultural connections, a time intensive process for which additional costs need to be considered. 6. The current approach categorises children under the CALD term which contributes to inaccuracies. The label implies a false homogeneity. It does not assist to identify cultural profile elements that can enhance cultural connections. Alternative approaches ie the S.E.L.F cultural framework includes data on Settlement Ethnicity, Language and Faith. 7. The current CALD package infers resource allocation to recruit foster carers. It is important to note also that this recruitment assumption is not made explicit in the cultural resources allocated for First Nations children.

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Review of Out of Home Care Cost and pricing

Thank you for the opportunity to comment on the review of the Out of home Care (OOHC) cost and pricing associated with the NSW OOHC Permanency Support Program.

Background

Our submission draws on research undertaken supported through an Australian Research Linkage (ARC) project which brings together three key Australian Universities – University of Western Sydney, Sydney University, Macquarie University and eight research partner agencies all delivering PSP in NSW. The providers are - Settlement Services International, Key Assets, Wesley Mission, Anglicare, McKillop, Oz Child, Challenge Community Services and Barnardos Australia. These agencies have collectively identified the pressing need for high quality research that will guide policy and practice within their own organisations and the Out of Home Care (OOHC) sector more broadly.

A positive sense of cultural identity is critical to wellbeing, yet children from culturally and linguistically diverse backgrounds often lose their cultural identities and connections during their placement in OOHC. There is currently little evidence to guide out-of-home care agencies to support a culturally meaningful care placement for children from non-Indigenous culturally and linguistically diverse backgrounds.

Our research team has reviewed existing policies and gaps and collected data from carers, children, birth family members as well as practitioners and Managers working with and caring for children from diverse cultural heritages. The findings to date are showcasing pockets of promising practices. Research data has also been collected from carers caring for children and young people from culturally and linguistically diverse backgrounds, children and young people and birth family members. Once research data has been analysed we are moving to build an exemplary model of promoting cultural connections in out-of-home-care, scheduled to be trialled by provider agencies later in 2024.

The overarching objectives of our study are five-fold:

- To conduct foundational research that seeks to understand and document current strategies across Australia, reflecting on OOHC practices and policies, through the eyes of children, carers, and birth families.
- To explore the barriers for culturally diverse members of the general population to becoming foster carers, in order to inform the development of strategies to expand the pool of available foster carers and increase opportunities to match culturally diverse children with culturally similar carers.

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- To develop an exemplary model of cultural care for children in OOHC, including evidence-based programs and practices, and to manualise the model to support high quality implementation across Australia.
- To examine the implementation feasibility of the new practice model across three different sites, giving focus to the elements of implementation: need, fit, resources, readiness and capacity.
- To involve key stakeholders in all aspects of this research, including the often-silenced voices of young children and birth family members.

The United Nations Conventions on the Rights of the Child, and associated Australian legislation, regulations and commissioning contract reference the right of children to be connected to their culture. However, OOHC policy and practices consistently default to referencing First Nations children with funding formulas determined on the basis of generalised mistaken assumptions and omitting considerations of significant levers which influence resource demands and service delivery. In its current form, the funding formulae treats culture, cultural connections, and children from non-Indigenous diverse cultural heritages living in this country, differently and indiscriminately. In particular, this includes children from African, Asian, Middle-eastern and Pacific Islander family backgrounds, who now call Australia home. They are the focus of our ARC research study.

Across Australia, jurisdictions have committed to policies designed to ensure children who cannot be restored to birth families are placed with ‘permanent’ families, through mechanisms like long-term foster care, guardianship and adoption. This policy is underpinned by research that demonstrates the immediate and long-term developmental benefits of stable, secure care and living arrangements and relationships in childhood. Our submission is intended to identify key considerations in cost and pricing that impact upon children’s experiences in care, connections to their culture and options for permanency.

Submission

Children’s cultural care needs are inconsistently considered for children from culturally and linguistically diverse family backgrounds

The NSW legislation, policy and regulations require service providers to address children’s right to cultural connections. However, the current PSP Packages: Eligibility, Rules and inclusions pricing approach¹ directly focuses on First Nations

¹ NSW Department of Community and Justice Permanency Support Program (PSP) packages: Eligibility Rules and Inclusions, Foster Care, Supported Independent Living, Interim Care and Intensive Therapeutic

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children, with only an unequal investment in the cultural support needs of children from diverse cultural and linguistic heritages, as evidenced below. In the case of these children:

1. They would be entitled to a 'CALD package' only once, at the time of entry in care, while a cultural resource is allocated to a First Nations child at a higher rate and paid annually.
2. If transferred from one agency to another, and the first agency had already received the 'CALD package' at the point of entry, the second agency is not entitled to this package, even if the new placement is different by way of carer placement (related or non-related and/or culturally matched). This means, to do an adequate job of cultural care planning and implementation, agencies receive no compensation for associated costs.
3. There are also no additional funds linked to cultural care considerations for a child where there is a case review as a result of a placement change. The current policy requires that in all circumstances should a child's placement change – between agencies or within an agency moving a child between carers - the cultural care plan needs to be re-revisited and updated. The case review needs to consider:
 - What services will need to assist the child readjust to the loss of care and cultural connections,
 - What services may be useful to develop the carer's cultural knowledge and their culturally responsiveness, and
 - What services may be needed to reconnect and/or maintain the child's cultural connections and relations to ensure their right to cultural connections is respected.
 - Whether a Family Group Conference (FGC), bringing family and community members together to contribute to decision-making and care, is required and, if so, what resourcing, interpreters or planning and engagement activities are required to engage with family members and enhance the potential FGC outcomes and in turn the child's permanency and wellbeing.
4. The current assumption infers children's cultural connections are established and maintained at one point in time (i.e. when a child enters care) and that ongoing cultural maintenance is cost neutral for children from culturally and linguistically diverse backgrounds but not First Nations children.
5. The current PSP formulae also does not include costs associated with updating data on cultural inaccuracies which is not uncommon for children coming into

Carehttps://dcj.nsw.gov.au/documents/service-providers/out-of-home-care-and-permanency-support-program/contracts-funding-and-packages/PSP_Packages_Eligibility_and_Inclusions_FC_ITC.pdf

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care under challenging circumstances. Data collected at a time of crisis, typically through the child protection system, when not revisited and confirmed, can lead to inaccurate or limited cultural information that restricts how children in OOHC placements are supported to maintain cultural connections as part of the permanency process. Our own research has identified that this is not an uncommon occurrence. In these instances, it is incumbent on caseworkers to investigate children's cultural connections, a time and resource intensive process for which additional costs need to be considered.

6. The current approach to categorising children under a broad umbrella term such as "CALD" contributes to inaccuracies. The CALD label can imply a false homogeneity amongst those to whom it is applied. It does not assist to identify cultural profile elements that can enhance cultural connections. Alternative approaches to cultural connection data using the S.E.L.F cultural framework for instance, includes data on Settlement (migrant or refugee), Ethnicity, Language and Faith. This framework can improve understanding, respect and responsiveness to children from non-Indigenous diverse cultural heritages placed in OOHC. Greater attention to culture will require upskilling the PSP workforce in practice frameworks such as the S.E.L.F cultural framework.
7. The current PSP cultural assumption notes that the current 'CALD package' resource allocation is used to resource service providers to recruit foster carers. This assumption is limited in its consideration of recruitment approaches only. It does not cost activities associated with cultural maintenance and clearly differentiates the cultural care needs for children from diverse cultural heritages who are not First Nations Children. It is important to note also that this recruitment assumption is not made explicit in the cultural resources allocated for First Nations children.
8. Significant cultural outcomes work is influenced by the approach to cultural responsiveness, building cultural awareness, respect, knowledge and cultural humility to improve approaches to engaging, understanding and working with families from culturally different backgrounds. There is also no funding allocated to professional development to explore these core professional practices for professionals or for carers involved in OOHC services.
9. The one-off funding approach does not consider the importance of the cultural plans as being living documents guiding approaches to engaging with children, their families, their communities and managing the conversations and relationships required to rebuild family and cultural connections over time. One-off resourcing discounts the ongoing approach necessary to implementing cultural maintenance activities and nurturing children's sense of connections, identify and belonging from a long-term perspective.

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10. The current formulae lack consideration of the milestones, developmental needs and ages which vary for children across their developmental years. Depending on their developmental stage, children require different cultural information and changes in the level or depth of information they can process. A one-off payment does not acknowledge the necessity to adjust to the evolving developmental changes and/or potential family circumstances of each child.
11. Recruitment activities are broader than individual childcare packages and require clear messages on fostering that considers sector wide resourcing and more specific attention to messaging and resourcing that considers cultural diversity through the following:
 - Ethnically diverse communities have different experiences, beliefs, attitudes and knowledge of child protection, and how fostering is understood and experienced in their culture. Cultural advocacy and messaging for children from diverse cultural heritages needs to include consultations with ethnic community leaders. In many instances, as was observed when enforcing COVID-19 restrictions, messages need to be shared and agreed and repeated in English and in language with community leaders.
 - The importance of better understanding diverse family values and approaches to raising children, family roles and connection to extended community members and cultural conduits.
 - The importance of building credibility and engagement with community members through collaborative partnerships with cultural experts and community leaders as well as PSP providers /DCJ representatives. Building these relationships requires intention and time.

Proposed considerations

1. Equal provision of funding and resources for cultural connections for both First Nations and children from other culturally diverse family backgrounds.
2. Restructure the approaches to data collection by identifying children's cultural profiles using data collection fields derived from the S.E.L.F cultural framework.
3. Improve service providers accountabilities by requesting evidence of:
 - Annual professional development and training that enhances cultural responsiveness for OOH professional and carers
 - Practice evidence of culturally responsive connections for children which includes, at a minimum, ongoing cultural connections with at least one aspect of a child's culture as well as the feedback of children, families and/or carers on the cultural experience
 - Evidence of collaboration with cultural community partners.

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Other PSP challenges

1. High volume of administrative and gatekeeping activities

- Touchpoints for decision making are unclear as to value add, duplication and cost.
- The processes are inconsistent across Districts and within Districts as a result of different staff interpreting procedures differently.
- Heavy reliance on gatekeeping and overseeing budget approval and acquittals is time consuming and resource intensive expertise.
- Data inaccuracies related to manual activity and inconsistent use of Child Story systems.
- Impact on delays linked to acquittal processes, contributing to organisational financial restrictions.
- Delays in WWCC and National Police Check completions related to jurisdictional administrative differences.

Proposed reform

- Streamline and clarify reporting data (what, time frames, value add) between the District to Head Office outlining direct roles and decision-making roles.
- Establishment of a national system for WWCC and NPS guidelines.

2. Cost of insurance for NGOs

Review additional costs accumulated through Insurance changes associated over time with Institutional abuse inquiries.

Proposed reform:

- Revise costs of insurance to funding formulae for each provider, or government to resume insurance for children in care, clarifying service care accountabilities and reporting. This could take the form of a National Agreement with cost-sharing between the federal and states/territories.

3. Children's assessed care needs

There is limited consideration of children's changing care needs, often linked to developmental issues, trauma history, developmental needs, family structure (blended families, large sibling groups), placement changes, other loss and grief issues associated with eco-system changes as well as culture, faith and language issues.

The wraparound responsibilities of education and health to compliment service providers significantly varies across Districts and has a direct impact on children's care needs.

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The case management responsibilities are broad and complex referring to processes with limited accountability to timeliness and resolution processes when issues are identified.

Proposed reform

- Clarify assumptions within current care needs formulae and communicate expectations to PSP providers encouraging feedback.
- Clarify resolution process when issues present restrict case management procedure implementation.

Final comments

The Department of Community *Pathways of Care Longitudinal Study, Report 20*, focused on children from non-Indigenous culturally diverse family heritages, in out-of-home care.

The Department's data on these children is incomplete/inaccurate and inconsistently maintained. The collection of this data is not a mandatory requirement for practitioners and as such is not consistently recorded.

The Department's *Pathways of Care Longitudinal Study, Report 20*, note significant differences by cultural background in terms of child demographics, child protection history and placement characteristics, including:

- **Age at entry.** Almost 40% of children from a CALD background entered OOHC between 0–35 months old, compared to 44% of Aboriginal children and 37% of other Australian children.
- **DCJ districts.** Almost one in three (28%) children from the South Western Sydney district were from a CALD background.
- **Risk of Significant Harm (ROSH) reports prior to entry into OOHC.** A greater proportion of children from a culturally and linguistically diverse background had fewer ROSH reports compared to Aboriginal and other Australian children.
- **ROSH reports involving parental drug/alcohol abuse, mental health and domestic violence issues.** A smaller proportion of children from a culturally and linguistically diverse background had ROSH reports involving parental drug/alcohol and domestic violence issues compared to Aboriginal and other Australian children. A slightly higher proportion of children from a culturally

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and linguistically diverse background had ROSH reports for parental mental health difficulties compared to Aboriginal children.

- **ROSH reports involving neglect, physical and sexual abuse.** A smaller proportion of children from a culturally and linguistically diverse background had ROSH reports involving sexual abuse and neglect compared to the other two groups of children. For children from a culturally and linguistically diverse background the predominant reason for ROSH reports was physical abuse, but this was not statistically significantly different to Aboriginal and Other Australian children.
- **Predominant type of placement.** A greater proportion of children from a culturally and linguistically diverse background experienced foster care as predominant type of placement during their first care period compared to Aboriginal and Other Australian children.
- **Placement changes.** A larger proportion of children from a culturally and linguistically diverse background had two or three distinct placements compared to Aboriginal and Other Australian children. Distinct placements exclude non-permanent placements (such as respite and emergency) of less than seven days as well as a return to a previous carer.
- **Exits from OOHC before 18 years.** Of those children who had left OOHC before their 18th birthday, the rate of re-entry to OOHC was lower for children from a culturally and linguistically diverse background compared to Aboriginal and Other Australian children.
- **Restoration.** children from a culturally and linguistically diverse background were more likely to be restored than Aboriginal and Other Australian children.

Policy and practice considerations offered included:

Early intervention and prevention strategies to support families

- To reduce the numbers of children entering OOHC, culturally appropriate early intervention and prevention services could connect families with services and supports including pre-natal care, parenting programs, support networks, and early intervention and prevention programs to support family preservation.
- An emphasis on culturally sensitive campaigns and engagement initiatives to educate parents in migrant and refugee communities on the stages of childhood development, what a child needs to thrive at each stage of development, and what is needed for child protection.
- Early intervention and family preservation services should ensure that interventions are culturally responsive. Culturally responsive interventions require well-trained staff and supervision in recognition of the complexity of

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the work, and cultural background matching of workers to at-risk families with relevant language skills and cultural knowledge. It is noteworthy that in NSW, early intervention services develop strategies, in partnership with community organisations and leaders from ethnically diverse backgrounds, to actively build a diverse caseworker workforce, reflective of the diversity of culture, faith and languages present in local communities.

- Engage culturally relevant specialist services (e.g. accredited/qualified language specific) as needed for at-risk families by monitoring cultural diversity in communities to ensure services are targeted, responsive and appropriate. For example, it is important that early intervention services allocate resources to engage and use interpreter services to address language barriers for families and that they engage with relevant ethnic community organisations.

OOHC and cultural care plans

- Care plans in OOHC emphasise the importance of engagement and connections with children and their birth families. High-quality care planning for children from culturally diverse heritages requires adequate timeframes to allow for permanency planning and appropriate consultation with the child's extended family/kin.
- To support culturally responsive care to children from a culturally and linguistically diverse background, cultural plans should include regular monitoring of cultural practices and activities (e.g. language, attendance at cultural events) to preserve the child's cultural identity and maintain lifelong connections to their ethnic community and family. Specialist cultural consultants or evidence-based checklists/ measures/benchmarks should be developed and considered to assist with the implementation of effective cultural care planning.
- Strategies to engage family/kin of children in OOHC to assist in identifying relationships to foster lifelong connections and permanency (e.g. culturally sensitive Family Group Conferencing and the Family Finding models) should be used across DCJ and non-government organisation (NGO) OOHC service providers. Finding family connections should have a wide scope and include, but not be limited to grandparents, aunts/uncles, siblings, cousins, kinship structures and child-rearing responsibilities beyond the immediate family group.

Establishing placements and training for carers

- Promote placement with siblings and relationships with siblings the child is not living with. Children from First Nations backgrounds are more likely to be

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placed with siblings, but children from a culturally and linguistically diverse background are less likely to have contact with their siblings.

- Consideration should be made to engage/recruit carers from a diverse range of ethnic backgrounds, which will create opportunities for optimal placements for children from a culturally and linguistically diverse background as well as building diversity in cultural backgrounds of all OOHC carers. This requires active and sustained collaboration with ethnically diverse communities, their leaders, community organisations and OOHC service providers.
- Provide carers with accurate information, cultural competency training and support regarding the child's family, culture and heritage, and link key members of their community to assist OOHC carers in appropriately supporting the child's connection to culture especially in situations where the carers and child are not culturally matched.
- Carer training should include the perspectives of carers from ethnically diverse backgrounds and communities.

Training and development for caseworkers

- Ensure there is an adequate number of culturally trained caseworkers or workers with a relevant ethnic background and language skills, to work with children and families from a culturally and linguistically diverse background. This will ensure these children and their families receive support from caseworkers with a strong cultural knowledge, and where possible culturally relevant language skills, to improve the working relationship between caseworkers and families, and families and children, to achieve permanency goals.
- OOHC service providers, both DCJ and NGOs, recruit caseworkers from culturally diverse backgrounds with consideration of their competency to support cultural permanency – for children from diverse ethnic heritages, it is about maintaining an ongoing connection to their family and community, cultural practices, language, religion, ancestry and migration stories (Permanency Support Program Learning Hub, 4/1/2020).
- Strengthening practitioners' shared knowledge of cultural elements in statutory care through regular group supervision and reflective practice – with workers from diverse ethnic backgrounds are included as experts in culture to develop caseworkers' capacity and capabilities to deliver and facilitate culturally responsive trauma-informed practice.

Improvement to administrative data collection and reporting

- Accurate identification and documentation of culturally diverse families, including the child's cultural background (specifying the birth mother and

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father's cultural background, using country of birth, main language(s) spoken at home), should be a mandatory data fields in DCJ data sets (and be able to be updated as new information comes to light) so that adequate resources and appropriate services and supports can be provided.

- Routine reporting of child protection data and cultural diversity in districts would facilitate planning and business cases to ensure the right mix of culturally appropriate interventions are funded to effectively address the needs of culturally diverse communities.
- The Quality Assurance Framework (QAF) collects and provides regular information to caseworkers about each child in OOHC to support and inform their case planning. The QAF could be reviewed as more evidence is gathered to ensure the cultural permanency measures/questions are optimal.

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Research Teams

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