



14 February 2025

To Inquiry Secretary
 C/- Joint Sessional Committee Members
 Commission of Inquiry Recommendations
 Scrutiny Committee
 Parliament House,
 HOBART TAS 7000
 coir@parliament.tas.gov.au

Dear Joint Sessional Committee Members

RE: Foster and Kinship Carers Association of Tasmania ('FKAT') submission

Please find below our written submission in respect of the Tasmanian 'implementation of the Commission of Inquiry recommendations'.

By way of background, the most relevant recommendations from the Commission of Inquiry (COI) into Out-of-Home Care (OOHC) for the Foster and Kinship Association of Tasmania ("FKAT") to comment on, would be those related to carer support, recruitment, training, oversight, child safety, and advocacy. Key recommendations that directly impact FKAT and the foster/kinship carers we support are highlighted below.

Introduction

As you are aware, Children and Families operates within a legislative framework that includes the *State Service Act 2000* and the *Children, Young Persons and their Families Act 1997*. Children and Families also operates under the new *Child and Youth Safe Organisations Act 2023*, including the Child and Youth Safe Standards. Notwithstanding, "good policy making for child well-being also involves understanding and acting on the interdependencies of children's well-being to that of their parents and caregivers. The well-being of the most disadvantaged or vulnerable children is a key consideration given that these children's needs are often multiple and more complex and necessitate coordinated actions in different policy areas, and service systems (Riding et al., 2021 [6]¹; OECD, 2019 [2]²)".

¹ Riding, S. et al. (2021), "Looking beyond COVID-19: Strengthening family support services across the OECD", OECD Social, Employment and Migration Working Papers, No. 260, OECD Publishing, Paris, <https://doi.org/10.1787/86738ab2-en>.

² OECD (2019), *Changing the Odds for Vulnerable Children: Building Opportunities and Resilience*, OECD Publishing, Paris, <https://doi.org/10.1787/a2e8796c-en>.

Strategic Governance

Our first point we wish to open with is the strategic governance of the Department's OOHC , which is in relation to Recommendation – 9.2 (2)(b).

The Department of Education, Children and Youth Services (“Department”) appear to have no consistent governance framework which is contemporary and appropriate in relation to the OOHC sector. Notwithstanding, there are various levels of ‘governance’ across the Department with other areas such as their overall arching strategy.

It is our understanding as of December 2024, that there is no current strategic plan developed or implemented for the Out of Home Care (OOHC). If this is the case, then there is a major breach of governance by the Department who monitors and as oversight of the OOHC sector. Notwithstanding, best practice standards will be a challenge if there is no current strategy or strategic direction from the Department responsible for this sector.

There is not yet a strategic plan notwithstanding certain strategies are already being implemented, this is a governance concern and raises serious accountability and transparency issues. The fact that certain strategies are being implemented before a formal strategic plan has been finalised suggests: Decision-Making Without Clear Oversight – If initiatives are already underway, who approved them? Without a strategic plan, there is no clear accountability for how priorities are set, which raises concerns about transparency in decision-making.

1. A Risk of Inconsistent or Contradictory Policies – The introduction of several policies before a framework is finalised could result in contradictions between different initiatives, creating confusion for carers, service providers, and department staff.
2. Missed Opportunities for Sector Consultation – The lack of a fully developed strategy suggests that consultation with carers and providers may not have been comprehensive, leading to initiatives that do not fully address sector needs.
3. Financial Accountability Issues – If funding is being allocated to initiatives before a strategic plan is in place, there is no clear framework for evaluating whether spending aligns.

Key recommendations that directly impact FKAT and the foster/kinship carers we support.

Carer Support, Training & Registration

These recommendations focus on improving the experience, training, and support available for foster and kinship carers.

Recommendation 9.3 – Funding Agreements for OOHC Providers: Requires carer registration, monitoring, and accountability for non-government OOHC providers. Mandates quarterly reporting on compliance with standards (e.g., trauma-informed care, child safety).

Recommendation 9.12 – Foster and Kinship Carers Handbook: Calls for an updated, publicly available handbook with more information on mandatory reporting, child sexual abuse, and professional conduct for carers.

Recommendation 9.18 – Trauma-Informed, Therapeutic Care: Requires that all OOHC services (including foster and kinship care) provide trauma-informed care. Ensures children in care receive assessments for trauma symptoms and necessary therapy.

Recommendation 9.19 – Professional Conduct Policy for Carers: Calls for a separate policy on professional conduct for foster and kinship carers, ensuring clear expectations and guidance.

Recommendation 9.20 – Carer Register: Introduces a centralised register of all carers to ensure quality care and protective practices. Mandates training and background checks for all carers, with a process for annual carer reviews. Requires information-sharing mechanisms between the Carer Register and other child safety systems.

Recommendation 9.21 – Third-Party Guardianship Support: Ensures that carers who become third-party guardians continue to receive the same level of support as foster and kinship carers.

Carer Recruitment, Retention & Workforce Development

These recommendations address the sustainability and growth of the carer workforce.

Recommendation 9.10 – Workforce Strategy for Child and Family Welfare: Focuses on increasing the number of carers and reducing vacancies. Aims to improve staff conditions, wellbeing, and professional development.

Recommendation 9.22 – Tailoring Care for Individual Children: Ensures culturally appropriate support for children in care, including those from Aboriginal, culturally diverse, LGBTQIA+, and disability communities.

Advocacy, Complaints, and Oversight

These recommendations strengthen the rights of children and carers, ensuring their voices are heard and concerns addressed.

Recommendation 9.6 – Child and Young Person Participation: Establishes a permanent advisory group for children and young people in OOHC, allowing them to give feedback on the system.

Recommendation 9.31 – Complaints Process for Carers and Children: Introduces a formal, transparent complaints process for carers and children. Ensures complaints are centrally recorded and responded to within set timeframes.

Recommendation 9.33 – Independent Child Advocate: Establishes an independent advocate to support children and carers in navigating the OOHC system.

Recommendation 9.34 – Independent Community Visitor Scheme: Introduces independent community visitors to check on children in OOHC, including those in foster and kinship care. **Recommendation 9.35 – Ombudsman Complaints on Behalf of Children:** Grants the Child Advocate power to lodge complaints to the Ombudsman for children in OOHC.

Financial & Systemic Support for Carers

These recommendations address funding and government support for OOHC services.

Recommendation 9.1 – Increase OOHC Funding: Calls for additional government funding to improve OOHC services, including carer support.

Recommendation 9.4 – DECYP Restructure: Creates executive roles focused specifically on OOHC to improve oversight, funding, and support for carers.

Placement Stability & Matching

These recommendations ensure children are placed in the most suitable and stable environments.

Recommendation 9.25 – Placement Stability & Matching: Requires better placement matching guidelines to ensure appropriate carer-child placements. Supports placing siblings together when possible.

Recommendation 9.26 – Child Care Plans: Ensures care plans address specific risks like child sexual abuse, exploitation, and harmful sexual behaviours.

Based on our review of the “**Keeping Children Safe and Rebuilding Trust**” document and the “**Change for Children – Tasmania’s 10 Year Strategy**” consultation draft, here is an updated analysis of progress made on the Commission of Inquiry (COI) recommendations relevant to the Tasmanian cohort of foster and kinship carers.

Carer Support, Training & Registration

1. *Carer Register* (Rec 9.20)

The government has not yet established the register. It is noteworthy that we have not been consulted with as the Peak Body in Tasmania for Foster and Kinship Carers and significant time has passed. We appreciate that there is a time frame to develop and implement this Register within albeit it is not a difficult task and the time frame to complete, are the timeframe in our opinion is too generous under the circumstances. Please note we are unclear on who has set the documented time frames – is it the COI or Department? If it is the Department we request that time frames within the recommendations raised by us be revisited.

We understand that the government has begun a centralised register for employees terminated due to child sexual abuse allegations under Employment Direction 5. This may indicate progress toward a similar system for carers. However, no direct mention of a carer register implementation has been made. The Change for Children strategy does not confirm an OOHC Carer Register however, introduces an Independent Regulator to oversee child safety compliance, which may relate to future carer screening processes.

FKAT has been advocating to the government for over a decade to have a centralised system of carers for multifactorial reasons. FKAT has been lobbying to develop and coordinate a comprehensive Carers Register to ensure transparency, accountability, and consistency in the recruitment, screening, and ongoing support of foster and kinship carers. We are disappointed not only that we have not been included in any consultations to date on the development of the Carer Register, and the timeline for its implementation is too far into the future when this has been a live issue for the Department for over a decade.

2. *Trauma-Informed, Therapeutic Care* (Rec 9.18) –

The Keeping Children Safe report outlines mandatory trauma-informed training for state employees and investigators and mentions the Care2Thrive pilot program to provide better family-based care options. The Change for Children strategy prioritises trauma-informed approaches across multiple systems, including youth justice, child protection, and therapeutic responses to harmful sexual behaviours. However, it does not explicitly confirm that all foster and kinship carers are receiving formal trauma-informed training.

3. *Foster and Kinship Carers Handbook* (Rec 9.12) –

The government has committed to publishing policies publicly, including mandatory reporting and professional conduct policies for education settings. FKAT is working on updating this Handbook including professional conduct policies (we have been provided

with a draft form in November 2024). A final draft of the updated Handbook has been circulated to key stakeholders with the objective of having the Handbook updated and published by the end of April 2025.

4. *Professional Conduct Policy for Carers* (Rec 9.19) –

The government is developing a new professional conduct policy for education staff and child safety workers, but there is no specific mention of how this applies to foster and kinship carers at this stage.

The Change for Children strategy highlights strengthened professional conduct policies for government workers and community partners but does not confirm a specific policy for foster and kinship carers.

5. *Third-Party Guardianship Support* (Rec 9.21) –

No direct reference was found in either document regarding ongoing support for carers who transition to third-party guardianship.

Carer Recruitment, Retention & Workforce Development

6. *Workforce Strategy* (Rec 9.10) –

The Keeping Children Safe report mentions a workforce strategy³ focused on child safety services albeit does not explicitly mention strategies to recruit or retain more foster and kinship carers.

The Change for Children strategy acknowledges the need for recruitment, training, and retention strategies across the child safety workforce albeit does not explicitly mention targeted recruitment strategies for foster and kinship carers.

7. *Tailoring Care for Individual Children* (Rec 9.22) –

The Keeping Children Safe report ensures culturally appropriate support for children in care, including those from Aboriginal, culturally diverse, LGBTQIA+, and disability communities.

The Change for Children strategy highlights equity and inclusion for these groups and emphasises Aboriginal partnerships and cultural safety commitments, albeit specific plans for diverse placement matching remain unclear.

Advocacy, Complaints & Oversight

8. *Complaints Process for Carers & Children* (Rec 9.31) –

³ The actual Workforce Strategy specific to Services for Children and Families is still in design mode according to the Department's Children and Families Business Plan 2024 – 2026.

The government has committed to improving reporting mechanisms in education and health settings, including a new online system for raising child safety concerns, however, there are no specific reference is made to how complaints from foster and kinship carers are handled.

The Change for Children strategy outlines a strengthened complaints system across child safety services, albeit it is unclear if this specifically applies to OOHC carers.

9. *Independent Child Advocate* (Rec 9.33) –

The Keeping Children Safe report confirms the establishment of an Independent Child Sexual Abuse Reform Implementation Monitor, who will oversee all reforms and hold agencies accountable. However, there is no confirmation that an advocate specifically focused on OOHC has been appointed yet.

The Change for Children strategy confirms the establishment of a Child Advocate within the new Commission for Children and Young People, which may provide support for children in OOHC, but direct advocacy for carers is not mentioned.

10. *Independent Community Visitor Scheme* (Rec 9.34) –

The Keeping Children Safe report highlights enhanced oversight mechanisms, including a single Commission for Children and Young People and an Independent Regulator, albeit does not confirm whether regular visits to children in OOHC (foster or kinship care) are taking place yet.

The Change for Children strategy echoes this focus on oversight, however, does not confirm the implementation of a formal community visitor program for OOHC placements.

Financial & Systemic Support for Carers

11. *Increase OOHC Funding* (Rec 9.1) –

The government has allocated over \$55 million since the 2023-24 budget for child safeguarding reforms, but no explicit mention is made regarding additional funding for foster and kinship carer payments, resources, or recruitment incentives.

By way of background, FKAT had systematically advocated for increases to the carers allowance due to the increases with cost of living in Tasmania (especially electricity). A meeting was conducted with Dr Kathryn Campbell and independent consultant from Wise Lord and Ferguson (WLF), Mrs Jo Doyle 12 months ago. WLF Consultancy had worked with Children and Families on a contemporary financial model of support for family-based carers. We were advised at the time that the Department of Education, and Children and Young People were interested in hearing carers perspectives on the allowance and how this effects your capacity to provide for a child in care.

FKAT facilitated a group of carers to engage with WLF and departmental representatives to discuss this financial model of support. A detailed discussion

highlighted a desperate need to increase foster and kinship carers allowance. To date, we have not been advised formally of any increases that may occur for foster and kinship carer payments, resources. This is a huge issue that carers are facing in the Tasmanian community.

The Change for Children strategy includes new funding for child safety reforms however, does not provide specific details on increased financial support for foster and kinship carers.

12. **DECYP Restructure** (Rec 9.4) –

The government has created an Office of Safeguarding within the Department for Education, Children and Young People (DECYP) to oversee child safety policies. However, it is unclear whether this includes oversight specific to foster and kinship care placements.

The Change for Children strategy reiterates this restructuring but does not clarify whether it directly benefits OOHC carers.

Placement Stability & Matching

13. **Placement Stability & Matching** (Rec 9.25) –

The government has acknowledged placement stability as a concern and has started a media campaign to recruit more foster carers, however there are no details provided in relation to a placement matching improvements or support services for carers dealing with disruptions.

The Change for Children strategy includes a focus on placement stability within the Out-of-Home Care Priority Area but does not specify improvements in the carer-child matching process.

14. **Care Plans** (Rec 9.26) –

The government has committed to a more child-centered approach with its “Feel Safe. Are Safe.” practice model, albeit there is no explicit confirmation that all children in OOHC have individualised care plans addressing specific risks like sexual abuse and exploitation.

The Change for Children strategy highlights the implementation of trauma-informed case management however, does not confirm that all children in OOHC currently have individualized care plans.

Updated Summary of Progress & Gaps Actions Taken

- Government remains committed to implementing all COI recommendations over ten years.⁴

⁴ While we recognise that it is important to develop and implement COI's recommendation in a strategic and quality focus manner, FKAT believes that some of the recommendations timeframes are too long for

- Funding has been allocated for child safety reforms (including some areas related to OOHC).
- A new Commission for Children and Young People will be established, including a Child Advocate role.
- The Independent Regulator has been created to monitor compliance with child safety standards.
- Greater transparency and accountability structures have been introduced.

Key Gaps & Possible Areas for Feedback

- Carer Register (Rec 9.20) timeframe too long to implement.
- No direct mention of a complaints process for foster/kinship carers (Rec 9.31).
- No clear workforce strategy for recruiting and retaining more carers (Rec 9.10).
- Placement matching improvements (Rec 9.25) are not well defined.
- Care plans (Rec 9.26) are being reviewed, albeit no confirmation that all children have one.
- Third-party guardianship support (Rec 9.21) is not mentioned.

Our response to the Senate inquiry acknowledges progress while emphasising critical gaps that impact foster and kinship carers directly. To ensure meaningful reform, we urge the Senate Committee to seek clarity and accountability on the following priority issues:

1. Implementation of a Central Carer Register (Rec 9.20)

FKAT has been lobbying for years for the development and coordination of a Carer Register, which would ensure transparency, accountability, and consistency in the recruitment, screening, and ongoing support of foster and kinship carers.

Despite this, there is still no clear timeline for its establishment. We request an update on:

- When will the Carer Register be fully implemented?
- Will carers have access to their records, and how will it align with national best practice standards?

2. Addressing Workforce Shortages and Carer Retention (Rec 9.10)

The shortage of foster and kinship carers is reaching crisis levels, placing significant strain on existing carers. Recruitment efforts remain fragmented, and retention is undermined by inadequate financial support, inconsistent case management, and a lack of structured respite options. We ask:

- What steps are being taken to recruit and retain foster and kinship carers?
- Will there be financial incentives or support measures introduced to stabilise and sustain the carer workforce?

3. Ensuring a Transparent and Fair Complaints Process for Carers (Rec 9.31)

implementation to occur and therefore compromises the safety of children and youth in our State in the meantime.

Carers often face unclear and inconsistent processes when raising concerns about placements, agency decisions, and systemic issues. Current mechanisms lack transparency, leading to delays, frustration, and a lack of resolution. We request:

- A clear, standardised complaints process that is accessible to all carers.
- Defined response timeframes and accountability mechanisms to ensure carers are heard and supported.

4. Individualised Care Plans for Every Child in OOHC (Rec 9.26)

Care plans are critical to ensuring children receive tailored support, yet many children still lack an individualised care plan addressing their developmental, educational, cultural, and emotional needs. We ask:

- What is the current percentage of children in OOHC with completed care plans?
- When will 100% of children in OOHC have an up-to-date, individualised care plan?

5. Prioritising Placement Matching and Stability (Rec 9.25)

Frequent placement breakdowns cause significant distress for children and carers, highlighting the need for a robust and trauma-informed placement matching system. We seek assurance that:

- Placement matching criteria are based on comprehensive assessments of children's needs, backgrounds, and carer capacity.
- Carers receive adequate support when placements experience instability, including access to professional therapeutic intervention services.

6. Increasing Direct Funding Support for Carers (Rec 9.1)

Many carers experience financial strain due to inadequate allowances and out-of-pocket expenses for children's health, education, and wellbeing needs. Despite calls for increased funding, there is no clear commitment to raising carer allowances. We request:

- A clear commitment from the government on additional resources and financial support for foster and kinship carers.

7. Developing a Model for Family and Kin Engagement in OOHC

Maintaining strong family, kin, and cultural connections is vital for children's identity and emotional wellbeing. There is no formalised framework for proactively identifying and engaging family members in care planning. We ask:

- When will a formal model be introduced to identify, engage, and sustain kinship connections for children in OOHC?

8. Clarifying the Timeline for the OOHC Strategic Plan (Rec 8)

Despite significant reforms being rolled out, there is still no clearly articulated OOHC Strategic Plan guiding long-term implementation and accountability. We seek:

- A clear timeline for the development and implementation of the OOHC Strategic Plan.

•Public reporting mechanisms to ensure stakeholders—including carers—are consulted throughout the process.

Conclusion

In conclusion, it appears that governance principles are currently being breached by virtue of no implemented current strategic plan for Out of Home Care. Notwithstanding that a transformational team is providing leadership to the government and timeframes have been scheduled for all COI recommendations.

Accordingly, it is imperative that the COI recommendations align to the OOHC strategic plan and delivered in a timely manner and current. This is not the case and may create a major systemic problem given the amount of financial oversight the department is currently responsible and accountable for.

While the Change for Children Strategy outlines broad commitments, there remains a critical lack of detailed implementation plans, clear reporting frameworks, and financial commitments to support carers and children in OOHC. We strongly urge the Committee to seek greater accountability, transparency, and carer involvement in the reform process.

We welcome the opportunity to further discuss these concerns and to provide input on policy solutions that will ensure meaningful, lasting change for children and carers in Tasmania.



APPENDIX

The 38 OOHC Recommendations from the COI

Recommendation 9.1

The Tasmanian Government should provide one-off funding to help implement the Commission of Inquiry's recommended out of home care reforms and significantly increase ongoing funding of out of home care, including out of home care services provided by Child Safety Services (such as out of home care governance and case management).

Recommendation 9.2

1. The Department for Education, Children and Young People should outsource the provision of all forms of out of home care to the non-government sector.
2. The Department should maintain and improve its role in:
 - a) the budgeting and purchasing of out of home care services from the non-government sector
 - b) establishing and leading the strategic plan and policy framework for out of home care
 - c) monitoring the quality of out of home care
 - d) providing case management and leadership in out of home care
 - e) ensuring carers and staff receive adequate education and skill development
 - f) responding to complaints and safety and wellbeing concerns about children
 - g) in out of home care cross-sector (government and non-government) data collection,
 - h) ICT infrastructure and public reporting
 - i) carer registration and monitoring.
3. The outsourcing of the provision of out of home care should be achieved through an orderly, staged and trauma-informed transition process and commissioning strategy.
4. The Department should establish a minimum out of home care dataset and a plan for two-way data sharing between the Department and non-government out of home care providers.

Recommendation 9.3

1. The Department for Education, Children and Young People should develop new funding agreements with non-government out of home care providers that set quality and accountability requirements, including:
 - a) compliance with the National Standards for Out-of-Home Care
 - b) compliance with the Child and Youth Safe Standards
 - c) provision of trauma-informed, therapeutic models of care (Recommendation 9.18)
 - d) adoption of preventive measures for harmful sexual behaviours and child sexual exploitation
 - e) only using carers who are registered on the Carer Register (Recommendation 9.20)
 - f) governance and organisational structures to support monitoring and
 - g) responding to child sexual abuse including grooming, harmful sexual behaviours and child sexual exploitation
 - h) sharing relevant information about carers and children in their care
 - i) quarterly reporting to the Department on these requirements
 - j) periodic reporting of data against the outcomes framework (Recommendation 9.9).
2. All funding agreements between the Department and non-government out of home care providers should require the Department to give providers:
 - a) relevant information about carers and children in their care

- b) information about the provider's performance against the data outcomes
 - c) framework and compliance with standards.
3. The Department should monitor and audit non-government out of home care providers' compliance with contracts.
 4. The Tasmanian Government should resource non-government out of home care providers appropriately.

Recommendation 9.4

1. The Tasmanian Government should fund and restructure the Department for Education, Children and Young People to ensure (in addition to the current roles of Deputy Secretary for Keeping Children Safe, and the Executive Director for Youth Justice):
 - a. there is separate executive-level responsibility for out of home care services
 - b. there is separate executive-level responsibility for the combined areas of Child Safety Services, the Strong Families, Safe Kids Advice and Referral Line and family support services
 - c. the classification level of these executive roles reflects the level of risk and responsibility carried by the positions
 - d. the holders of these executive roles have knowledge and understanding in the area of child protection or out of home care and experience in providing strategic direction and leadership
 - e. executive responsibility for child safeguarding in the education context is not combined with responsibility for child safeguarding in the children and family services context
 - f. the role of Executive Director for Aboriginal Children and Young People is established and supported by an Office of Aboriginal Policy and Practice (Recommendation 9.7)
 - g. the role of the Chief Practitioner is established and supported by an Office of the Chief Practitioner (Recommendation 9.17)
 - h. expertise among members of the Department's executive is evenly balanced across the areas of education, Child Safety Services, out of home care, and youth justice
 - i. the relevant specialist for out of home care and youth justice in the executive leads policy and practice development for those areas
 - j. relevant centralised functions within the Department, such as human resources, procurement, and staff learning and development, address the distinct needs of schools, Child Safety Services, out of home care and youth detention.
2. The Tasmanian Government should ensure that:
 - a. the Secretary of the Department demonstrates active efforts to inform themselves about child protection and out of home care through individual professional development
 - b. the Deputy Secretary for Keeping Children Safe has knowledge and understanding of the area of child protection or out of home care and experience in providing strategic direction and leadership
 - c. the Secretary and Deputy Secretary, and the holders of the new executive roles, have key performance measures that include culture change in Child Safety Services and out of home care
 - d. the Secretary and Deputy Secretary, and the holder of the new executive role responsible for out of home care, have key performance measures that include preventing sexual abuse in out of home care
 - e. the Department has appropriate processes in place to ensure leaders have the knowledge, skills, aptitude and core capability requirements to effectively

manage people and to lead a child safe organisation.

Recommendation 9.5

1. The Department for Education, Children and Young People should establish a Quality and Risk Committee for Child Safety Services, out of home care, and youth justice.
2. The Secretary of the Department should chair the committee.
3. The functions of the committee should include monitoring:
 - a. the system performance of the out of home care sector
 - b. the performance against the outcomes and reporting framework (Recommendation 9.9)
 - c. children's safety and wellbeing in out of home care, including from child sexual abuse
 - d. progress on implementing the Child and Youth Safe Standards and the National Standards for Out-of-Home care
 - e. practices in youth detention, including in relation to searches, isolation and the use of force (Recommendations 12.31, 12.32 and 12.33).
4. The committee should report routinely to the Commission for Children and Young People.

Recommendation 9.6

1. The Department for Education, Children and Young People should, in consultation with the Commission for Children and Young People (Recommendation 18.6), develop an empowerment and participation strategy for children and young people in out of home care. This strategy should have regard to best practice principles for children's participation in organisations at the individual and systemic levels.
2. The empowerment and participation strategy should include:
 - a. establishing a permanent out of home care advisory group to be involved in developing the out of home care strategic plan (Recommendation 9.8) and have ongoing input into the out of home care system
 - b. building engagement with children into the Department's quality assurance and continuous improvement activities under the strategic plan (Recommendation 9.8)
 - c. implementing the Viewpoint online questionnaire without delay
 - d. regular monitoring and evaluation of the effectiveness of the empowerment and participation strategy.
3. The out of home care permanent advisory group should:
 - a. include children, young people and young adults up to the age of 25 years with current or previous experience of out of home care in Tasmania, including Aboriginal people and people with disability
 - b. have clear terms of reference developed in consultation with children, young people and young adults with experience of out of home care
 - c. enable its members to participate in a safe and meaningful way and express their views on measures to empower children and young people in out of home care
 - d. meet regularly, be chaired by a person independent of the Department and be attended by a senior departmental leader
 - e. be adequately funded and resourced.

Recommendation 9.7

- The Department for Education, Children and Young People should appoint an Executive Director for Aboriginal Children and Young People for the whole of the Department. The office holder should:
- a. report directly to the Secretary

- b. be supported by a sufficiently resourced Office of Aboriginal Policy and Practice
- c. oversee and report on the implementation of the Aboriginal and Torres Strait Islander Child Placement Principle (Recommendation 9.15)
- d. facilitate departmental engagement and build partnerships with Aboriginal communities
- e. promote and help establish recognised Aboriginal organisations (Recommendation 9.15)
- f. ensure Aboriginal culture, views and interests are represented in all departmental activities
- g. promote cultural safety for Aboriginal staff and Aboriginal children and families who come into contact with the Department
- h. increase recruitment of Aboriginal staff in the Department
- i. participate in the Quality and Risk Committee at least every six months in discussions about the number of Aboriginal children in out of home care, the proportion of Aboriginal children placed with Aboriginal carers, the proportion of Aboriginal children in out of home care with a cultural support plan, reunification rates for Aboriginal children and other key performance indicators to be agreed with the Quality and Risk Committee.

Recommendation 9.8

1. The Department for Education, Children and Young People should develop a strategic plan for the out of home care system. The plan should include:
 - a. a vision for future models of out of home care in Tasmania
 - b. the transition plan and commissioning strategy for outsourcing the provision of out of home care to the non-government sector (Recommendation 9.2)
 - c. the empowerment and participation strategy for children and young people in out of home care (Recommendation 9.6)
 - d. implementation of the Aboriginal and Torres Strait Islander Child Placement Principle (Recommendation 9.15)
 - e. a commitment to trauma-informed, therapeutic models of care (Recommendation 9.18)
 - f. a commitment to the National Standards for Out-of-Home Care and the Child and Youth Safe Standards
 - g. a workforce capacity building strategy (Recommendation 9.10)
 - h. developing a carer recruitment, support and retention strategy, in consultation with the non-government sector
 - i. a process for ongoing carer accreditation, registration and monitoring (Recommendation 9.20)
 - j. establishing the outcomes and performance reporting framework (Recommendation 9.9)
 - k. building quality assurance and improvement into all activities
 - l. an updated framework of policies for the safety and wellbeing of children in care, including updating key policies relating to
 - i. complaints handling
 - ii. harmful sexual behaviours
 - iii. mandatory education for staff in child sexual abuse
 - iv. care concern and critical incident reporting and management
 - v. child sexual exploitation
 - vi. how decisions can be appealed and reviewed
 - vii. professional conduct
 - viii. implementing the Child and Youth Safe Standards.
2. All policy documents should be published on the Department's website.
3. Each element of the strategic plan for the out of home care system should have

a timeframe attached, with staggered implementation, and the plan should be fully implemented within five years.

4. The Secretary's key performance indicators should require the implementation of the strategic plan for the out of home care system within allocated timeframes.

Recommendation 9.9

The Department for Education, Children and Young People should:

- a. establish an outcomes and performance reporting framework against which it can measure the performance of the out of home care sector, including in relation to child safety
- b. develop the data capability to enable reporting against the framework
- c. routinely report against the framework.

Recommendation 9.10

The Department for Education, Children and Young People should develop a workforce strategy for the child and family welfare sector to pursue the following objectives:

- a. an increase in staff numbers and retention
- b. workplace conditions that make the sector a more attractive employer, particularly in the Department
- c. a reduction in unplanned staff vacancies, particularly in the Department
- d. promoting staff wellbeing, at the individual and system levels, including by addressing the causes and effects of trauma and vicarious trauma
- e. a workforce equipped with the knowledge and skills to respond effectively to the needs of children and families.

Recommendation 9.11

1. The Department for Education, Children and Young People should establish mandatory core knowledge requirements for Child Safety Officers, which include an understanding of:

- a. child sexual abuse, including grooming, harmful sexual behaviours and child sexual exploitation
- b. the effects of trauma, trauma-informed care and therapeutic responses to trauma
- c. ethical and professional conduct.

2. The Department should ensure Child Safety Officers attain this knowledge during their induction period.

3. The Department should provide regular refresher training and continuous professional development opportunities to enable Child Safety Officers to continue to advance their knowledge and skills (advanced professional development).

4. In its role of overseeing the out of home care system, the Department should:

- a. determine the core knowledge and skills required for staff in non-government organisations providing carer assessment and support, and for residential, foster and kinship carers
- b. ensure non-government out of home care staff and carers have access to professional development in core knowledge and skills, recognising existing high-quality training available in Tasmania and developing or funding new training where required.

Recommendation 9.12

1. The Department for Education, Children and Young People should ensure the Foster and Kinship Carers Handbook is updated to include:

- a. information applicable to all carer types

- b. more information on child sexual abuse, including harmful sexual behaviours and child sexual exploitation
 - c. mandatory reporting requirements for carers
 - d. the professional conduct policy for foster and kinship carers.
2. The Department should:
- a. make the Handbook available publicly on its website
 - b. ensure the Handbook is regularly updated in line with any relevant changes to policy.

Recommendation 9.13

The Department for Education, Children and Young People should ensure staff have access to the latest out of home care practice knowledge by becoming a learning organisation, including by:

- a. implementing purposeful means for critical reflection and internal review
- b. establishing strategic partnerships with specialist out of home care, child maltreatment and child protection researchers
- c. engaging in cross-jurisdictional partnerships where there are opportunities for shared learning
- d. developing opportunities for formal recognition of ongoing learning for staff through these partnerships, such as via micro-credentialling pathways.

Recommendation 9.14

The Tasmanian Government should appoint a Commissioner for Aboriginal Children and Young People with statutory powers and functions to monitor the experiences of Aboriginal children in out of home care and youth detention.

Recommendation 9.15

The Tasmanian Government should fully implement all elements of the Aboriginal and Torres Strait Islander Child Placement Principle by:

- a. increasing investment in Aboriginal-led targeted early intervention and prevention services for Aboriginal families, including family support and reunification services, to a rate equivalent to the representation of Aboriginal children in the Tasmanian child safety system
- b. adopting and reporting on measures to reduce institutional racism and supporting decolonising practices in the Department for Education, Children and Young People to reduce the over-representation of Aboriginal children in out of home care
- c. ensuring that the Aboriginal status of all Aboriginal children in contact with Child Safety Services is accurately identified and recorded at the earliest opportunity, and appropriately shared with non-government out of home care providers and carers
- d. introducing legislation to amend the Children, Young Persons and Their Families Act 1997 to
 - i. require decision makers to consult with a relevant recognised Aboriginal organisation in relation to any decision likely to have a significant impact on an Aboriginal child—in particular, decisions about whether to remove a child from their family and where a child should live
 - ii. require the involvement of a relevant recognised Aboriginal organisation nominated by an Aboriginal child, or their advocate, in family group conferences, case planning and cultural support planning in respect of the child
 - iii. create a statutory framework and plan co-designed with Aboriginal communities for transferring child safety decision-making authority for Aboriginal children to recognised Aboriginal organisations

- e. partnering with Aboriginal communities to
 - i. promote and support establishing recognised Aboriginal organisations with local knowledge of Aboriginal children, families and communities, to facilitate the participation of Aboriginal children and families in child safety and out of home care decision-making processes
 - ii. develop a model or models for the transfer of child safety decision-making authority to recognised Aboriginal organisations
 - iii. invest in recognised Aboriginal organisations' capacity to ensure they are fully resourced, and their workforces fully equipped and supported, to participate in child safety and out of home care decision-making processes for Aboriginal children, including involvement in cultural support planning, and to manage any transfer of decision-making authority for Aboriginal children
- f. designing and establishing, in partnership with Aboriginal communities, fully resourced, Aboriginal-led, therapeutic residential programs for Aboriginal children who have been removed from their families and for whom an appropriate placement with an Aboriginal carer cannot be found
- g. implementing systems to ensure every Aboriginal child in out of home care has a meaningful cultural support plan prepared by or with the involvement of a recognised Aboriginal organisation or an Aboriginal person with relevant cultural knowledge, and regularly reviewing cultural support plans to ensure cultural connections for Aboriginal children are being maintained
- h. ensuring non-government out of home care providers comply with the 'placement' and 'connection' elements of the Placement Principle
- i. ensuring the Aboriginal status of carers is identified and accurately recorded
- j. providing mandatory professional development to Child Safety Services staff to ensure all interactions with and responses to Aboriginal children, families and organisations are culturally safe.

Recommendation 9.16

1. The Department for Education, Children and Young People should:
 - a. ensure all children in care, including those on guardianship orders until age 18, have a case manager
 - b. set a maximum case load for Child Safety Officers.
2. The Department should report quarterly to the Quality and Risk Committee on the:
 - a. number of children without an individual case manager
 - b. average case load for Child Safety Officers
 - c. average frequency of case manager visits children received, and the longest and shortest time periods between visits
 - d. the number of children with a care team and Aboriginal representatives on the care team (where appropriate)
 - e. average frequency of care team meetings
 - f. percentage of children with a current care plan.
3. The Department should ensure these figures are published quarterly on its website.

Recommendation 9.17

1. The Department for Education, Children and Young People should appoint a Chief Practitioner to lead clinical practice and quality assurance across Child Safety Services, the Strong Families, Safe Kids Advice and Referral Line, and out of home care.
2. The Chief Practitioner should lead an Office of the Chief Practitioner, manage a team of clinical practice experts across Child Safety Services and report to the

Secretary.

3. The Chief Practitioner should be responsible for:

- a. developing the clinical capacity of practitioners through professional development and supervision
- b. informing clinical policies, procedures and practice directions to ensure they reflect best practice in child protection and trauma-informed care
- c. receiving, triaging, recording, monitoring and coordinating responses to complaints about Child Safety Services and out of home care (Recommendation 9.31) and concerns about the safety and wellbeing of children in care (Recommendation 9.32)
- d. supporting best practice responses to children in out of home care experiencing or at risk of child sexual exploitation
- e. conducting file reviews and audits to inform an understanding of current clinical practice and identify areas for reform.

4. The Chief Practitioner should:

- a. work closely with the Quality and Risk Committee to monitor data to identify systemic strengths and weaknesses within practice across Child Safety Services and out of home care
- b. have a close working relationship with the Department's Learning and Development team, ensuring that workforce development of Child Safety Services and out of home care is designed and delivered to support best practice service provision
- c. support the Department's strategic partnerships and collaboration where appropriate, including with research and teaching institutions and non-government service delivery partners to enhance knowledge and practice across the sector (Recommendation 9.13).

5. The Department should ensure clinical practice experts are located in all regional offices of Child Safety Services across the state.

6. The Chief Practitioner should lead the Harmful Sexual Behaviours Support Unit (Recommendation 9.28).

Recommendation 9.18

1. The Department for Education, Children and Young People should require out of home care to be trauma-informed and therapeutic and identify the key components of trauma-informed, therapeutic models of care.

2. The Department should require non-government out of home care providers to deliver services that align with these key components of trauma-informed, therapeutic models of care, noting some providers have already adopted such models of care.

3. The Department should ensure children are assessed for trauma symptoms when entering care through the holistic assessment (Recommendation 9.23) and, where needed, receive appropriate therapy and intervention for their trauma.

Recommendation 9.19

1. The Department for Education, Children and Young People, in developing a professional conduct policy (Recommendation 20.2), should ensure:

- a. there is a separate professional conduct policy for staff who have contact with children and young people in Child Safety Services and out of home care
- b. the professional conduct policy for Child Safety Services and out of home care, in addition to the matters set out in Recommendation 20.2, specifies expectations outlined in other relevant policies and procedures, including the policy on concerns about child safety and wellbeing and the duty of care owed by staff members
- c. the professional conduct policy for Child Safety Services and out of home care articulates expected standards of behaviour for volunteers, contractors

and sub-contractors, and carers

d. the Department uses appropriate mechanisms to ensure compliance by volunteers, contractors and sub-contractors, and carers with the professional conduct policy for Child Safety Services and out of home care.

2. The Department should develop guidance material and information sessions for children in care about the expected behaviour of carers, staff, volunteers and adults in their lives.

Recommendation 9.20

1. The Department for Education, Children and Young People should establish and maintain a Carer Register of all types of carers in the out of home care setting to ensure all third-party guardians, and foster, respite, kinship, and salaried residential carers can provide quality care to children and act protectively.

2. The Department should:

a. set minimum requirements for registration as a carer

b. record allegations of concern about a carer or members of their household

c. set out a process for de-registering carers

d. enable easy information sharing between the Carer Register, the Registration to Work with Vulnerable People Scheme and the Reportable Conduct Scheme.

3. The minimum requirements for carer registration should include:

a. current Registration to Work with Vulnerable People and satisfactory National Police Checks

b. best practice and tailored approaches to foster, kinship and residential carer screening and assessment

c. mandatory knowledge and skill requirements for carers, including

i. understanding child sexual abuse, including grooming, harmful sexual behaviours and child sexual exploitation

ii. understanding the effects of trauma, trauma-informed care and therapeutic responses to trauma

iii. understanding the professional conduct policy and ethical behaviour

d. requiring other relevant adults who routinely spend time in the carer household to hold Registration to Work with Vulnerable People and to have been subject to carer assessment

e. satisfactory annual carer reviews conducted by non-government providers and reported to the Carer Register.

4. The Department should provide for kinship carers to be provisionally registered for 12 months after assuming care of a child. During this time kinship carers should be required to complete their mandatory training requirements or apply for an exemption in exceptional circumstances.

5. Non-government out of home care providers should support kinship carers to access and complete the mandatory training required for full registration as a carer. The mandatory training should contain measures to overcome literacy difficulties, cultural difference or geographical remoteness.

6. The Department should only place children with a carer who is registered or provisionally registered on the Carer Register.

7. The Department should establish a mechanism for reviewing decisions about the registration or deregistration of carers.

8. The Tasmanian Government should adequately resource the Department to establish and maintain the Carer Register.

Recommendation 9.21

To improve placement stability and the oversight of the care of children by third-party guardians, the Department for Education, Children and Young People should:

a. make publicly available the criteria and process for a carer to become a third-

party guardian

- b. sufficiently resource the team responsible for third-party guardianship applications to ensure appropriate assessments and timely processing
- c. require third-party guardians to be registered on the Carer Register to maintain their guardianship
- d. ensure third-party guardians receive the same level of support in their caring role as received by foster or kinship carers
- e. ensure children in third-party guardianship arrangements continue to have their safety and wellbeing supported and monitored (for example, through independent community visitors (Recommendation 9.34)).

Recommendation 9.22

1. The Department for Education, Children and Young People's out of home care processes, including assessments, placements and care planning, should be tailored to address the specific needs of individual children.
2. These processes should address the specific needs of all children, including Aboriginal children, children from other culturally diverse backgrounds, children with disability, children with mental illness and children who identify as LGBTQIA+.
3. The Department's empowerment and participation strategy for children and young people in out of home care (Recommendation 9.6) should include processes that enable children's views to inform all elements of their individual care, including their assessments, placements and care planning.

Recommendation 9.23

1. The Tasmanian Government should ensure all children in care have access to:
 - a. a timely holistic assessment when entering care across all domains of physical health, trauma and mental health, disability and educational need
 - b. health and wellbeing assessments conducted annually, or more often where there is an identified need.
2. Multidisciplinary health teams should provide expert consultation to the care team around a child about the child's needs, and input into the child's care plan.
3. The Department for Education, Children and Young People should create a specialised role to support children in out of home care to access the National Disability Insurance Scheme.

Recommendation 9.24

1. The Tasmanian Government should increase funding for specialist trauma therapy services for children in care to ensure their needs are met.
2. The Tasmanian Government should ensure the Child and Adolescent Mental Health Service's new specialist mental health service for children in out of home care is resourced to meet demand.

Recommendation 9.25

- The Department for Education, Children and Young People should improve placement stability and reduce the risk of sexual abuse of children in care by:
- a. considering the views of the child or children about their out of home care placement
 - b. using placement matching guidelines to aid placement decisions and support planning
 - c. placing siblings together or maintaining sibling connection where safe to do so
 - d. ensuring carers are aware of any history of abuse in relation to the child and the child's specific needs relevant to this
 - e. introducing an intensive salaried or professional foster care model to allow

children with challenging behaviours to remain in family-based care
f. funding all placements (including kinship, foster, respite and residential care) to fully meet all the child's assessed needs to the extent these are not covered by other schemes (such as the National Disability Insurance Scheme and public health or education services).

It is not clear to us whether the care plans are structured in a way to undertake 'specific risk management and safety strategies', as was recommended by the National Royal Commission. If a child's assessment indicates that they are at risk of child sexual abuse, child exploitation or harmful sexual behaviours, the care plan should include specific strategies to manage these risks.

Care plans should also be informed by the multidisciplinary health assessments we recommend above (refer to Recommendation 9.23).

Addressing risk in relation to child sexual exploitation and harmful sexual behaviours is considered in Section 10.

Recommendation 9.26

The Department for Education, Children and Young People should ensure:

- a. each child is involved in developing their care plan
- b. each child's care plan is informed by the holistic assessment (Recommendation 9.23) and the interests and aspirations of the child
- c. care plans include strategies to address identified risks of child sexual abuse, including the risk of harmful sexual behaviours and child sexual exploitation
- d. the care team reviews any risk assessments and management plans for child sexual abuse at least every six months, or more frequently if incidents occur or circumstances change such as when a new child joins the household.

Recommendation 9.27

In its role as statutory guardian of a child in care, the Department for Education, Children and Young People should:

- a. ensure a representative of the Department with knowledge of the child appears for a child in out of home care in the Magistrates Court (Youth Justice Division) and in the new specialist children's division of the Magistrates Court (Recommendation 12.15), in order to
 - i. support the child in court
 - ii. inform the court of all relevant considerations to the court, including the child's child protection history
 - iii. make submissions to the court on behalf of the child with arrangements in place for this to occur in out-of-hours bail hearings as well as those that occur during normal business hours
- b. take actions that may address any causes contributing to child offending, including changes to care plans
- c. ensure, when a child in care is admitted to youth detention or another residential youth justice facility, that the child's Child Safety Officer
 - i. arranges an immediate review of the child's care plan with their care team, which includes developing a transition plan for when the child leaves detention
 - ii. visits the child as soon as practicable and regularly thereafter, with a minimum of one visit during their admission in line with the child's revised care plan
 - iii. notifies the Commission for Children and Young People of the child's admission to youth detention
- d. report to the Quality and Risk Committee on the number of children in care in detention and on the activities listed above.

Recommendation 9.28

1. The Department for Education, Children and Young People should establish a Harmful Sexual Behaviours Support Unit to support best practice responses to harmful sexual behaviours across the Department, including in schools, Child Safety Services, out of home care and youth detention. The unit should:
 - a. provide advice, guidance, and support across the Department
 - b. develop context-specific policies for all settings informed by the Tasmanian Government's statewide framework and plan to address harmful sexual behaviours (Recommendation 21.8)
 - c. work closely with the Quality and Risk Committee (Recommendation 9.5) to ensure systemic risks, practice issues and opportunities for improvement are identified.
2. The Tasmanian Government should allocate additional funding to support responses to harmful sexual behaviours in out of home care and youth justice.
3. The Harmful Sexual Behaviours Support Unit should develop detailed out of home care-specific policies, protocols and practice guidance to support best practice responses to harmful sexual behaviours in out of home care.
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4. The Department should ensure the advanced professional development for departmental staff in understanding and responding to harmful sexual behaviours (Recommendation 9.11) includes tailored professional development for both Child Safety Officers and carers, and is available to staff in relevant roles in schools and youth justice.
5. The Department should ensure staff working in the Harmful Sexual Behaviours Support Unit are suitably experienced or undertake additional professional development to advance their knowledge in responding to harmful sexual behaviours.
6. The Department should ensure Power to Kids or another program or approach with comparable components is implemented in government funded residential care homes as a supplementary strategy to address the heightened risk of harmful sexual behaviours (including child sexual exploitation and dating violence) in out of home care.

Recommendation 9.29

1. The Department for Education, Children and Young People and Tasmania Police should work with non-government providers and other relevant stakeholders to develop a framework for preventing and responding to sexual exploitation of children in care that is informed by best practice and evidence from other jurisdictions. The framework should:
 - a. acknowledge the responsibility of the Department to lead the protection of children in care from child sexual exploitation
 - b. outline the prevention strategies to be used and each agency's role in delivering those strategies
 - c. outline the detection, disruption and intervention strategies to be used and each agency's role in delivering those strategies
 - d. outline how children in care who have been exploited will be supported to heal and recover
 - e. describe how agencies will work together
 - f. implement a reporting framework about the incidence of sexual exploitation of children in care, which is reported to the Quality and Risk Committee.
2. The Chief Practitioner should lead the development of the framework.
3. The Keeping Children Safe Handbook and Tasmania Police operating guidelines should be updated to reflect the role of police in responding to child sexual

exploitation in the new framework.

Recommendation 9.30

Tasmania Police should more fully utilise the offences in sections 95 and 96 of the Children, Young People and Their Families Act 1997 (the offences of harbouring or concealing a child and of inducing a child to be absent without lawful authority) to deter behaviour by adults that puts children in out of home care at risk of sexual abuse.

Recommendation 9.31

1. The Department for Education, Children and Young People should develop and maintain a complaints policy and procedures for Child Safety Services and out of home care. The policy and procedures should:

a. explain how to make a complaint and who to complain to using a 'no wrong door' approach

b. direct who should be informed when a person receives a complaint

c. direct who is responsible for responding and within what timeframes

d. ensure a child-friendly complaints procedure is made available to all children in care

e. apply to all types of complaints or incidents

f. cross-refer to the new concerns about the safety and wellbeing of children in care policy (Recommendation 9.32)

g. explain how to seek an internal review of a decision made by the Department

h. outline how to provide feedback and support for a complainant.

2. The Department should implement a centralised complaints and incident recording system.

3. The Chief Practitioner should receive all complaints about Child Safety Services and out of home care and be adequately resourced to receive, triage, record, monitor and coordinate responses.

4. The Chief Practitioner should report regularly on complaints handling to the Quality and Risk Committee and the Commission for Children and Young People.

5. The complaints policy and procedure should be published on the Department's website.

Recommendation 9.32

1. The Department for Education, Children and Young People should develop a new policy to guide responses to concerns about the safety and wellbeing of children in care. The policy should:

a. identify all forms of sexual abuse—including grooming, child sexual exploitation, harmful sexual behaviours, abuse by adults within and outside the out of home care system—as serious and requiring a higher-level response

b. describe response pathways for concerns about the sexual abuse of children in care depending on the context. Specifically

i. concerns or complaints about the sexual abuse of a child in care, or related conduct, by departmental staff should be referred to the Child-Related Incident Management Directorate (Recommendation 6.6)

ii. responses to concerns about the sexual abuse of children in care, or related conduct, by adults who are not departmental staff should be led or overseen by the Chief Practitioner

iii. responses to concerns about sexual exploitation of children in care should be led or overseen by the Chief Practitioner (Recommendation 9.17)

iv. responses to concerns about harmful sexual behaviours involving

children in care should be led or overseen by the Harmful Sexual Behaviours Support Unit (Recommendation 9.28).

2. The Chief Practitioner should receive all concerns about the safety and wellbeing of children in care and be adequately resourced to receive, triage, record, monitor and coordinate responses. Where the Chief Practitioner has referred a matter to another entity, the Office of the Chief Practitioner should support the localised response to the child's safety and ongoing welfare.
3. The Office of the Chief Practitioner should include staff with skills in investigation and child interviewing to conduct investigations.
4. The outcomes of all concerns about the sexual abuse of children in care should be reported to the Quality and Risk Committee.

Recommendation 9.33

1. The Tasmanian Government should establish an independent Child Advocate, to be included in the Commission for Children and Young People (Recommendation 18.6).
2. The Child Advocate should have responsibility for:
 - a. the independent community visitor scheme (Recommendation 9.34)
 - b. individual advocacy for children, including making complaints to the Ombudsman on behalf of a child in care (Recommendation 9.35)
 - c. the permanent out of home care advisory group (Recommendation 9.6).

Recommendation 9.34

1. The Tasmanian Government should introduce legislation to establish an independent community visitor scheme for children in out of home care, youth detention and other residential youth justice facilities.
2. The scheme should be administered by the Commission for Children and Young People (Recommendation 18.6) and led by the Child Advocate (Recommendation 9.33).
3. The scheme should be funded to enable every child in care, youth detention or another residential youth justice facility to receive regular and frequent visits, and children in family-based care to be visited regularly or when they request a visit. Resourcing should also enable community visitors to undertake advocacy on behalf of the children they visit.
4. Community visitors should be appointed by the Child Advocate based on their skills, knowledge and expertise, and remuneration should be comparable to similar paid roles in other jurisdictions.
5. Aboriginal children should have access to Aboriginal community visitors under the scheme.
6. Community visitors should be responsible, among other matters, for:
 - a. developing trusting and supportive relationships with children in out of home care, youth detention or other residential youth justice facilities
 - b. advocating on behalf of children by listening to, giving voice to and helping to resolve their concerns and grievances
 - c. facilitating children's access to support services
 - d. inquiring about and reporting on children's physical and emotional wellbeing
 - e. inquiring about whether children's needs are being met.
7. The program should include funding for a small number of legally trained child advocacy officers, also appointed by the Child Advocate (Recommendation 9.33), to assist children with more complex concerns and to support them in seeking independent review of departmental decision making.

Recommendation 9.35

Legislation establishing an independent Child Advocate in the Commission for Children and Young People should provide the Child Advocate with power to make

a complaint to the Ombudsman on behalf of a child who is in out of home care, youth detention or another residential youth justice facility, seeking the child's permission to do so first.

Recommendation 9.36

1. The Tasmanian Government should introduce legislation to:
 - a. expand the jurisdiction of the Tasmanian Civil and Administrative Tribunal to include review of decisions of the Department for Education, Children and Young People in exercising its custody or guardianship powers—including decisions about where a child should live and arrangements for the child's care
 - b. ensure children whose cases are subject to review have the right to express their views and participate in Tribunal proceedings
 - c. give the Child Advocate the power to apply for a Tribunal review of a decision about the care arrangements for a child on behalf of the child, or on the Child Advocate's own initiative
 - d. grant parties, such as parents or carers, the right to apply for a Tribunal review depending on the nature of the decision.
2. To support their understanding of the experiences of children in out of home care, Tribunal members should be specifically trained in the nature and effects of trauma and child sexual abuse.

Recommendation 9.37

1. The Secretary of the Department for Education, Children and Young People should notify the Commission for Children and Young People of sexual abuse allegations involving children in out of home care that fall outside the Reportable Conduct Scheme, including incidents of child abuse by non-carers, and of the outcomes of investigations into those allegations.
2. The Commission for Children and Young People should have the power to require the Department to provide it with information about its responses to such allegations.

Recommendation 9.38

1. The Commission for Children and Young People should have the following functions in relation to out of home care:
 - a. monitoring the operation of the out of home care system and the provision of out of home care services to children, by regularly monitoring data and conducting own motion systemic inquiries into aspects of the system
 - b. conducting own motion inquiries into the services received by an individual child or group of children in out of home care
 - c. making recommendations to the Government for out of home care system improvements
 - d. advocating for individual children in out of home care, including supporting children to make complaints to the Ombudsman and to apply for independent reviews of departmental decision making
 - e. administering the independent community visitor scheme
 - f. upholding and promoting the rights of children in out of home care.
2. The Commission should be fully resourced on an ongoing basis to perform these functions.