

RECOMMENDATIONS

Chapter 1

Recommendation 1

1.78 That the Commonwealth Government consider the designation of a year as the National Year Against Child Abuse in Australia.

Chapter 2

Recommendation 2

2.72 That State and Territory Governments consider reviewing the effectiveness of mandatory reporting in protecting and preventing child abuse, and in conducting such a review, they particularly focus on the successes of the various options used in care and protection systems, in comparison with mandatory reporting.

Recommendation 3

2.160 That, as recommended in *Forgotten Australians*, the Commonwealth, State and Territory Governments establish courses of study at selected tertiary institutions that focus on child protection and related issues, especially early childhood and family studies, psychology, conflict management, the impact of institutional care and social policy, to address issues in these areas. [Rec 39 in *Forgotten Australians*]

Recommendation 4

2.161 That awareness of child protection issues, the effects in the longer term for a child or young person in care and related issues be included as components of teacher education courses conducted at the tertiary level.

Chapter 3

Recommendation 5

3.125 The Commonwealth review the level of the Transition to Independent Living Allowance (TILA) to ensure that it is adequate to meet the needs of young people leaving care.

Recommendation 6

3.126 The Commonwealth, State and Territory Governments consider new models for the schooling and education of children in out-of-home care, particularly children who have been classified as high-risk children, for example, schooling by specialist teachers trained in both education and child psychology.

Recommendation 7

3.127 That the strengthening of case management under the National Plan be progressed as a matter of priority, in particular to attempt to limit the turnover of caseworkers for children in out-of-home care.

Recommendation 8

3.128 That the introduction of national standards for transition planning, particularly when leaving care, under the National Plan be implemented as a matter of priority.

Chapter 4

Recommendation 9

4.63 That the National Plan for Foster Care, Young People and their Carers be extended to include the following:

- Training –
 - investigate the implementation of national carer specific accredited training qualifications, for example, through Vocational Education Training;
- Uniform Data Collection –
 - collection of data on the carer cohort;
- Support –
 - examine ways of improving carer support including national standards for reimbursement of costs to cover the real costs of caring and payment of allowances;
 - examine ways of improving foster carer retention; and
 - develop models of response to allegations of abuse against foster carers and workers based on international best practice including articulation of carer's rights.

Chapter 5

Recommendation 10

5.115 That the State and Territory Governments consider the information in this report and use as a base on which to assist in providing more flexibility in accommodating and caring for children with disabilities, particularly where families can have their children at home. Such considerations would include an examination of a mix of living arrangements such as institutional care combined with options for children to return to families at particular times; week-day residential schools; and other options including various combinations of living at home with families, residential and respite care and foster care, along with a mix

of carers and support. Where required, options could include the use of high-level residential care facilities and highly-trained professional staff and with an emphasis on ensuring that where necessary, the quality of care and actions of the staff are monitored.

Recommendation 11

5.116 That State and Territory Governments enlist the expertise of policymakers in disability and other areas of social policy when formulating laws for children and young people with disabilities, so that legislative provisions take account of the special needs of children and young people with disabilities and are broad ranging in their application, including in relation to residential facilities and services for children with a disability as well as to the actions of advocates and advocacy services.

Recommendation 12

5.117 That the Commonwealth, State and Territory Governments examine ways to break down the barriers to legal assistance for children and young people with disabilities and their families; make the law more easily understood for such groups; and harness the expertise of practitioners in social policy and other disciplines to formulate laws to better serve all people with disabilities.

Recommendation 13

5.118 That the Australian and/or State Law Reform Commissions conduct research among legal practitioners to ascertain their knowledge and expertise in areas of disability and the law. The outcome of such research would highlight the need to introduce measures to educate lawyers so that they are better able to advise clients about laws affecting the lives of people with a disability, particularly in explaining the impact of certain legislative provisions and common law decisions for children and young people with disabilities. Such investigation might also include examining ways to encourage legal practitioners to offer *pro bono* services to children and young people with disabilities, who cannot afford legal fees.

Recommendation 14

5.119 That, where applicable, all jurisdictions amend their *Disability Services Acts* to ensure that terms relating to people with a disability, specifically include children and young persons, as well as adults. This may require additions to legislation to include principles and applications for children and young people with a disability.

Recommendation 15

5.120 That the Commonwealth Government encourage the New South Wales Government to take note of the evidence presented to this inquiry and proclaim ss.155 and 156 of the *Children and Young Persons' (Care & Protection) Act 1998*, so that all children with disabilities in care, including those who have been

voluntarily placed, have broad-ranging legislative protection and monitoring of their care.

Chapter 6

Recommendation 16

6.43 That the Commonwealth Government take note of the merits of restorative justice programs in helping to keep young people out of the juvenile justice system (and later gravitation to the adult prison system), and increase its involvement, support and funding for such programs, to ensure that the coverage of such programs across Australia is wider than is presently the case. It is recommended that the Commonwealth Government introduce restorative justice programs that would assist in reducing the high numbers of indigenous youth in juvenile justice centres.

Chapter 7

Recommendation 17

7.38 The Commonwealth establish a national commissioner for children and young people to drive a national reform agenda for child protection. In doing so, the national commission should

- bring together all stakeholders, including the States and Territories, child protection professionals and researchers and peak organisations, to establish an agenda for change including the identification of key areas of concern;
- encourage the development of innovative models within the child protection system; and
- encourage State and Territory Governments to work toward harmonising child protection legislation, including agreement on common definitions.

Recommendation 18

7.39 That the Commonwealth engage the Productivity Commission to undertake an evaluation of out-of-home care to better determine the real costs to the community of out-of-home care.