



Australian Children's Contact Service Association

*Advancing the CCS Sector*

## **Submission**

**To The  
Australian Law Reform Commission's  
Review Of The Family Law System**

**Discussion Paper**

October 2018



## ALRC Discussion Paper

### Submission

#### INTRODUCTION

The Australian Children's Contact Services Association (ACCSA) has been at the forefront of the development of safe, child focused service environments since the 1980's when its members first established services and successfully lobbied for government funding.

Since that time, ACCSA has established operational standards, safe environment definitions and codes of practice that clearly articulate how Children's Contact Services (CCSs) best function to assist families transition through high conflict separation to more independent children's arrangements.

Some examples of how ACCSA continues to be the pivotal agent for the ongoing development of child focused, safe CCS environments and practice are:

- Assisting government in defining sector best practice – ACCSA was responsible for drafting *The Children's Contact Services Guiding Principles Framework for Good Practice, 2014 (CCS Guiding Principles)* for the Attorney-General's Department, which now sits in funding agreements.
- ACCSA created the *ACCSA Standards*, *ACCSA Code of Ethics* and *ACCSA Operational Manual*, each of which are referenced in the *CCS Guiding Principles*.
- Lobbying government for the regulation and accreditation of all CCSs, including those that are privately operated and full fee paying.
- Providing CCS dedicated training and networking, through the facilitation of the ACCSA National Training and Networking Forums and phone conferences. ACCSA has facilitated 8 National Training Forums for CCS practitioners over the past decade.

ACCSA appreciates the opportunity provided by the Australian Law Reform Commission to make representation in regard to the elements of the Discussion Paper relating to CCSs and submits the following:

<p style="text-align: center;"><b>ACCSA considers that a national CCS Accreditation System for all Children’s Contact Services is required</b></p>
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Components of the system should include:

- (i) Practice Principles, (ii) Administrative Guidelines and (iii) Safe Environment Standards.
- Pre-existing resources, such as the CCS Guiding Principles and Administrative Approval Requirements be utilised to inform the Accreditation System.
- CCS practitioner qualification form **one** component of a broader Accreditation System.
- CCS practitioner qualifications, as defined in the existing Administrative Approval Requirements, be extended by completion of a generic CCS induction training module.
- Yearly professional development requirement that includes access to training in areas such as sexual abuse allegations, trauma and family violence.
- The provision of a safe environment is essential to meet the objective of providing child focused and safe service delivery.

As quoted in the ALRC Discussion Paper, AIFS studies have found that the families who use Children’s Contact Services are those referred to as having “complex needs” (ALRC Discussion Paper, Executive Summary, p.5). These families present to CCSs at a challenging time and require skilled support in safe environments - “Given the evidence that issues such as family violence, mental illness and substance abuse are key risk factors for poor outcomes for children, it is evident that the family law system is delivering services to many families at a time of heightened vulnerability” (ALRC Discussion Paper, Executive Summary, p.15) .

According to the terms used in the ALRC Discussion Paper, Children’s Contact Services operating at the coal face of high conflict separations, need to be “specialist family violence services” that are “child centred” and “capable of trauma informed practice delivery”.

A national CCS Accreditation System, which covers accreditation for the **service** rather than the individual practitioner, is the way to achieve the required level of safe and responsible CCS service delivery for these families.

## 1. ACCSA's Submission to Family Law Review May 2018

In our initial submission to the Review, ACCSA called for the establishment of a national CCS Accreditation System. This proposal was based on the lack of accountability and safety when operating a private or full fee paying CCS in Australia. The consequences of this is having negative effects on vulnerable children and family members who are accessing some of these services.

Whilst ACCSA's initial response to the ALRC Review focused upon professional skills and competencies of practitioners, ACCSA advocates *that it is not just the practitioner but the actual service entity (the Children's Contact Service) that needs to be accredited* – ACCSA recommends that practitioner qualification and ongoing training requirements would form just one component of a broader national CCS Accreditation System.

## 2. The Family Law Review's Reference to Children's Contact Services in the October 2018 Discussion Paper

The Discussion Paper makes one proposal (Proposal 10-7) and asks one question (Question 10-3) in relation to CCSs on page 249.

They are:

- **Proposal 10-7** *The Family Law Act 1975 (Cth)* should provide for the accreditation of Children's Contact Service workers and impose a requirement that these workers hold a valid Working With Children check.
- **Question 10-3** Should people working at Children's Contact Services be required to hold other qualifications, such as a Certificate IV in Community Services or a Diploma of Community Services?

A summary of some of the points made regarding CCSs in the May 2018 submissions follow (10.45 – 10.55). These points include:

- The ALRC inviting submissions in relation to any other qualifications that CCS workers should be required to hold. (10.45)
- Recognition that Children's Contact Services are involved with some of the most vulnerable families and children in the family law system at a time of potential risk. (10.46)
- That the role of CCSs in the family law system is to provide a safe and child focused place for changeover or supervised contact where children are potentially at risk and where there are

concerns about family violence, child abuse including child sexual abuse, alcohol and other drug misuse, mental health issues, parental incapacity or where a child has had little or no contact with a parent for an extended period of time. (10.47)

- That government funded CCSs are subject to the Families and Children Activity Administrative Approval Requirements and the Children’s Contact Services Guiding Principles Framework for Good Practice. (10.48)
- That submissions identified a need for regulation and accreditation across the CCS sector, to ensure safe and high-quality services are provided by both government funded and private services. (10.52)

### 3. ACCSA’s Submission to the Family Law Review’s October 2018 Discussion Paper

ACCSA proposes that Proposal 10-7 in the Discussion paper be amended to read:

**“Proposal 10-7**

***The Family Law Act 1975 (Cth) should provide for the accreditation of Children’s Contact Services and impose a requirement that referrals made to Children’s Contact Services via Family Court orders, family dispute resolution practitioners, Family Relationship Centres, family law practitioners and their staff only be made to accredited Children’s Contact Services.”***

The basis for the proposed amendment is that practitioner qualification only provides one component of safe service delivery for children, vulnerable family members, staff and others in the community. Whilst relevant training, qualification and experience may provide a sound basis for fundamental practice, it does not ensure that other equally important factors, such as the provision of a secure environment, appropriate staff to family ratios, data security and skilled supervision are addressed.

ACCSA proposes that the accreditation system for CCSs determine requirements in the following areas:

- A) Practice Principles
- B) Administrative Guidelines
- C) Safe Service Environment Standards

## A) Practice Principles

ACCSA considers that the existing *Children's Contact Services Guiding Principles Framework for Good Practice (2014)* provides a comprehensive coverage of the operational requirements and practice principles expected for the delivery of the suite of services offered through a CCS. *The Guiding Principles* also provides a structure that supports a systematic and consistent approach to service provision across different organizations.

Service accreditation standards can be established in direct reference to the principles articulated in *The Guiding Principles* document. Examples of Service Accreditation Standards that could seamlessly be derived directly from *The Guiding Principles* include:

### a) Section 1: Service Delivery / Principle 2

At least two trained staff are on site at all times for supervised visits, with staff rostering to take account of:

- a minimum of one trained staff member in the room at all times, directly supervising the visit
- the need for staff back up if issues arise in the visit.
- the need for effective communication to occur between the staff members (e.g. phone in the visiting room).
- the requirement to inform family of any staffing changes in the visit

### b) Section 1.6 Intake and Assessment / Principle 5

There is a child familiarization/orientation session conducted by an appropriately trained staff member that takes into account:

- Developing a checklist for staff to use in the sessions
- The age and stage of development of each child
- Building rapport using age and stage appropriate materials/toys
- Orientation with the child without the parent they live with present
- Whether the child needs more than one session prior to the commencement of service provision

### c) Section 1.10 Fees/ Principle 1

CCS providers to:

- Publicly display their fee policy in all service reception areas
- Discuss the fees policy with both parents at the time of the intake and assessment interviews
- Provide a written copy of the fees policy to both parents at the time of the intake and assessment interview and at other times when requested to do so

There are **no** current requirements for privately operated or full fee paying CCSs to follow any baseline practice principles and, as such no checks and balances as to whether the physical and emotional safety of children and other vulnerable family members are being attended to.

This lack of standardised and compulsory CCS practice principles, in regard to the Terms of Reference of this Review, does not protect the needs of children and does not, “*protect the rights to safety of all family members*” (ALRC Discussion Paper, Executive Summary 1.28 p.7).

## **B) Administrative Guidelines**

*The Families and Children Activity Administrative Approval Requirements* apply ONLY to funded Children’s Contact Services. There are no such requirements whatsoever for privately operated and full fee paying CCSs.

*The Approval Requirements* are a set of quality service standards, covering the key risk areas of governance, financial management, viability, performance management and issues management. They allow for both internal and external (by the Department of Social Services) assessment of compliance.

ACCSA contends that the *Approval Requirements* can be utilized to form a component of a national CCS Accreditation System.

The *Approval Requirements* cover a range of areas that would not be addressed under a narrower CCS practitioner accreditation system. These areas include:

- Values and Ethical Frameworks – this includes a non-discriminatory/equitable approach to service provision.
- Governance - clear and effective arrangements for internal control and transparent decision making.
- Management of Data – observation of defined online protocols.
- Management of Client Feedback and Complaints - manage complaints from clients in a positive, timely, fair and predictable way.
- Supervision of Practitioners - Practitioners working in family and children services receive regular professional supervision to address practice issues. Baseline of 26 hours per year.

### **B)(i) Administrative Guidelines/Practitioner Qualification**

The Administrative Guidelines component of a proposed Service Accreditation scheme would also address the matter of practitioner qualification. *The Families and Children Activity Administrative Approval Requirements* defines the entry requirement qualification a service needs to follow prior to appointing a staff member. ACCSA proposes that these requirements be adopted for all services. They are:

“An appropriate degree, diploma or other qualification..... consisting of a course of:

- at least three years with an orientation to behavioural or social sciences, education or other relevant degree; or

- post graduate study of at least one year in an area of direct relevance to the specialised role to be undertaken.
- a record of appointments made where the appointee is not tertiary qualified and the grounds on which such appointment was made.”

ACCSA also proposes that the matter of qualification and development of practitioners be extended beyond the model used for funded CCS in the *Approval Requirements* as follows:

### CCS PRACTITIONER QUALIFICATION

(As one component of a national Children’s Contact Service Accreditation System)

1. Entry point qualification as per those cited in *The Families and Children Activity Administrative Approval Requirements*.
2. Development of a generic CCS induction training module that is compulsory for all current and future CCS practitioners.
3. Development and delivery of sector specific training and professional development modules (possibly online) to enable practitioners to meet a professional development benchmark each year.
4. Development and delivery of sector specific training and development in skills sets that qualify practitioners to undertake tasks such as sexual abuse allegation supervision, family violence matters supervision, child familiarisation and orientation engagement and observational report writing.
5. Resourcing of bi-annual ACCSA National Training Forum to enable practitioners to meet professional development benchmarks.

In regard to Question 10-3, ACCSA contends that CCS practitioners require a behavioural or social sciences qualification of at least three years and subsequent completion of a generic CCS induction training module and ongoing professional development in sector specific training modules.

The Association agrees with the Discussion Paper (Executive Summary p.7 1.28) ..... “*that advancing the safety of children and families should be the paramount principle guiding the ALRC’s redevelopment of the family law system, including re-shaping its workforce, capability and process*”.

ACCSA also notes that relevant qualifications, training and professional development are essential for those working in a sector “*where there are concerns about family violence, child abuse including child sexual abuse, alcohol and other drug misuse, mental health issues, parental incapacity or where a child has had little or no contact with a parent for an extended period of time.*” (ALRC Discussion Paper, Executive Summary p.249, 10.47). Additionally, that there is the same need for a standardized training and accreditation



requirements for CCS practitioners as those proposed by the review for the post-parenting support service.

The ALRC proposes that “*the Family Law Commission proposed in Chapter 12 work with relevant peak bodies to develop training and accreditation requirements for the post-order parenting support service to ensure uniform standards of practice and ongoing professional development*”. (ALRC Discussion Paper, Executive Summary 6.95, p.149). ACCSA, being the association that introduced CCSs to Australia and established the practice standards referred to and used by services, is well situated to work with government and stakeholders to develop and deliver the training component of a broader accreditation requirement to those working in Children’s Contact Services.

Any national CCS Accreditation System based upon a qualifications of Working With Children check and a certificate IV or diploma of community services baseline would not offer services equipped to provide the safe and skilled service delivery required by families presenting with the aforementioned issues. There is a significant risk that a qualification only based system would result in an even more marked proliferation of stand alone private operators, providing services that do not provide safe environments, safe staff to family ratios or governance accountability.

### **C) Safe Service Environment Standards**

*The Children's Contact Services Guiding Principles Framework for Good Practice (2014)* provides clear information on the type of facilities that are required to afford families and staff with a safe environment and would form the basis of Safe Service Environment Standards requirements under a national CCS Accreditation System.

The degree of attention afforded to this aspect of CCS operations in *The Guiding Principles* is a clear indication that government recognises and expects the services it funds to provide safe, secure environments as a core component of their operations.

*The Guiding Principles* state that “*the safety of all who visit and work at a CCS is of paramount importance*” (p.10) and lists the following as part of the required Safety and Security plan that addresses safety risks across all relevant aspects of service delivery:

- Physical location
- Building specifications
- Security systems and protocols
- Data collection and IT security

Section 2.2 of *The Guiding Principles – Building Specification* provides more detail on what is required of services in order to afford a safe and secure environment. These include:

- Principle 1 : There are two separate and discrete entrances to the building with two separate and discrete reception areas where one entrance cannot be viewed.
- Principle 2 : Each room within the centre is constructed in such a way that conversations are not audible or comprehensible in other parts of the building.
- Principle 3 : Each room within the centre is constructed in such a way that enables the room to be secured in case of emergency or critical incident.
- Principle 4 : Door bells, security doors and monitoring cameras are installed and operational at each entrance enabling staff to identify who is at the door and to evaluate any risk.
- Principle 5 : A duress alarm system is installed and operational in the building, which includes at least one staff member wearing a personal alarm...
- Principle 6 : Appropriate rooms for children, parents and staff/withdrawal spaces are provided within the service.

and

- Location and Site – Section 2.3 / Principle 3 : Prescribed separate car parking is available for each parent taking into account safety issues for client and staff.

Furthermore, 6.97 p.150 of The ALRC Discussion Paper states that, *“One of the most significant themes in the submissions about court design was concern about the safety of court attendees...submissions called for the design of court premises to allow for parties to be kept separated when there are safety concerns.”*

This matter is addressed in Proposal 6-12:

### **A safe and accessible court environment**

**Proposal 6–12** The Australian Government should ensure that all family court premises, including circuit locations and state and territory court buildings that are used for family law matters, are safe for attendees, including ensuring the availability and suitability of:

- waiting areas and rooms for co-located service providers, including the extent to which waiting areas can accommodate large family groups;
- safe waiting areas and rooms for court attendees who have concerns for their safety while they are at court;
- private interview rooms;
- multiple entrances and exits;
- child-friendly spaces and waiting rooms;
- security staffing and equipment;
- multi-lingual and multi-format signage;
- remote witness facilities for witnesses to give evidence off site and from court-based interview rooms
- facilities accessible for people with disability.

ACCSA fully supports Proposal 6-12 and adds that the Australian Government should ensure that all Children’s Contact Services, which are utilised by the same children and family members faced with the

same issues, are safe for attendees. The adoption of Safe Environment Standards requirements as a component of a National CCS Accreditation System would resolve the current lack of attention to safety that services functioning in this current unregulated environment are providing. The lack of requirement for private services to provide a safe environment for supervised visits and changeovers is putting children and families at risk.

### **Additional Issues**

1. Recognition be made that Children's Contact Services are high risk environments and subsequently:
  - More adequate funding than is currently allocated be provided to mitigate these environments.
  - More adequate funding be provided to engage qualified staff with a minimum of Bachelor Social Work, Social Science, Psychology etc.
  - Funding to include capability to meet the current industrial award (Social Community Home Care and Disability Services Award), pre-Modern Award for longer established services and penalty rates payable for week-end service provision.
  - Funding to ACCSA to provide advocacy on behalf of all CCSs and funding for the undertaking of evidence based research for Children's Contact Services.
  
2. A requirement that all Independent Children's Lawyers be required to meet with children at the earliest possible opportunity to explain the court's process.