



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: CLIC:JWas080721

8 July 2021

Mr Michael Tidball
Chief Executive Officer
Law Council of Australia
DX 5719 Canberra

By email: alex.kershaw@lawcouncil.asn.au

Dear Mr Tidball,

Consultation Paper on Implementing the Successor Plan to the National Framework for Protecting Australia's Children 2009-2020

The Law Society of NSW appreciates the opportunity to provide comments for a Law Council submission to the Department of Social Services in relation to the Consultation Paper on Implementing the Successor Plan to the National Framework for Protecting Australia's Children 2009-2020 ("Consultation Paper"). The Law Society's Children's Legal Issues Committee has contributed to this submission.

The Law Society broadly supports the four strategic priorities for the successor plan, as identified in the Consultation Paper. Our members have suggested, however, that the potential for In-Home Care ("IHC") to support the achievement of these priorities is not adequately canvassed in the Consultation Paper. To assist in rectifying this gap, we provide here details on the function of IHC in facilitating early intervention and targeted support to vulnerable children and their families, and how access to IHC can be improved. Our comments are linked to Strategic Priorities Two and Four in the Consultation Paper.

Strategic Priority Two: A national approach to early intervention and targeted support for children and families experiencing vulnerability or disadvantage

The relevance of In-Home Care to the successor plan

IHC is a type of government-subsidised child care service which provides support to families who have no alternative option for child care, such as those who work non-standard hours, are geographically isolated, or have children with challenging and complex needs. The target users of IHC services include children with disabilities, Aboriginal and Torres Strait Islander children living in rural, regional or remote areas or who have difficulty in traditional care institutions, and other children exposed to multiple vulnerabilities and risk factors. These children and their families have been identified by the Consultation Paper as priority groups.¹

¹ Australian Government Department of Social Services, *Consultation paper: Implementing the successor plan to the National Framework for Protecting Australia's Children 2009-2020* (2021), 12.

During the COVID-19 pandemic, IHC has also provided necessary care for children of essential workers such as health care professionals, police officers and other first responders, children in families where a carer is undergoing treatment for serious illness, as well as families on remote properties contributing to Australia's farming and agricultural industry. IHC has higher proportions of vulnerable children, highlighted by the higher rates of Additional Child Care Subsidy as a proportion of total subsidy: 18.7% compared to 0.46% for Family Day Care and 0.82% overall.²

The Consultation Paper has found, in line with contemporary neurobiological research, that the first five years of a child's life are crucial to their development and in shaping other outcomes in later life.³ Without IHC, many children in the priority groups identified in the Consultation Paper may have no access to early childhood education and quality, regulated care, contrary to the priorities of the successor plan.

Strategic Priority Four: Strengthening child and family sector workforce capability

Recruitment and upskilling of the educator workforce

Law Society members advise that, particularly for families living in rural, regional or remote areas, there is a scarcity of IHC educators who are appropriately qualified and sufficiently remunerated to travel to remote locations. Due to the complexity of the needs of many families requiring IHC services, upskilling IHC educators is therefore a matter of priority. IHC educators often face complex and high-risk circumstances when working in the home. Their work environment may change from day to day and present new and unforeseen risks. Educators may work irregular or long hours, sometimes working overnight with adult residents also sleeping in the home. They may be working with children with complex needs who require additional medical, psychological, or educational skills and expertise, beyond that obtained through an early childhood qualification.

Improving awareness of relevant national frameworks

We consider that training for frontline child protection staff on the full range of services available to eligible children and families under legislative and policy frameworks such as the NDIS and IHC scheme is essential. These frameworks often span various jurisdictions, including disability, early childhood education and care, health and mental health, drug and alcohol, domestic violence, justice, housing, and employment service systems. A centralised source or database of information which is consistent and easily accessible may also be helpful in preventing siloed decision-making and strengthen the interface between services across sectors and jurisdictions, as per the second strategic priority of the Consultation Paper.

If you have any further questions in relation to this letter, please contact Andrew Small, Policy Lawyer on (02) 9926 0252 or email: andrew.small@lawsociety.com.au.

Yours sincerely,



Juliana Warner
President

² Australian Government Department of Education, Skills and Employment, *Early Childhood Education and Care Relief Package Four Week Review: Summary Report* (2020) 7.

³ Australian Government Department of Social Services, *Consultation paper: Implementing the successor plan to the National Framework for Protecting Australia's Children 2009-2020* (2021), 3.