

"Spaghetti Bolognaise on a Tuesday Night"

Reflections on

The DHS Child Protection Best Interest Plan Process

By

The Youth Movement Initiative

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1. Introduction

- ***Who is the Youth Movement Initiative?***

The Youth Movement Initiative (YMI) is a group of young people who have been in care who are committed to improving the lives of young people in care and leaving care. The group was formed as part of a project being run by St Luke's Leaving Care Service to improve educational outcomes for young people in care and leaving care. The project is funded by the Sidney Myer Foundation.

The role of the YMI is to provide advice to Out of Home Care (OOHC) workers and to advocate for young people in care and leaving care on the issues which negatively impact on their lives.

The activities we are involved in include:

- *Training and advice to Out of Home workers and carers.*
- *Peer support to and activities for young people in care.*
- *Advocacy on issues which concern young people in care and leaving care.*
- *Production of a newsletter for young people in St Luke's care and leaving care service.*
- *'The Future' project. This project aims to get young peoples' views about how they see the future and is being undertaken with the educational coaches from St Luke's Leaving Care service.*

We are employed by St Luke's as youth advisors and advocates. We operate out of the St Luke's Youth Central offices in Bendigo and work alongside St Luke's Leaving Care team and John Bonnice, Director of Strategy and Innovation at St Luke's. Members of the YMI include Kate Finn, Dwayne Welsh, Jesse Ellis, Indie Spicer, Sarah Isip, Dylan Bennet, Kayla Lea, Nathan Stradbrook and Paul Mulry.

- ***Why this document?***

We have been engaged by St Luke's to help improve educational outcomes for young people in care and leaving care. In our discussions on educational outcomes for young people in care and leaving care we discussed the DHS 'Best Interest' planning process and our experiences of this process. Our experience of the DHS 'Best Interest' planning has been a poor one and we feel it negatively impacts on how young people are supported in their education.

We have written this document to highlight our experiences of the DHS 'Best Interest' planning process and in doing so advocate for changes to way case planning is done.

- ***Why the title "Spaghetti Bolognaise on a Tuesday Night"?***

In our discussions on DHS 'Best Interest' planning we talked about how the process and meetings did not take into account or hear about our lives as young people prior to coming into care and what was important to us. In this discussion one of the YMI members talked about how no one asked about her family routines in the case plan meeting and that these routines were not considered in her care arrangements. For example, her family always had spaghetti bolognaise on a Tuesday night, and this was important to her. But this routine, like other routines was not asked about or considered. 'Spaghetti Bolognaise on a Tuesday Night' is a small but important example of how the lives and experiences of young people need to be talked about and the voices of young people need to be heard.

- ***Who is this document for?***

This is a document written for the Department of Human Services (Child Protection), the Child Safety Commissioner, Out of Home Care workers and agencies, and young people in care or who have left care.

We hope that by talking about our experiences there will be changes to the way DHS 'Best Interest' planning is conducted. Changing the DHS 'Best Interest' planning process will create a voice for young people and help improve the lives of young people in care. As a group of young people that were in the system we want to make it a safer, more stable situation for already traumatised children and young people.

2. <u>What are young people's experiences of the case plan process?</u>

Our experience of the 'Best Interest' planning process is the following:

- *There is a high turnover rate for DHS Child Protection workers and instability with the consistency of workers. This creates a lack of trust between young people and DHS workers.*
- *The ease with which young people can disappear into the system if you don't cause problems. This means that your voice is not heard.*
- *There isn't enough consistency across the board. Young people are moving placements too often and the DHS 'Best Interest' Plan needs to create better stability.*
- *We and many young people feel worthless in the meetings because of the way they are run.*
- *We, as young people, are out-numbered by too many workers in the meetings. This means we can feel powerless.*

- *There are workers present at DHS 'Best Interest' plan meetings that young people don't know or have never met. This makes young people feel very uncomfortable and less likely to participate in the meeting.*
- *There is not enough support for the young person in the meetings. There needs to be youth advocates in the meetings.*
- *Most young people don't understand the 'legal jargon' of the DHS 'Best Interest' Plan process. The front page of the DHS case Plan document is an example of this.*

3. What are workers' experiences of the case plan process?

The YMI consulted with a range of OOHC workers and their reflections were the following:

- *The meetings take too long and the young people get restless and annoyed during this long period.*
- *The meetings have an 'unsafe' feeling to them for the clients and family members due the way the meetings are conducted.*
- *The young people, and also the family, need to have a greater voice in the meetings.*
- *The number of workers in the meetings should be cut down; the number is too overwhelming for the young person and their family.*
- *Crucial information is left out of the plan because they don't have a need for it in the document.*

4. Reflections on Current Processes

4.1 The Best Interest Plan document

We have great concerns about the way the 'Best Interest' plan document is set out. Let's start at the beginning of the Plan. The first page of the 'Best Interest' plan is legal jargon meant solely for the workers. When we first looked at this first page we were instantly confused and utterly bored. None of us understood it. We understand that it is a legal document and that it lists what should happen in a 'Best Interest' meeting, but does it need to be on the first page? Why not start the document with information that speaks to the young person and put the 'legal' aspects of the 'Best Interest' plan at the back of the document, and/or simplify it for the young person and everyone else that hasn't done a law degree. Looking closer at the legal requirements listed on the front page, there are a few principles that stood out that raises questions for us as young people in the way they are applied.

4.2 Applications of the principles of Best Interest planning

The 'Best Interest' plan is based on a number of principles and from our experiences we made the following reflections on how some of these key principles are applied.

- ***Principle: Best interests of the child/young person.***

The first principle in the plan states that the most important thing is the 'best interests' of the child/young person.

Many young people don't attend the DHS case plan meeting and for the few of us who did, it felt that our best interests were not included in the meeting. For example, most young people are too scared to speak up and say what they want because there are too many workers in the room and several of them they have never met. It is a terrifying experience to enter a room full of adults and know only one or two of them. It's like being a zoo animal on display for anyone and everyone to look at and watch. Having your life story laid out in front of people you don't know from a 'random walking past you on the street' is totally humiliating. It may sound like we are trying to make an already hard job even harder, but young people in out of home care are treated like second class citizens when all they've done is basically become an orphan.

- ***Principle: Seek full participation of the child/young person and their family.***

Our experience is that this principle is not adhered to. It's really as simple as letting the young person have some semblance of control in what happens. A way of encouraging a young person to get involved in the meetings could be to let the young person nominate two workers they prefer talking to and trust, instead of having meeting with a group of workers that they don't know. This way DHS can find out all the information in a way that is discreet for the young person and make them feel more secure in the way their case is being handled. There is nothing worse than an angry young person that has been backed into a corner and has virtual strangers try to force them to participate in a meeting when they don't even know what is going on. As for their family participating it's not always an option depending on the opinion of a young person or the situation of the family. We think it may need phrasing so that it reads more like it is a negotiated option to have the family involved rather than a necessity.

- ***Principle: The process must be understandable.***

Well, there's a problem right there. Simply just reading over the front page of the 'Best Interest' plan is confusing for anyone, except maybe a lawyer. We are young people bought up to believe we aren't worth very much in life so the way we learn - or rather don't learn - doesn't help when reading the front page of the Plan. Just trying to decipher all the legal jargon on this page is a massive step towards being incomprehensible. It is not fair to any young person to have to go into a meeting, especially feeling like a zoo animal and reading this information which is written primarily for workers. It would be enough to send the most placid yet traumatised person over the edge of the cliff, in terms of anxiety. The number of young people that walk out of these meetings or don't even bother showing up in the first place is astounding. Out of everyone on our YMI team, only one of us actually fought for their rights in the meetings. The point is that the meetings are in no way understandable to a young person, and to be really honest, terrifies young people. These meetings can be more traumatic than what happened before we went in to care because we feel even more helpless simply because we don't know how to fight back. We feel helpless in a situation where we should have control, or at least just the appearance of control.

- ***Principle: Consider different perspectives***

From our experiences of how DHS 'Best Interest' Plan meetings were run we weren't really given a chance to have our perspectives considered.

The perspective of a young person is rarely taken into account in these meetings. It comes back to feeling like a zoo animal with a bunch of tourists staring at you. It's not fair to any young person to have to be placed out of their comfort zone because the major players in the foster system can't or won't communicate with each other to find out what information is needed. Nobody needs to have a dozen workers in a room when you don't know at least half of them. All that you really need is the workers to communicate within themselves and decide who is really needed in the meeting, and who is really needed to gain all the information.

- ***Principles: Seek agreement and make decisions as soon as possible.***

When seeking the agreement of a young person in care, workers need to take the time to help them understand what is happening. It will help the young person feel comfortable to be part of the decision-making process. Being a part of the decision-making process may also mean that there is less chance of a rebellion from the young person toward their worker/s. For example, in a 'Best Interest' plan meeting, instead of just using a lot of legal jargon or jargon that the client/s don't

understand, the worker could take the time to explain what is happening to the young person and this should be prior to the meeting. In addition the young person should be supported prior to the meeting to prepare what they want discussed and have the opportunity to present their concerns and wishes.

4.3 Other Reflections on the Principles of Best Interests planning

The 'Best Interest' plan document states that sometimes it isn't possible to be consistent with all these principles at once. That doesn't mean that the principles or the decisions are wrong, it just means that some things are more important than others. In deciding what the most important thing is, the 'Best Interest' plan document says that decisions have to be made in the best interests of the child or young person. The person who approves this best interest plan will make sure that the plan looks after the best interests of the child or young person, and, as far as possible, is consistent with the principles listed above.

We understand that consistency across every case would be incredibly difficult, but why can't they be consistent with all the principles? There needs to be accountability here for every situation. Reading these principles in the 'Best Interest' plan document makes us feel angry. Our question is: Where is the accountability? Why is it not possible to be consistent with the principles? And the guide to workers in the plan states, 'it doesn't mean that the principles or the decisions are wrong, it just means that some things are more important than others.' We disagree. It's ALL important! Nothing should be left out because someone can't be bothered putting in the extra hours needed to set up a proper process that keeps everyone in the loop.

When we examine it even further the legislation says that in deciding what is the most important thing, decisions have to be made in the best interests of the young person. We question how can a decision be made in the best interests of the young person if the young person isn't even present? Not only that, but isn't the most important thing what the young person wants/needs not just what the legislation says it should say? It comes back to the young person feeling in control, things being done with them and that they are listened to. If they don't feel in control they won't cooperate and listen. It needs to be a part of doing a best interest plan to involve the young person. Workers need to think about being in our shoes and how they would feel if they were the client and you were disregarded like a piece of trash. We are all human beings and deserve to be treated as such. Our stories are different to a lot of people and because of that we are misunderstood and that really isn't fair. Admittedly, there are a small number of us that display really bad behaviour but majority are actually just people. People that are traumatised in massive ways and

trying to move past it but can't because there is such a black mark against us. Prejudice in this day and age is really bad.

4.4 Reflections on the layout of the 'Best Interest' Plan document

The first page of the case plan document is set out for the first 'Best Interest' plan meeting of a young person. But it is not designed for regular meetings held for young people. There should be more practical issues addressed in the plan. For example who signs forms for school excursions? Who pays for things like school camps?

Whilst the plan asks for the family network there is a need to add a section on the support network of the young person; friends, school staff, team leaders, coaches, mentors, anyone significant in the young person's life.

We question why there is half a page in the case plan document left for the protection order details. This looks like a waste of space to us. Why not simply attach a copy of the order to the plan rather than copy out information already on file? Or have everyone in the room on the same page as to the order details?

On page 2 of the case plan document details are requested about Therapeutic Orders. What is a Therapeutic Order? Young people do not know what this is and why it is there. We now understand that this order is for young people under an order to address sexual offending behaviours but none of us did at the time we were exposed to the document. This does not apply to the majority of young people so why is it there if it is not needed. How is it friendly to a young person?

With regards to the section on safety, stability and development we feel there needs to be a greater explanation to young people about what these concepts mean and the importance of safety, stability and development. A couple of us were fortunate enough to attend the Good Childhood Conference in 2013 run by Berry Street. There was a video played by Dr. Bruce D Perry, Senior Fellow Child Trauma Academy and Senior Fellow Berry Street Childhood Institute. He spoke about the importance of relationships for the developing child. It was a really amazing experience to see how much negative relationships can affect the development of the human brain. That a young child is profoundly influenced by experiences in his life whether they are good or bad and eventually impact on their emotional, social, cognitive and physiological functionality. Basically, it affects how they form emotional relationships and how to react in different situations. It was confronting. The better the stability of the young person's life after they enter Out of Home Care the better they are able to form a functional life later on no matter what age they enter care. The more positive re-enforcement they have the better chance they have of making

better life choices; like using contraception to help prevent teenage pregnancies. Although looking at the number of teenage pregnancies happening for young women who have been in care, it seems that teenagers are using sexual intercourse as a way of feeling an emotional connection to someone and having babies as a way to feel like they are worth something in the world. Clearly, these issues point to the need for greater discussion with young people on what the concepts of safety, stability and development mean in a young person's life.

In the section on the development of the 'Best Interest' plan it states that "This Best Interest Plan was prepared by Team Leader on <<DATE>> in conjunction with the following people". This statement highlights the lack of involvement of the young person in the preparation of the plan. The phrasing of it could be turned around a little bit just to give the young person a little bit of power in their life and the process. So instead it could read; "This best interest plan was prepared by 'Client Name' with 'Main Worker' on <<DATE>> in conjunction with the following people". Those people being other workers involved in the young person's life and the young person's carer/s. It could also be asked in the document 'How was the young person involved in the preparation of the plan'? This would provide some accountability around young people's participation in the process.

Other points we wish to make about the layout of the 'Best Interest' plan document include:

- *The language used in the document is not easily understood. For example, there is a section on 'Ongoing emotional and behavioural conditions'. What does this mean? This type of language doesn't speak to young people. There needs to be more youth inclusive language used throughout the plan.*
- *There is no explanation of the headings and what they mean eg identity, social presentation. There is a need for greater explanation of what these headings mean for a young person in their day to day life.*
- *Family and Social Relationships are grouped under one heading. These are two different things which need to treated separately.*
- *There is no section on preparation for leaving care. This needs to be included for all young people and at the very least for young people who are within two years of leaving care.*

5. Recommendations

We make the following recommendations to improve the 'Best Interest' plan document and process;

1. *That there is a review of the DHS 'Best Interest' Plan document and process by the Child Safety Commissioner and DHS Child Protection with the help and involvement of young people.*

2. *That a program of youth advocates be developed that enables all young people to have a youth advocate present at DHS 'Best Interest' Plan meetings and other care plan meetings. The Youth Advocate should be independent of DHS, Out of Home Care agencies and other youth support services.*

3. *That the DHS 'Best Interest' Plan document is changed to include more youth friendly language and there be an explanation of concepts like identity, safety, stability and development.*

4. *That written information on the 'Best Interest' plan and process is developed and provided to each young person in care and that this information is written in youth friendly language.*

5. *That the DHS 'Best Interest' Plan document and process give greater focus on long term stability, educational support, housing, and better support around every day living issues.*

6. *That there is an integration of the various plans including the 'Best Interest' Plan, Education Plans and Care Plans into one plan.*

7. *That the section in the DHS 'Best Interest' Plan document on family and social relationships is separated and responded to individually because they may not necessarily be one and the same.*

8. *That DHS workers understand and assess the comprehension levels of a young person to find out how much they understand about what happens in the meetings and adapt the meetings and language accordingly.*

9. *That DHS workers ensure there is follow-up with the young person to make sure they know what has happened in the 'Best Interest' Plan meetings.*

10. *That there is a review of how families are involved in a 'Best Interest' Plan meeting with young people in situations where there is conflict between the young person and their family.*

11. *That there is greater consideration given by DHS to how the 'Best Interest' Plan meetings are conducted including location and in doing ensure that the meetings encourage youth participation.*

12. *That DHS ensure that the 'Best Interest' Plan meetings are not conducted with workers who the young person has not met before and that the numbers of workers in the meeting be minimised.*

13. *That DHS ensure that the appeals process is explained to the young person and the family in the 'Best Interest' Plan meeting and written information is given about the appeals process.*

14. *That DHS develop training for workers on how to conduct 'Best Interest' Plan meetings that foster youth participation and involvement.*

15. *That DHS ensure that copies of the proposed plan are given to young people prior to the meeting and that the young person has a copy of the agreed plan after the meeting.*

16. *That DHS ensure there are regular reviews and updating of the 'Best Interest' Plan and process.*