

RESPONSE TO ISSUES PAPER: ESTABLISHING AN INSTITUTE OF OPEN ADOPTION

| No | ISSUE | RESPONSE |
|-----------|--|---|
| 01 | How should the proposed institute become a leader in the development of best practice for open adoption? | <p>The institute needs to be able to respectfully challenge recently held accepted norms relating to the care arrangements for children in need of permanent substitute care.</p> <p>A key goal of the institute should be to get the term “Open Adoption” into everyday discussion and to define what we mean by this term.</p> <p>Clearly the legacy of past (usually closed or forced) adoption practices across Australia needs to be acknowledged but there is also a great need to raise the potential of adoption as a decision of choice for children today. Our society is changing and social policy is also changing.</p> <p>Looking at new, innovative opportunities for lifelong solutions for children should be a clear priority for the institute as well as dispelling misconceptions about what some people perceive it to be. Adoption in 2015 is set in a completely different context to years gone by. Accordingly, practice should also be evolving. The message needs</p> |
| 02 | What are the core activities that should be undertaken by the institute? (i.e. applied research, service provision or other functions) | <p>Research that would seem most worthwhile would include focussing on the outcomes for children and comparing those who remain in care settings (PR to Minister etc) and those for children who have been adopted.</p> <p>Service provision by way of ensuring a quality service for people affected by adoption to re-connect in appropriate ways.</p> <p>Ensuring the quality and integrity of all records relating to adoptions, to assist people affected by adoption to be able to fully understand their history in detail.</p> <p>Service provision by way of highlighting what Open Adoption means” and hence giving prospective adopters clear, objective information on the topic, the process, the outcomes etc.</p> |
| 03 | What is the most appropriate service delivery model for the proposed institute to achieve its objectives and why? | <p>Partnership working with statutory and non-government agencies to fully understand the expectations/ views/ opinions/ wish-list from the range of perspectives.</p> <p>Transparency needs to be a key theme in the work of planning the institute and their practice once established.</p> <p>Fee for service on specific tasks would appear appropriate, based on the independence of the institute, as in the case of where a Curator ad litem is appointed to give a “best interests of the child” recommendation, which must be independent (hence not aligned with a particular viewpoint/ agency/ religious organisation.</p> |
| 04 | What needs to be included in the tender process so the institute is in a sound position to receive funds from a combination of | <p>The new Institute should:</p> <ul style="list-style-type: none"> • be set up as a Not-For-Profit organisation • be incorporated • have charitable status • be secular • be independent of any individual organisation |

| | | |
|----|---|---|
| | philanthropy, grants and fee for service? | <ul style="list-style-type: none"> governed by a board with a diverse range of skills and experience have due regard to the legal implications for all parties concerned have representation from a children's advocate have representation from medical advisers, to fully unpack the health needs (or uncertainties) of children and the health of prospective adopters. have a clear ethics committee. |
| 05 | Should the institute play a role in the evaluation of individual interventions and the provision of expert evidence in individual matters? Why, or why not? | <p>The institute should be able to review current practices to see what works well, what does not work well and what barriers are experienced. Without evaluation of practice, effectiveness and efficiency are likely to be early casualties in the process.</p> <p>With regard to expert evidence, there needs to be work done by the institute and the legal profession on what benchmark is being set for "expert evidence."</p> <p>The institute may also be well placed to advise on any appeal processes which may apply to proceedings as well as looking at informing best practice around the legal functions involved with adoption.</p> |
| 06 | What priority areas of applied research should be addressed by the tender? What needs to be done in the formation of the institute to ensure these specific functions of applied research are to be undertaken? | <ul style="list-style-type: none"> Defining the context of our time and how this has changed since colonisation, Defining the current need for permanent substitute care, Studying the legacy of past care arrangements and the continuing impact on individuals/ families etc, Identifying the barriers to people seeking to adopt Assessing the need for post-adoption supports for all concerned for children and families. |
| 07 | How broadly should the term "open adoption" be interpreted? | <p>Open adoption should be viewed as the means by which a child's needs can best be met, if it has been established that:</p> <ul style="list-style-type: none"> |
| 08 | What specific powers to access information and data should the proposed institute have? | <p>The institute should have the power to access defined lists of information as relevant to the particular circumstance of the child(ren) and adults involved in the matter.</p> <p>Perhaps a regulatory function whereby failure to provide the necessary information to the institute as required would be centrally recorded and viewed in the context of quality assurance (perhaps a role for NSW Ombudsman?)</p> |
| 09 | What structural elements should be included in the tender specifications and why? | |
| 10 | What structural elements should be excluded from any proposed structure and why? | <p>Faith based organisations should not be regarded as appropriate to be the lead agency on forming or running the institute, based on the historical context of faith based welfare provision in Australia. Whilst society has changed, public perspective has perhaps not evolved as quickly or as far, hence there is potential</p> |

| | | |
|----|---|---|
| | | <p>risk to the success of the institute by way of public perception on the basis of the organisation leading the institute.</p> <p>The views and opinions of the whole society should be heard and included in the work of the institute.</p> |
| 11 | What specific matters need to be dealt with to allow the proposed institute access to, and maintenance of security of, all requisite information and data for the undertaking of the applied research? | <p>Legislation needs to be enacted which provides the basis for the institute to carry out the necessary tasks, in order to get a truly representative understanding of the current situation and the way forward. Without a legislative basis, there is a risk that the quality of research, outcomes and effectiveness of the institute could be significantly compromised.</p> |
| 12 | What issues need to be considered to ensure a healthy partnership between the researcher and non-government service provider responsible for the institute? | <p>Perhaps a localised or state-wide Working Group with representatives of statutory and non-government organisations coming together to work towards the same goal, noting the range of differing approaches and perspectives.</p> |
| 13 | While the institute will be independent of government, should there be connections between the institute and the NSW Government that need to be contained in the documentation establishing the institute and, if so, what needs to be achieved. Are there any governance issues that should be considered? | <p>There should be reference to the integrity of the institute and how any potential conflict of interests should be disclosed/ managed.</p> <p>As the institute would initially be publicly funded, there should be clear definition of how the funding body will ensure that it cannot be construed as in any way attempting to influence the findings or actions of the researcher.</p> <p>The success or otherwise of the institute, and ultimately the rates of future open adoptions, depends on the institute being, and being seen to be, entirely independent.</p> <p>Deliverables under the funding agreement should be limited to items not associated with the scope or outcome of the research or recommendations etc.</p> |