

**To: Michael Coutts-Trotter, Secretary  
NSW Department Family & Community Services**

**Topic: Response to NSW Government Family & Community Services  
Issues Paper - Establishing an Institute of Open Adoption  
Paper Due: Wednesday 5 August 2015**

## **Introduction**

This response is made on behalf of Barnardos Australia (Barnardos) and the Faculty of Education and Social Work, University of Sydney (USyd). We welcome the NSW Government's commitment to establishing an Institute of Open Adoption and are of the strong belief that this initiative will provide the opportunity to advance knowledge in this area and most importantly improve outcomes for children.

Barnardos has been a leader in advocating and practicing open adoption for over the last two decades in NSW, establishing in 2014 a Centre for Excellence in Open Adoption. The Centre for Excellence in Open Adoption currently has a number of research projects underway including a major large scale longitudinal study using a cohort of children adopted over a period of thirty years. We strongly believe that the establishment of an Institute will provide a much wider forum and more effective means of providing the independent leadership in open adoption which is needed. The number of adoptions instigated by Barnardos has increased following transition of NSW out-of-home care services to the non-government sector, demonstrating the increasing role which may be played by the non-government out-of-home care contracted services in this area.

The Social Work and Policy Studies Program (SWSP) in the Faculty of Education and Social Work, has had a senior member of the department on the Board of Barnardos for the past 10 years. Currently Professor Fran Waugh is the Special Board Representative involved in research with Barnardos. A major research project is currently being undertaken in relation to the outcomes of open adoption of approximately 200 adoptions; this work is being directed by Professor Harriet Ward, founder of the University of Loughborough's Centre for Child and Family Research in the United Kingdom. Professor Julie Selwyn, Head of the Hadley Centre for Adoption and Foster Care Studies, University of Bristol in the United Kingdom is a consultant to the research project.

The Social Work and Policy Studies Program at the University of Sydney has had extensive experience in research in many fields of social policy. It has developed expertise in practice-based research, in particular, action research, which is an effective approach for engaging practitioners in developing new practice. Examples include action research with domestic violence and statutory child protection workers to enhance knowledge transfer and collaboration across intersecting fields to improve practice with children exposed to domestic violence and with domestic violence and mental health workers to reduce the mental health impacts that can affect women's parenting. In addition they have a strong emphasis on research into practice and evidence informed approaches to using research generated data to influence social policy development.

### **Issue 1:**

#### **How should the proposed institute become a leader in the development of best practice for open adoption?**

In the light of known outcomes and results of long stay foster care in the out-of-home care system it is critically important that a different way is sought to significantly improve the outcomes for children whom the state takes into its care. It is also important that any solutions should be informed by evidence and continue to be refined.

The Institute of Open Adoption will provide a critical change point in finding a new path of open adoption for children who would otherwise be in the dysfunctional foster care system. In responding to this discussion paper we fully support the principle of an Institute for Open Adoption being established externally from government. We suggest that the Institute should ideally be aware and influenced by the current practices in open adoption as well as the intellectual rigour of research analysis, and that these constitute an essential basis for leadership in the development of best practice in the area.

### **Issue 2:**

#### **What are the core activities that should be undertaken by the institute? (i.e applied research, service provision or other functions)**

We suggest that an important core activity focus of the Institute initially should be to engage in relevant activities of evidence gathering to participate and change the consideration by statutory child protection officers of options to include open adoption. Applied and action research methodologies are essential to ensure primary connection of research with current practice at the outset of establishment of the Institute, and also ongoing so that open adoption practice is influenced by the Institute over time.

Research related impact on open adoption practice via applied research should be the primary core focus of the Institute, and will be complemented by directly associated ability over time to provide expert advice at a variety of levels including Courts and the broader legal system. Expert evidence for both individual children and category groups (for example particular age cohorts) and knowledge dissemination via publications, presentations and training will also be important supplementary activities.

### **Issue 3:**

#### **What is the most appropriate service delivery model for the proposed institute to achieve its objectives and why?**

We suggest that it would be inappropriate for an Institute to be solely under the control of a single organisation or University. The proposed Institute objectives will be best met via an active practice-research partnership model and approach between a non-government agency with direct practice experience of open adoption, and an appropriate well established academic institution. It will be particularly relevant for stakeholder organisations knowledgeable about day to day child protection and adoption matters to be partnered with respected academic institution/s experienced in the many types of data collection evidence and research into practice methodologies. It will be important that the Institute is not confined to any sole discrete research process as the Institute needs to have a discretionary approach in choosing people of relevant knowledge and experience to contribute to the body of evidence about open adoption.

Service delivery model considerations must be underpinned by a clear governance structure based on a partnership approach which actively connects service delivery model expertise in the field of open adoption with direct practice oversight in addition to academic rigour in relation to research projects initiated and undertaken.

#### **Issue 4:**

##### **What needs to be included in the tender process so the institute is in a sound position to receive funds from a combination of philanthropy, grants and fee for service?**

The discussion paper raises the issue of ongoing and independent funding for the Institute. As a long standing organisation which raises considerable funds via philanthropy and grants Barnardos experience is that it is unlikely that any fee for service options from, for example training or consultancy, will provide the level of funding which will be required over time to ensure continuation and growth of the Institute following the initial three year period of NSW Government funding.

It will therefore be necessary for any tenderer to have a substantial proven track record in attracting and raising philanthropic funds. It is important that any tenderer is prepared to offer this as a resource free of charge to the Institute as otherwise initial government funds would be reduced in attempts to raise money. Close consideration of this issue is important in order to ensure that the work of the Institute is consolidated and well established at the end of the three year government funding period. In addition the Institute should not have to use any of its resources on establishment costs. A foundation of this nature, if properly established, combined with strong effective governance, would allow for the development of independent funding and continuation of the Institute beyond the current three year allocation of funding by government.

#### **Issue 5:**

##### **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?**

It will be important for ongoing future impact in the area of open adoption that the Institute develop specific evidence informed expertise, and that experts are prepared and available to give evidence if needed in the Children's Court and also the Supreme Court. It may be appropriate for the Children's Court to require an opinion in relation to groups of children, for example all children of a particular age or when a particular circumstance is defined. Used in this way, the Institute over time will have the capacity to impact ongoing developments in relation to possible adoption related legislative or regulatory amendment based on evidence of outcomes for children in open adoption, over time.

#### **Issue 6:**

##### **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?**

We believe that the discussion paper provides some general guidance for the possible shape of an Institute of Open Adoption, however from our experience we would like to suggest that the culture within the Department of Family & Community Services (FaCS), in particular among child protection

specialists who are proceeding before the Children's Court, is an important starting point for consideration or lack of consideration of open adoption for children. Our experience is that the culture of NSW FaCS, at this grass roots level, is anti-adoption because of a wide range of beliefs and accustomed practices. Priority areas for applied research should therefore include consideration of this with particular reference to ensuring action research techniques connecting government and non-government agency practitioners. Active evidence informed "feedback loops" for open adoption practice can be generated in this way, contributing not just to the knowledge base for open adoption but also to active practice currently and into future times. In this way evidence and practice expertise can best be continually developed and refined.

#### **Issue 7:**

##### **How broadly should this term 'open adoption' be interpreted?**

In the light of the known outcomes and results of long stay foster care in the out-of-home care system it is critically important that a different way is sought to significantly improve the outcomes for children whom the state takes into its care. For this reason we strongly urge that the Institute have a priority focus on open adoption for children from the statutory out-of-home care system that is those for whom a Care Order has been made on the basis that they can never safely return home.

Open adoption is a slowly developing methodology working with children who are permanently removed from family care, and direct practitioner expertise in both the care planning processes leading to a care plan for open adoption in the Children's Court and the adoption application and finalisation in the Supreme Court are currently developing. In the best interests of this most vulnerable group of children it is therefore vitally important that the Institute has immediate and direct knowledge available to it of current issues of practitioners, and that it is able to adapt to changes as they emerge.

Barnardos and USyd fully agree with the important underlying principle of the discussion paper that the sole focus of the Institute should be for children who have been permanently removed from the care of parents by Children's Courts within Australia.

#### **Issue 8:**

##### **What specific powers to access information and data should the proposed institute have?**

As per Issue 2 response, an important focus of the Institute initially should be to engage in relevant activities of evidence gathering to participate and change the consideration by child protection officers of options to include open adoption. In this respect it will be important for FaCS, as the statutory body for bringing children into care, to guarantee access by institute researchers to case workers who are bringing children before the Court, particularly young children under two years of age where the six month time frame for care planning is critical in terms of both legislative requirements and developmental needs of children.

#### **Issue 9:**

##### **What structural elements should be included in the tender specifications and why?**

The structure of the Institute must enable it, as it develops, to facilitate the growth of knowledge and expertise in open adoption as currently understood, and also to draw on associated evidence provided by other relevant disciplines, for example clinical psychology and early childhood. This should provide a range of expertise able to inform fully the concept of the best interest of the child as expressed in legislation, for example children's developmental needs at different ages and stages. The associated expertise available in other such areas will enhance the work of the Institute and also assist in growth of additional research partnerships over time. It will be important that practice capacity is constantly generated/readily available to the Institute over time, in order to prevent an emergent exclusively theoretical approach – not losing touch with practitioners is essential.

#### **Issue 10:**

##### **What structural elements should be excluded from any proposed structure and why?**

We believe it would be inappropriate for the Institute to be established by a single organisation on the basis that the open adoption practice-research connection and relationship is crucial to maximising impact for children. An exclusive focus on training should also be excluded because this would have little direct ability to ensure direct change to care planning for children over time, with no associated link to examining adoption outcomes. The need for a predominant focus on children also means that the activities of the Institute in relation to adults involved in adoption should be directly specified and limited in so far as the focus is on the direct impact on open adoption practices for children.

#### **Issue 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?**

It is crucial for the Institute to have direct and preferably unlimited access to statutory child protection records and information about children; without such access applied research will be severely hampered, if not impossible. For longer term research related work it will be important to have endorsement and support of the legal system and particularly Courts for particular children and groups of children.

#### **Issue 12:**

##### **What issues need to be considered to ensure a healthy partnership between the researcher and non-government service provider responsible for the institute?**

The non-government provider needs to be an active partner in the Institute in relation to funding, it will be preferable that research is undertaken jointly via employees of both the academic institution and partner agency. We believe it would be inappropriate that government funding available for setting up the Institute is provided to a sole NGO or NGO partnership as this would reduce both health and strength of the research component of the partnership.



**Issue 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 other governance issues that should be considered?**

An independent governance structure for the Institute should be established including formal establishment of connection with government, for example inclusion of a government representative on the Institute Board. Ongoing dialogue will be required between the Institute and statutory child protection officers and to this end formal communication channels will need to be established with government at senior levels.

**Closing Statement**

We believe that establishment of the Institute for Open Adoption provides an important opportunity to directly impact the lives of vulnerable children. Rather than waiting for years of research it is important for children in the state of NSW that we use the best practice evidence available and the best knowledge base from different disciplines to reach considered policies and practices to improve children's lives. We are familiar with the culture within a number of arenas such as FaCS districts and the legal arenas where there is often a strong anti-adoption opinion openly expressed. We are concerned that the intentions of the new legislation to support and enhance the stability of children in NSW out-of-home care, and most particularly in open adoption, will be reduced without a greater emphasis on assistance to change attitudes.

The Institute for Open Adoption will provide excellent opportunities for effective action research directed towards attitudinal change as well as a capacity to address specific research questions important to particular stakeholders including lawyers and child protection workers. We support the intent to develop a body of knowledge around open adoption to inform Courts and all stakeholders as to the meaning of open adoption to children, and to assist identification of barriers toward implementation of the new Act. We applaud the intent to develop expertise and expert witnesses.

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