Submission from the Association of Children's Welfare Agencies (ACWA) to the Department of Family and Community Services (FACS) *Issues Paper – Establishing an Institute of Open Adoption*

This response will follow the questions posed by the Issues Paper based on ACWA's role as a peak body in NSW and from our expertise in policy, research and learning and development.

Issue 1: How should the proposed institute become a leader in the development of best practice for open adoption?

The Institute of Open Adoption should become a leader in the development of best practice for open adoption by:

- Demonstrating commitment and ability to undertake and share research and innovative practices on open adoption across the non-government and government sector, general public and other stakeholders;
- Developing training and educational seminars and forums for stakeholders including non-government organisations (NGOs) and FACS staff from frontline through to executive, Supreme Court staff, clinicians, adoption assessors, Education and Health professionals, general public such as prospective adoptive families, and birth families;
- Effectively and sensitively managing media through providing research-based responses to questions and enquiries that are unbiased and respectful of all permanent placement types that are in the best interest of children, including restoration and family placement as a priority;
- Undertaking systemic reviews that reflect emerging trends, successes and areas for improvement in open adoption practice, training and support;
- Demonstrated engagement of all stakeholders in the open adoption space;
- Provision of expert research-informed advice to support the best interests of children and young people
- Demonstrated ability to communicate with and engage with a broad audience on emerging research, best practice and consistent messages across all stakeholder groups including FACS, NGOs, prospective adoptive parents, birth families and other stakeholders;
- Demonstrated ability to influence through a range of channels both in NSW, nationally and internationally;
- Connecting families who have or are going through the process of open adoption;

- Demonstrated ability to influence and drive reform and legislative change when required.
- Demonstrated impartiality by providing advice on merit without bias or self-interest and objectively considering all relevant facts and the evidence base for open adoption practice.
- Demonstrated commitment to research integrity and access to independent ethical oversight of research involving children, young people, carers and workers.
- Utilise international, national, and state research and practice networks to collaboratively progress and promote evidence based programs and strategies to improve open adoption practice.

Issue 2: What are the core activities that should be undertaken by the institute? (i.e. applied research, service provision and other functions)

The core activities to be undertaken by the institute should include:
- Research that clearly identifies when adoption should be considered for children and how this is linked to best practice. (An example of what might be achieved would be research that identifies the challenges for caseworkers identifying birth fathers of children in OOHC and how this impacts on the chance of restoration to paternal birth family whilst also impeding the passage of an open adoption through the Supreme Court where evidence of this search and a father's ability to parent has not been explored.)
- Research to practice, the institute should be able to quickly update training and education with the most recent research and have a method or making this training available and accessible to a range of stakeholders;
- Expert research-based reports on particular care or adoption matters that are able to demonstrate a clear reason as to why adoption is or is not the best order for the child;
- Updating and communicating key messages on open adoption through a range of channels that convey what open adoption means for birth families and prospective adoptive families;
- Stakeholder engagement and management which includes promoting permanency in all its forms in the best interest of children; (for example if the Institute cannot promote a message that is as supportive of restoration as it is for open adoption it will alienate many stakeholders including caseworkers and legal representatives who may have personal views towards adoption that could be reinforced by strong handed messages and research);

- Media management of adoption related issues where appropriate;
- Proactive media using a range of channels to promote a positive open adoption culture where it is in the best interest of children;
- Expert influence on case practice across the non-government sector and FACS using a range of communication strategies, training and education;
- Become a bank of positive adoption stories for proactive communication and sharing;
- Promote the voice and views of children on open adoption and maintain focus on what is in their best interest;

Issue 3: What is the most appropriate service delivery model for the proposed institute to achieve it's objectives and why?

The most appropriate model for service delivery is a model, which includes:
- Partnership with research institute/s, such as a university
- Internal research to practice unit/process
- Training and education unit
- External communications unit
- Expert advice unit for providing research-based support in court matters
- Philanthropic partners

(See attached *Service Model* diagram.)

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 philanthropic grants and fee for service?

The following questions might be included in the tender to ensure the successful provider is in a sound position to receive funds from a combination of philanthropic grants and fee for service:
- Demonstrate your capacity to provide services in a fee for service arrangement.
- Demonstrate what fee structures you would propose to support clients with varied financial resources.
- Demonstrate how through fee for service you can continue to operate a sustainable model.
- Demonstrate how you will engage with philanthropic organisations to successfully receive funding.

- Demonstrate how your constitution and current business activity supports your ability to run and resource the institute, including any constitutional or business changes that would be required.

Issue 5: Should the institute play a role on the evaluation of individual interventions and the provision of expert advice in individual matters. Why or why not?

The Institute should be able to play a role in individual interventions where it can demonstrate through the tender process that it:
- Places equal value on the exploration of restoration, guardianship and sole parental responsibility orders as well as adoption orders;
- Values contact that is in the best interest of the child, recognising the value and importance of authentic relationships where possible between birth and adoptive families;
- The ability to provide fee for service that does not disadvantage people from poorer socio-economic environments.

The Institute should not play a role in these matters where:
- It cannot reflect latest research with regard to contact that is authentic and based on what is in the best interest of the child throughout their life;
- Where it cannot demonstrate flexibility in fee for service arrangements;
- Where it cannot reflect in its tender that it respects and values restoration and guardianship as permanent placement options for children.

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 those specific functions of applied research are to be undertaken?

Applied areas of research for priority should include:
- Voices of children adopted from OOHC, their experience and relationship with adoptive and birth families;
- Contact: family based contact from interim orders to open adoption. What are the implications for children when birth parents and carers/prospective adoptive parents are kept apart in early placement of children?
- Caseworkers as the model litigants. How do caseworkers become model litigants and how does this affect their practice? What does this mean for children and their relationships with birth family in the future, adopted or not?

- Practice First sites and their impact, if any, on child placement, final orders and adoption. (Given a Practice First site works with families pre-removal intensively, what does it mean for a child when everything has been tried and is this leading to greater family placements or prospective adoptive placements? What are the NGOs in these sites finding when the child is on interim orders, are they pursuing open adoption in the case plan and, if not, why not?)

The tender process could:
- Outline these and other areas of research and how a research agenda would be developed and prioritised. The development of a research agenda and attainment of milestones could be included as performance measures against the funding;
- Request timelines and project outlines of how the research agenda and illustrative research projects will be achieved;
- Request a proposal on when and how these topics would be publicly presented, how this would be achieved and who might be involved;
- Request demonstration of the commitment of a research partner/s to these topics by way of letter confirming agreement to be submitted with the tender;
- Provide research to practice timelines based on research outcomes.

Issue 7: How broadly should this term open adoption be interpreted?

"Open adoption requires us to rethink the meaning of family. Adoption doesn't simply mean adding a child; it means extending the family's boundary to include a child's birth relatives. We have found that adoptees, adoptive parents, and birth parents alike are all more satisfied when they have opportunities for contact."

Grotevant, H.D. (2015)

Open adoption should take the widest possible meaning. It should promote meaningful relationships and respect that focus on the strengths of the birth family and what they can bring to a child's life in whatever form that might take. It may be that this cannot be achieved for every child where significant risk cannot be managed safely, but where it can be managed it should be, where it is in the best interest of the child.

Issue 8: What specific powers to access information and data should the proposed institute have?

The tender process should request how information and data will be used ethically, noting the small number of adoptions currently processed in NSW. These early limits may be able to change over time as the number of adoptions processed increases.

Given the independent nature sought for the Institute it is important that the Institute has access to FACS and NGO data as well as access to clients through FACS and NGOs for research purposes where the appropriate ethical standards and safeguards are reached. Trend data on the number of open adoption applications to the Supreme Court, the number of assessments of prospective adoptive parents completed and the characteristics of adopted children, adopted parents and birth parents would assist the Institute in its research to practice role. The progress of the merged OOHC and Adoption Standards for accreditation from the Office of the Children's Guardian would also be key information for the Institute.

Issue 9: What structural elements should be included in tender specifications and why?

Structural elements should include:
- Proposed governance model, establishing independence, impartiality and fiscal probity;
- Accountability mechanisms for the Institute to publicly report on key deliverables in research and training;
- A clear risk management framework and insurance coverage for liability if the Institute is involved in the provision of expert advice in individual matters;
- Robust dissemination models including communication channels and media strategies for proactive communications;
- Financial sustainability independent from any parent organisation;
- Dedicated staff positions with responsibility for progressing the work of the Institute;
- Public complaints and feedback process.
- Conflict of Interest policy and process for disclosure for all partners in the Institute.

These elements are required as independence, impartiality and objectivity are key criteria for undertaking credible research and authoritatively influencing practice in the sector.

Issue 10: What structural elements should be excluded and why?

Structural elements should not include:

- Requirement for Institute to be a separate legal entity;
- Heavy financial or structural dependency on continuation of any parent organisation;

These elements are required for reducing the complexity of start up and achieving sustainability of the Institute.

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?

To allow the Institute to access and maintain secure information and data, the tender should require demonstration of/commitment to:
- Submit ethics applications to Human Research Ethics Committee for research conducted;
- Employee/contractor agreement about the access, use and disclosure of sensitive information;
  Demonstrated capacity for secure record keeping and maintaining high ethical standards both during research and when sharing data.

Issue 12: What issues need to be considered to ensure healthy partnerships between the researcher and non-government service provider responsible for the institute?

The following is needed to ensure a healthy partnership:
- Formal agreement of roles and scope of work;
- Trust and respect;
- Consideration of collaboration model, e.g. co-location, joint project working groups, face to face meetings, secondments etc;
- Evidence of previously effective working relationship.
- Effective governance and oversight mechanisms.

Issue 13: Whilst the institute will be independent of government, should there be connections between the institute and NSW government that need to be considered in the documentation establishing the institute and, if so, what needs to be achieved. Are there any other governance issues that should be considered?

There are issues that need to be considered in the documentation and these include:
- Reporting from the Institute to government of tax payer funded initiatives;

- Memorandum of Understanding (MOU) to support the undertaking of effective research within government departments and the NGOs they fund to deliver OOHC and open adoption services;
- MOU with the Office of the Children's Guardian for information sharing and access to relevant research related data;

Institute Service Model

Philanthropic Partners — Institute — University Partnership

- Research to Practice
- Training Unit
- External Comms Channel
- Expert Advice
- Families Supporting Families

Fee for service

Carer/prospective adoptive parents, birth parents, frontline staff, courts, NGO/ FACS agency level

Fee for service

Service Sustainability