



12 December 2013

Mr Austin Kenney
Senior Manager
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Community Services Directorate
GPO Box 158
Canberra, ACT, 2601

Dear Mr Kenney,

The Youth Coalition of the ACT (the Youth Coalition), CREATE Foundation (CREATE) and Families ACT, would like to thank the Community Services Directorate for the opportunity to provide input into the *Out of Home Care Strategy (the Strategy) Discussion Paper*.

Response to the Paper

The Youth Coalition, the peak youth affairs body in the ACT, CREATE, Australia's peak body representing the voices of all children and young people in out of home care, and Families ACT, the peak body supporting organisations working with children, young people, and families in the ACT, are making a joint submission in response to the discussion paper. The response focuses on nine of the areas addressed as well as addressing concerns about two further issues.

Overall the peaks are concerned that the Strategy lacks the detail required to understand how it will operate and how it will differ from current approaches.

1. Empowering Children and Young People in Decision-Making

The Youth Coalition, CREATE and Families ACT acknowledge the Community Services Directorate commitment in the Strategy to empowering children and young people to be involved in the decisions about their lives and the emphasis on incorporating this into each element of the strategy.

In discussions with young people held by CREATE, young people themselves strongly supported this element of the Strategy. The young people stated that a reduction in the number of placements for an individual would be a good indicator that the child or young person had been involved in decision-making.

The Youth Coalition, CREATE, and Families ACT believe that the voices of children and young people must be heard in all decision-making processes that affect them.

In the 2013 CREATE Foundation's Report Card *Experiencing Out-of-Home Care in Australia: The Views of Children and Young People* (CREATE Report Card 2013) identified that approximately 25% of respondents in the ACT reported having had a say in where they were currently living and over 20% had been moved from a placement they did not want to leave. The CREATE Report Card 2013 noted that approximately 50% of participants in the ACT felt they were able to contact their caseworker when they wanted.

Nationwide, children and young people claimed to be 'sometimes' involved in meetings about their care plan.¹ It is essential that children and young people's views are genuinely listened to and acted upon when making decisions about their care and that final decisions are explained to them in coherent age appropriate language.

We recommend that Care and Protection Services be required to report on how children and young people's views have impacted decision-making about their care plan, and other policy development. In addition we believe regular case plan reviews to uncover the extent to which children and young people's views need to be elicited and documented. This encourages case workers to meaningfully elicit the views and opinions of the children and young people they are working with and is of the utmost importance.

Recommendation 1

Care and Protection Services be required to report on how children and young people's views have impacted decision-making about their care plan, and other policy development.

Recommendation 2

Regular case plan reviews to uncover the extent to which children and young people's views are elicited and documented by case workers.

2. Therapeutic Plan for every Child and Young Person

The Youth Coalition, CREATE and Families ACT support the development of a therapeutic plan for every child or young person when they enter care with a commitment to regularly reviewing the plan to determine relevance. We note that the difference between the currently required care plans and therapeutic plans is unclear and recommend the features of a therapeutic plan be made explicit in both policy and practice guidance notes for case workers and other stakeholders working with children and young people.

The therapeutic plans will be resource intensive to develop and implement and will result in high-demand for specialist services. The discussion paper is lacking in detail about how the strategy will ensure that every child has access to the resources and services required for their therapeutic needs.

It is important to note that, to be effective, any assessment of a child or young person's needs within their plan must be promptly acted upon. Anecdotal evidence from young people consistently suggests that their needs are not responded to as immediately or urgently as they would like or need.

In CREATE's discussions with young people about the Strategy, young people felt that the development of therapeutic plans should depend on the individual and their history and experience, rather than being mandatory. They felt that therapeutic services should be offered, but young people should not be coerced into attending counselling they did not want.

However, we acknowledge that young people may need to be encouraged to seek counselling if it is identified by professionals as necessary to their ongoing wellbeing.

Recommendation 3

The features of a therapeutic plan be made explicit in both policy and practice guidance notes for case workers and other stakeholders working with children and young people

3. Placement Prevention

The Youth Coalition, CREATE and Families ACT support an emphasis on statutory care placement prevention in the Strategy. Working with families to prevent the causes leading to children and young people being placed in care will deliver substantial benefits for the families, the community and Government.

However, at the core of any statutory care decision is the views, safety and wellbeing of the child. Their best interests are the predominant concern.

While we commend the discussion paper's focus on prevention services, placement prevention, as outlined in the discussion paper, will be aimed at families who are already significantly along the risk continuum. The Youth Coalition, CREATE and Families ACT advocate for a focus on early intervention and responses at the primary and secondary level in order to more effectively prevent entry to the care and protection system.

To be successful, the Strategy must address the underlying causes of social disadvantage and vulnerability in families that lead to their involvement in the child protection system. The range and detail of intervention and prevention supports for families is a necessary aspect of the Strategy. To counteract resistances to engaging in support programs, the kind of programs and services available need to be explicit in the Strategy. Intensive in-home support, as discussed in the paper, will be crucial in reaching vulnerable families who often experience barriers in accessing services.

In discussions facilitated by CREATE in regards to the Strategy, young people themselves were sceptical about the effectiveness of prevention services. One young person said:

'There is no way to do that... If parents are unsuitable then it is better that children go into care. Some parents are unsafe – using drugs, having unknown visitors, unhygienic houses.'

In addition, young people suggested that in-home support would only be a bandaid solution, that parents would mask their behaviours while a worker visited, but return to their negative behaviours once the worker left. They emphasised that parents were unlikely to change unless they were motivated to, with one young person saying:

'You can't push a car sideways'.

The responses from young people suggest that previous attempts at early intervention and prevention have failed. We recommend a best practice model of support needs to be investigated.

Recommendation 4

A best practice model of support for placement prevention is investigated with a focus on early intervention strategies at the primary and secondary response level.

4. Reunification

The Youth Coalition, CREATE and Families ACT believe that intensive support is required to ensure that reunification is successful. Reunification support will need to be designed on a case-by-case basis with a focus on what was unsuccessful in placement prevention support. We believe first and foremost that the safety of the child or young person is paramount. If reunification meetings involve family members, including children and young people, the voices of children and young people are of overriding importance.

Where reunification review meetings involve children and young people, the process and proposed outcomes of the meetings need to be explained to the child or young person in a language they understand. Children and young people must be provided with opportunities to safely express any concerns or opinions they have about the process of meetings and the outcomes to be achieved, without fear of retribution from family members, workers or the department responsible for their care.

Recommendation 5

Children and young people are provided with opportunities to safely express any concerns or opinions they have about the process of reunification.

5. Contact Framework

The Youth Coalition, CREATE and Families ACT support the commitment to well-planned contact between children and young people, their parents, siblings and extended family. The contact framework must ensure that contact is genuinely child-focused and not based primarily on the views of the adults involved in the decision-making.

Recommendation 6

ACT Government undertake further research and consultation with children and young people and the community sector during the development of the proposed contact framework aspect of the Strategy.

7. Therapeutic Residential Model

The discussion paper indicates that a young person should not have to change placement if the goal of their therapeutic plan changes or if the young person is not ready to transition elsewhere. The Youth Coalition, CREATE and Families ACT support the notion that young people in therapeutic residential care are not required to move out at 18 years of age and will be able to dictate when they are ready to move on from residential care. This is premised on an understanding that those in residential care tend to have experienced the most severe trauma, and may require extra support to address this in the transition process.

Recommendation 7

Young people in therapeutic residential care are not required to move out at 18 years of age and are able to dictate when they are ready to move on from residential care.

8. Increased Focus on Permanency

The National Framework for Protecting Australia's Children identifies the benefits of stability and security that children and young people experience enduring permanent placements.²

Permanent placements and adoption should therefore be explored for all children and young people for whom reunification is not appropriate. Due to the complexities and history of forced adoption in Australia we strongly advocate for adoption and long term care to be determined on an individual case-by-case basis.

The Strategy outlines the three ways children and young people may exit from the out of home care system: ageing out of care, reunification and permanency options such as adoption. The Strategy prescribes that therapeutic plans will transfer home when the child is reunified with their birth families, however, the discussion paper does not address therapeutic care plans in relation to adoption or permanent placements. We believe it is equally important that the therapeutic plan and support services remain in place once a child or young person is permanently placed or adopted to ensure the success of the placement and the best outcomes for that individual.

Recommendation 8

A child or young person's therapeutic plan and support services remain in place once a child or young person is permanently placed or adopted.

9. Transition from Care

The Youth Coalition, CREATE and Families ACT support changes to better assist young people transitioning from out of home care. A positive transition for a young person leaving care requires ongoing age appropriate planning and preparation from when a child or young person enters care, not just from the transition phase. The transition plan must address all elements of transitioning including accommodation, education, training, employment, income and connection to family and community.

The discussion paper lacks a clearly stated focus on ensuring all young people have a Transition from Care Plan and a commitment to engaging young people in the creation of their Plan. Involving young people in planning for their own future early on in the process will promote their ownership of the process and will help to protect them from experiencing a negative and unsuccessful transition.

The CREATE Report Card 2013 indicated that in the ACT under 40% of respondents between 15 – 17 years knew they had an official 'leaving care plan'. Anecdotal evidence does suggest that more dialogue is occurring between young people and caregivers about what will happen to them post-care. However, there is much more work to be done in supporting transitions.³

The Strategy's Transition from Care Plan lacks a crucial focus on housing post care. CREATE's 2009 Report Card noted that 35% of survey respondents had experienced homelessness within the first 12 months of leaving statutory care⁴. Young people themselves see housing as one of their most important transition needs.⁵ One of the most significant factors in achieving positive outcomes post-care is a case plan that is based on stable accommodation. Young people need clear pathways and support into public housing, private rental or transitional housing that is responsive to their individual needs. Young people indicate that they want to be involved in housing negotiations and plans rather than being placed in accommodation that might be removed from their needs and support without their knowledge.⁶

We are concerned that the Youth Coalition's previous recommendation (in submission to the first Issues Paper) to clearly outline collaboration between Care and Protection, Housing

ACT and community based support services to prevent young people leaving the care system into homelessness has not yet been addressed in the Strategy.

The Youth Coalition, CREATE and Families ACT support extending out of home care until young people reach the age of 21 years as identified in the issues papers' literature review. This requires financial support to be provided to carers while a young person completes education or training and recognises the general trend of young people in the broader community staying at home for longer periods. It is important to recognise that transition is not one event but may be a series of back and forth moves between care and independence.

In discussions with young people by CREATE in regards to the Strategy, young people felt that those in care should receive financial support until they were 25 years old. They supported the idea of providing support to carers beyond 18 years as long as the young person wanted to stay and the carer was not financially motivated. When interviewed by CREATE staff, one young person stated:

'Hopefully at 18, you should have a plan about career goals. You have had time to think about it and should be ready'

Another view was that the option to stay longer would offer stability in the knowledge that they were not going to be 'kicked out' when they reached 18.

Given the particularly poor outcomes for young people transitioning from care, it is crucial that this is something in which all areas of the ACT Government are heavily invested.

Recommendation 9

Collaboration between Care and Protection, Housing ACT and community based support services to prevent young people leaving the care system into homelessness is clearly outlined.

Recommendation 10

All areas of the ACT Government are to be committed to improving outcomes for young people transitioning from care and required to report against their contribution to preparing young people to transition.

15. Independent Advice for Aboriginal and Torres Strait Islander Children and Young People in Care

The Commission of Independent, Community Based Cultural advice in relation to Aboriginal and Torres Strait Islander children and young people in care would be a positive part of an out of home care strategy.

The Strategy needs to address the cultural complexities and identify a role for the Indigenous community. Aboriginal and Torres Strait Islander families and communities need to be actively involved at each stage of decision-making including assessment, intervention, placement and on-going care as is required under the Aboriginal and Torres Strait Islander Child Placement Principle.⁷

Further, as outlined in the Youth Coalition's previous submission to the Issues Paper, we support the development of true self-determination for Aboriginal and Torres Strait Islander communities in child protection as set out by the Secretariat of National Aboriginal and

Islander Child Care (SNAICC). The establishment of an independent Aboriginal and Torres Strait Islander child welfare organisation as recommended by the ACT Aboriginal and Torres Strait Islander Elected Body needs to be more thoroughly investigated.

Recommendation 11

ACT Government work with the community to genuinely investigate the establishment of an independent Aboriginal and Torres Strait Islander child welfare organisation.

Multicultural Young People in Care

The Youth Coalition, CREATE and Families ACT note that there is no specific reference to children and young people from culturally and linguistically diverse (CALD) backgrounds in the discussion paper. There is a reference to cultural plans as part of therapeutic plans, however, there is no distinct focus on the needs and concerns of multicultural children and young people and how cultural plans will be used for this cohort.

Multicultural Youth Services (MYS) in their submission to the Issues Paper outlined a series of recommendations that we would urge the final Strategy incorporate including:

- a cultural competence framework;
- appropriate training for staff;
- the building of close relationships between agencies and specialist multicultural services;
- the provision of comprehensive information about the out of home care system to migrant and refugee communities, parents and young people;
- consideration of the cultural background of the young person at placement;
- increased effort to recruit carers from CALD backgrounds; and,
- the development of policies to engage children and young people from Non-English speaking backgrounds in decision-making and planning.⁸

Recommendation 12

The Strategy incorporates the recommendations of specialist multicultural services in addressing the needs of multicultural children and young people in the care and protection system.

Recommendation 13

Systematic data is collected and evaluated on the language and cultural background of children and young people in out of home care to ensure that the care and protection system is being responsive to broader community needs.

Children and Young People Involvement in Evaluation

The Youth Coalition, CREATE and Families ACT advocate for the evaluation framework of the Strategy to incorporate feedback from children and young people. We suggest the establishment of an evaluation working group with membership including children and young people with a care experience.

The Youth Coalition, CREATE and Families ACT also strongly advocate for an external independent survey of children and young people in care to ensure an unhindered response to an evaluation about the care system by those who live it every day.

Recommendation 14

An evaluation framework of the Strategy is established that incorporates feedback from children and young people with a care experience.

Recommendation 15

An evaluation working group with membership including children and young people with a care experience is established.

Recommendation 16

An external independent survey of children and young people in care is established.

Conclusion

The Youth Coalition, CREATE Foundation and Families ACT again thank the Community Services Directorate for the opportunity to provide input into the *Out of Home Care Strategy Discussion Paper*.

Further to this, we request the opportunity to convene a meeting between our three organisations and the Community Services Directorate early in 2014 to discuss the on-going development of the Out of Home Care Strategy.

Sincerely,

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¹ McDowall, J (2013). *Experiencing Out-of-Home Care in Australia: The Views of Children and Young People (CREATE Report Card 2013)*, Sydney: CREATE Foundation.

² Lenny Roth (2013), 'Permanency Planning and Adoption of Children in Out-of-Home-care' Briefing Paper, NSW: NSW Parliamentary Research Service.

³ McDowall, J (2013). *Experiencing Out-of-Home Care in Australia: The Views of Children and Young People (CREATE Report Card 2013)*, Sydney: CREATE Foundation.

⁴ McDowall, J. (2009). Report Card 2009: Transitioning from Care: Tracking Progress. Sydney: CREATE Foundation.

⁵ Crane, P, Kaur, J & Burton, J. (2013). *Homelessness and Leaving Care: The Experience of Young Adults in Queensland and Victoria, and Implications for Practice*, Brisbane: Queensland University of Technology.

⁶ Crane, P, Kaur, J & Burton, J. (2013). *Homelessness and Leaving Care: The Experience of Young Adults in Queensland and Victoria, and Implications for Practice*, Brisbane: Queensland University of Technology.

⁷ Burton, J (2013). *Whose Voice Counts? Aboriginal and Torres Strait Islander participation in child protection decision making*, Melbourne: Secretariat of National Aboriginal and Islander Child Care.

⁸ Multicultural Youth Services, Submission to Out of Home Care Strategy Issues Paper 2013