



**Submission to the Senate Standing Committee on
Community Affairs Inquiry into Grandparents who
take primary responsibility for raising their
grandchildren**

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About CREATE Foundation

As the national consumer body advocating for children and young people with a care experience, CREATE seeks to provide opportunities for children and young people to have a voice and be heard. CREATE is unique in that it is one of only a handful of organisations in the world, and the only organisation of its kind in Australia expressly established to advocate on behalf of children and young people in care.

CREATE’s mission is to create a better life for children and young people in care, including those who are or have been the subject of care and protection orders. CREATE achieves its mission by **connecting** children and young people with a care experience to each other and their community, **empowering** them to develop in order that they may realise their potential, and **changing** the care system, in consultation with children and young people through advocacy to improve policies, practices and services.

Executive Summary

CREATE Foundation's extensive work canvassing the views of children and young people living in out-of-home care, has identified that decisions, like deciding on placement type (e.g., kinship care, foster care, or residential), must be assessed on a case-by-case basis with the best interests of the child or young person at the core. Children and young people living in the care of kin, including grandparents, have told CREATE that they want:

- *to be involved in the decisions that impact their lives, including where they live and who they live with;*
- *preference to be given to kinship care when considering placement, based on feelings of comfort, familiarity and connection to family and community;*
- *support from government and others to ensure their safety whilst in care; and*
- *support for their grandparents, in line with that for foster carers in regard to financial remuneration, respite, and services, so that grandparents are enabled to provide for grandchildren in their care.*

CREATE Foundation urges the Senate Standing Committee on Community Affairs (the Committee) to consult directly with children and young people who are living in the care of their grandparents, in both formal and informal arrangements.

Given the over-representation of Aboriginal and Torres Strait Islander children and young people in Australian child protection systems, CREATE further encourages the Committee to consult directly with Aboriginal and Torres Strait Islander grandchildren, grandparents, service providers, and peak bodies. Particular regard should be shown to cultural considerations for placement, placement stability, support needs, and differences in outcomes depending on where children and young people live.

Introduction

CREATE Foundation thanks the Senate Standing Committee on Community Affairs (the Committee) for the opportunity to respond to the inquiry into Grandparents who take primary responsibility for raising their grandchildren. CREATE commends the Committee for encouraging discussion on this important issue.

CREATE Foundation only became aware of the Committee's work in early March 2014 and as such were unable to consult with children and young people with a care experience directly about the topic. However, this submission seeks to present the views and perspectives of children and young people obtained in two previous consultations where they relate to the Committee's Terms of Reference. One consultation was on *kinship* care, which included young people being raised by their grandparents (CREATE Foundation, 2011), and the second consultation was for the CREATE Report Card 2013, which surveyed children and young people on a range of issues including connections to family and relationships (McDowall, 2013).

The Australian Bureau of Statistics (2010) estimates that there are 16,000 grandparent families in Australia where grandparents are guardians or main carers for children aged 0-17 years. This represents a decrease in official statistics from 2003, when the ABS (2010) estimated that there were 23,000 grandparent families raising children aged 0-17 years of age. However, Backhouse and Graham (2011) assert that grandparents raising their grandchildren remain largely hidden in many communities, particularly where they are not identified by the Government's data collection processes (e.g., in formal state government kinship care arrangements or receiving Centrelink payments). With over half of all children in out-of-home care living in kinship arrangements, it is clear

that the role of grandparents as parents needs to be understood from a range of data sources (Brennan, et al., 2013).

CREATE Foundation believes it is imperative that the voices of children and young people, relating their own experiences and views, are crucial to any discussion about the child protection system, including the role of grandparent carers. While this submission includes the views of children and young people from previous consultations, CREATE encourages the Committee to seek the direct input of children and young people about their experiences and views on living in the primary care of grandparents.

Context

CREATE acknowledges there are many children and young people who live with their grandparents (and other family members) under informal arrangements. However, the views reported in this submission are from children and young people with a statutory care experience.

The views of children and young people included in this submission are a combination of individual interviews conducted by CREATE (2011) in order to address a specific consultation about kinship care in Queensland, and CREATE's Report Card 2013 (McDowall, 2013). It is important to note that the consultations undertaken by CREATE did not specifically address the issue of grandparents raising grandchildren.

Fifteen young people ranging in age from 12 – 18 years old participated in the kinship project (CREATE Foundation, 2011). Participants in the project reported that they had been in out-of-home care for periods of time ranging from 3 – 13 years, with an average of 6.7 years with 3 being on short-term custody orders, 11 being on long-term orders under the supervision of the Chief-Executive Office and one on long-term orders with guardianship to a third party. The young people reported being in kinship care placements for periods that ranged from 18 months to 10 years, with an average of 4.9 years. At the time of the consultation, 11 participants were living in kinship care and one participant was living with their kinship carer but had "transitioned from care".

In 2012 CREATE surveyed over 1000 children and young people with a care experience aged 8 – 17 years of age for the CREATE Report Card (McDowall, 2013). Participants had wide and varied care experiences and were from all states and territories except Western Australia (where the state government chose not to support the project).

CREATE believes that children and young people are the experts in their own lived experience and are best placed to provide feedback on living in out-of-home care.

Kinship Care

In the context of child protection, governments define kinship care as that provided by a person who is a relative, considered to be family or a close friend, or is a member of the child or young person's community (Bromfield & Osborn, 2007).

In the kinship consultation, when young people were asked general questions about "who could be kinship carers" they identified members of their family, as well as family friends and community members, such as teachers and neighbours (CREATE Foundation, 2011). Grandparents were clearly identified as actual and potential kinship carers for these young people.

They reported that the familiarity, comfort, and attachment they felt to their family or community members was preferred over a foster care environment (CREATE Foundation, 2011). Comments included:

- *You know a bit more about them, you feel more comfortable, and when you're with a foster carer, you don't get to see as much of your family as when living with relatives.*
- *They are the same but more personal, you feel like you are safe and at home because you're with family.*
- *I've never felt comfortable living with someone I've never met, you don't know them, you can feel unsafe.*
- *Because you already know the person, you're way more comfortable, you don't feel as much of a burden or like you're intruding on someone else's life.*

Kinship care placements have greatly increased across all Australian states and territories and are the fastest growing form of out-of-home-care in Australia. As of 30 June 2012, the majority (93%) of children in out of home care were in home-based care and the majority of those were in kinship/relative care (47%) (Boetto, 2010). However, this can vary depending on where children live. For example, a recent inquiry in Queensland noted that only 34.6% of children in Queensland are placed with kin, despite legislation requiring the consideration of placement of children with kin in the first instance (Carmody, 2013). Carmody (p. 257) attributes this low rate of kinship care in Queensland, compared with foster care, as a failure of the system to “recruit, support and retain kinship carers, especially in comparison with the support received by foster carers”. Consequently the report recommended the Queensland Government enhance their strategies to recruit kinship carers (Carmody, 2013, p. 260).

Indigenous Children and Young People

According to the Australian Institute of Health and Welfare (AIHW) (2013), the overall increase in the number of children in out-of-home care nationally is largely driven by the increase in the number of Aboriginal and Torres Strait Islander children in out-of-home care.

At 30 June 2012, nationally the rate of Aboriginal and Torres Strait Islander children on orders was nearly 10 times that of non-Indigenous children. In all jurisdictions, the rate of Indigenous children on orders was higher than the rate for non-Indigenous children.

Across Australian jurisdictions, the Aboriginal Child Placement Principle is now operating and consequently 69% of Aboriginal and Torres Strait Islander children are placed with relatives/kin, other Indigenous caregivers or in Indigenous residential care (Australian Institute of Health and Welfare, 2013). However in Tasmania and the Northern Territory, Aboriginal and Torres Strait Islander children and young people were more likely to be placed with non-Indigenous caregivers or in non-Indigenous residential care (Australian Institute of Health and Welfare, 2013). In relation to the Committee's Terms of Reference, (part f), the Committee should investigate the reasons that there appears to be a lack of Aboriginal and Torres Strait Islander grandparents and other kinship carers in these jurisdictions.

Brennan et al. (2013) through interviews with 20 Aboriginal grandparents caring for grandchildren noted many similarities in the qualities and experiences of Indigenous grandparents when compared to non-Indigenous respondents to their survey. However, Brennan et al. also identified that a common theme raised by Indigenous grandparents was the overall lack of support services, and gaps in information, support, and services for Aboriginal grandparents. This highlights that the participation of Indigenous children and young people, their grandparents and extended family, as

well as the Indigenous child protection peak bodies such as Secretariat for Aboriginal and Islander Child Care and their state counterparts (including the Aboriginal Child, Family, and Community Care Secretariat (NSW) and the Victorian Aboriginal Child Care Agency) is critical to the Committee's inquiry.

As only one Indigenous young person participated in CREATE's kinship consultation it contains no specific information about Indigenous kinship care (CREATE Foundation, 2011). CREATE suggests that this committee ensure that it speaks with Aboriginal and Torres Strait Islander children directly to get their views on grandparents as carers. CREATE's Report Card 2013, after consulting with 309 Indigenous respondents, found that Aboriginal and Torres Strait Islander young people reported having more placements (and greater placement instability) than those in other cultural groups. It is advised that the Committee investigate further whether placement instability could be related to issues of lack of support and information for Indigenous grandparent carers.

Choosing placement type

The majority of young people interviewed felt that kinship care was the ideal care arrangement. Those who thought that kinship care was the "best care" provided the following comments (CREATE Foundation, 2011):

- *Yes, because you feel more comfortable, you don't feel like an outcast. I didn't fit in at school because I didn't live with my mum and dad, you felt like you didn't belong because you didn't have that typical mum and dad; but you're with family so it heals it a bit. I got the next best thing being with my family.*
- *Yes, I got lucky that I have a grandfather that does a good job of taking care of me.*
- *Yes, because you're always with your family.*
- *Yes because resies [residential accommodation] gets too crowded and they have dangerous people; and foster carers aren't as emotionally attached to young people as much.*

However, some young people saw difficulties living in kinship care:

- *A bit of both. It is the best because you live with family, but it isn't because if the placement breaks down you may not talk to them again.*
- *Not at the moment because I have more say in my decisions [here at the resi].*

Young people also acknowledged that sometimes kinship care isn't the best choice:

- *If family has some kind of dispute it can be taken out on the kids.*
- *Maybe if the relatives aren't in any shape or form to look after them.*
- *When their families are horrible and it's not a safe place to live.*

CREATE actively encourages child protection organisations to seek the views of children and young people about their placement, and in particular their view on placement with family. Some of the views expressed above lend support for the need to assess placement type on a case-by-case basis, with the participation of children and young people. Unless the safety of the young person is at risk, or a placement is considered inappropriate for cultural reasons, placement with a carer that the young person or child chooses needs to be seriously considered before seeking placement in foster care.

Safety first

Although young people involved in the Queensland survey saw kinship care as the preferred choice in out-of-home care, they recognised there is still a role for government and wanted assurance they would be kept safe and their concerns heard (CREATE Foundation, 2011):

- *Be there when they need something, don't harass them too much.*
- *Really visiting and making sure everything's fine.*
- *Listen to what kinship carers and kids say and actually do something about it and not just stare at it like they usually do. If you only talk to kinship carers they might be talking bullshit to you and the kids might be unhappy.*

CREATE strongly supports the view that, regardless of the choice of care – kinship, foster, or residential – the safety and wellbeing of children and young people must be prioritised, including maintaining or establishing appropriate oversight mechanisms.

Accordingly CREATE recognises the importance of organisations such as the various Children's Commissioners and Guardians and the Ombudsman. These oversight mechanisms must be "child friendly" and be seen as an approachable entity for all young people including those with a disability, those with culturally and linguistically diverse (CALD) backgrounds, and Aboriginal and Torres Strait Islander people. CREATE maintains that a strong and robust child protection system needs to have, and promote, mechanisms to enable children and young people to have a say independent of government.

Participation in decision-making

Children and young people want to be involved in decision-making about what happens in their lives. The National Framework for Protecting Australia's Children 2009-2020 and the National Standards for out-of-home care (Standard 2) both include a requirement for children and young people to participate in decisions that have an impact on their lives. Accordingly, governments in all jurisdictions are required to report on their progress in this area (Council of Australian Governments, 2012).

When asked to provide suggestions about how kinship carers for young people in out-of-home care could be identified, the majority of children and young people indicated that they should be asked about relevant family members (CREATE Foundation, 2011). A number of the young people highlighted the need to allow them to have a say and others suggested speaking to their parents, or family members to recruit kinship carers:

- *They could ask us, they could give the person a bit of choice if they would like to be with someone they know or in foster care; it's about having choices and options. If I can have the choice of living with my old carer or Nan, I would live with Nan.*
- *Ask the young person to suggest someone and then ask the relative to see if they'd be willing.*
- *Well first of all, the kids they need to be able to trust the person and have a good bond with them before going into care. Ask the kid who's around.*
- *They can chat and go to their family's houses and ask if the kid can stay with them. They can ask his parents who the relatives are or ask people near where they live.*
- *They can ask if they can go to their nan/pop/aunty if they have a blue card. Get welfare to talk to the parents and ask them who's around.*

Support required

Issues outlined in the Committee's Terms of Reference, such as challenges and support needs of grandparents and recognition of grandparents as primary carers, are echoed in the feedback about kinship care provided by children and young people (CREATE Foundation, 2011). Many young people suggested that kinship carers (including grandparents) should receive more support from governments, especially in relation to financial assistance, increased opportunities for respite, and increased contact between young people, their kinship carers, and community service officers (CSOs), providing more opportunity for CSOs to interact with and listen to kinships carers:

- *More support. My Nan had support but not as much as she needed, there weren't enough extra supports outside the Department; Nan just needed to talk to someone, she needed different options like respite and additional activities on the holidays.*
- *They can talk to Grandad so he knows what's going on.*
- *They [CSOs] could provide a bit of support, be there and listen and be more available.*
- *Help Nan out a bit with money because she can be short sometimes. Treat people as people, they're the ones with the caring heart and mothering instinct, want to take care of what is part of the family. Kids get split up when maybe grandma or someone would have taken them in.*

Given the preference expressed by children and young people for kinship care placements, it is the responsibility of governments across Australia to extend financial and service supports to kinship carers in line with their foster carer policies, where kinship care is determined as the best and most appropriate placement. This may help with placement stability, particularly where placement is jeopardised by lack of support and resources, and the capacity to recruit more kinship carers.

Conclusion

Grandparents make up a significant proportion of kinship carers; the views provided in this submission offer the Senate Committee an insight into kinship care, which includes grandparent-care, from the perspective of those in receipt of that care – children and young people.

The feedback received by CREATE shows that some children and young people prefer kinship care and feel more comfortable and connected when allowed to stay within their families and communities.

Their views also demonstrate that children and young people are aware of their surroundings and the pressures and responsibilities borne by those looking after them, and are willing and able to communicate this through consultation. This is why it is so important to involve children and young people living in out-of-home care in inquiries that seek to improve the child protection systems in Australia.

Children and young people living in the care of kin, including grandparents, have said they want:

- *to be involved in the decisions that impact their lives, including where they live and who they live with;*
- *preference to be given to kinship care when considering placement, based on feelings of comfort, familiarity and connection to family and community;*
- *support from government and others to ensure their safety whilst in care; and*
- *support for their grandparents, in line with that for foster carers in regard to financial remuneration, respite and services, so that grandparents are enabled to provide for grandchildren in their care.*

Works Cited

- Australian Institute of Health and Welfare. (2013). *Child Protection Australia 2011-12. Child Welfare Series No. 55*. Canberra: AIHW.
- Backhouse, J., & Graham, A. (2011). Grandparents raising grandchildren: negotiating the complexities of role-identity conflict. *Child and Family Social Work, 17*, 306-315.
- Boetto, H. (2010). Kinship Care: A review of issues. *Family Matters(85)*, 60-67.
- Brennan, D., Cass, B., Flaxman, S., Hill, T., Jenkins, B., McHugh, M., et al. (2013). *Grandparents raising grandchildren: Towards recognition, respect and reward (SPRC Report 14/13)*. SPRC, University of New South Wales.
- Bromfield, L., & Osborn, A. (2007). *Kinship care, Research Brief 10*. National Child Protection Clearinghouse, Australian Institute of Family Studies.
- Carmody, T. (2013). *Taking Responsibility: A Roadmap for Queensland Child Protection*. Brisbane: Queensland Child Protection Commission of Inquiry.
- Council of Australian Governments. (2012). *Protecting Children is Everyone's Business: National Framework for Protecting Australia's Children 2009-2020*. Canberra: Commonwealth of Australia.
- CREATE Foundation. (2011). *Living with Nan: Feedback from children and young people about their experiences in kinship care*. Unpublished report.*
- McDowall, J. J. (2013). *Experiencing out-of-home care in Australia: The views of children and young people (CREATE Report Card 2013)*. Sydney: CREATE Foundation.

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