



**Submission to the Senate Community Affairs
References Committee Inquiry into Out-of-Home Care
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About CREATE Foundation

CREATE Foundation is a peak consumer body representing the voices of all children and young people in out-of-home care.

CREATE Foundation is national and has offices in all of Australia's states and territories. 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.

CREATE engages with children and young people at fun events, holding regular Youth Advisory Group meetings to discuss ideas and issues generated by children and young people, conducting formal consultations with children and young people to have input to resources, programs and policies, training young people to be advocates for themselves and others within child protection systems, and financial help and skills development to help young people transition to independence.

Young Consultants participate in child protection conferences and meetings to provide their direct experiences of child protection systems to child protection workers, senior staff and politicians. It is CREATE's view that improvements to the system must be informed by the knowledge and experiences of the children and young people who live or have lived in out-of-home care.

With major inquiries and reviews into child protection being conducted, and at various stages of consultation and implementation, in all states and territories in recent years, as well as the national Royal Commission into Institutional Responses to Child Sexual Abuse, CREATE continues to consult with children and young people to obtain their views. These views are used as the basis for submissions to inquiries and reviews, such as this Senate Inquiry.

CREATE has a national research program, informed by the views of children and young people in out-of-home care, that drives its advocacy work. CREATE's Report Cards are national research projects conducted every one to two years focussing on issues facing children and young people in care. Some of the single issues CREATE has looked at include, education, health and transitioning to independence, with the most recent Report Card covering all of the life domains in the *Looking After Children* framework. CREATE's research provides an opportunity for children and young people to give their views on how they are faring and how the state and territory child protection systems are working. These views also inform other research projects, most recently a report into sibling and family contact in the child protection system. Importantly, CREATE's research allows for the views of children and young people to be expressed independently, without influence of political or bureaucratic priorities.

Executive Summary

CREATE believes children and young people are best placed to provide feedback on living in out-of-home care, and has used the views of 1069 children and young people in out-of-home care surveyed in CREATE's Report Card 2013 to inform this submission. They provided information on stability and security; participation; Aboriginal and Torres Strait Islander issues; planning; health needs; education; social/recreation opportunities; connection with family; identity development; relationships with significant others; and preparation for transitioning to independence (McDowall, 2013).

The Inquiry's Terms of Reference (TOR) are comprehensive, however, CREATE would like to draw the Committee's attention to three issues, which are the voices of children and young people; overrepresentation of Aboriginal and Torres Strait Islander children and young people; and transition to independence. These areas have been identified by CREATE as key challenges facing Australia's out-of-home care systems.

Voices of Children and Young People in Out-of-Home Care

CREATE believes listening and responding to the views of children and young people in the care system should be a cornerstone of best practice. Communication is meant to be a two-way process; however communication with children and young people is often unbalanced. Children and young people in care tell us that they want to be heard, they want to participate in decision-making and they also want to be informed about other decisions and issues that impact them (e.g., why a family visit has been cancelled).

Independent oversight

CREATE believes independent complaint mechanisms are important for children and young people in care to be able to air their concerns, complain and/or seek redress without fear of repercussions and potentially harming the relationship with their care provider. All states and territories have a Commissioner or Guardian for Children and Young People whose responsibilities include oversight of the services provided to children and young people in out-of-home care. The ability to investigate individual complaints varies between jurisdictions and CREATE would like all Commissioners and Guardians to be able to do this. CREATE believes that without true independent oversight of out-of-home care systems, where children and young people feel confident their individual concerns will be heard and addressed, they are left without a voice and someone to stand up for them when they are at their most vulnerable.

Overrepresentation of Aboriginal and Torres Strait Islander Children and young people in out-of-home care

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. This is concerning when Aboriginal and Torres Strait Islander children only make up 5% of all Australian children 0-17 years of age and account for more than a third of children in out-of-home care.

CREATE supports the Secretariat of National Aboriginal and Islander Child Care (SNAICC) and its calls for governments to strengthen Indigenous services and decision-making in child protection systems to reduce the number of Indigenous children and young people entering care.

Transition to Independence

Ensuring young people's transition to independence from out-of-home care is well planned and resourced is paramount to achieving positive outcomes for young people exiting care. CREATE research on leaving care found 64% of young people did not have a leaving care plan; and after leaving care, 35% were homeless in the first year; only 35% completed Year 12; 29% were unemployed (compared to the national average at the time of 9.7%); and 70% were dependent on Centrelink for some form of income support. (McDowall, 2009)

CREATE believes investment in good planning and support for young people exiting care has the potential to save the government and community time, money and resources and most importantly offer young people greater opportunities to have a better life. The Commonwealth's Transition to Independent Living Allowance (TILA) is an important financial payment to young people leaving care, and CREATE believes the administrative arrangements of the state and territory child protection agencies must ensure TILA is uniformly available to eligible young people.

Outcomes for Children in Out-of-Home Care

CREATE's Report Card 2013 has found 83% of children and young people were happy in their placement (McDowall, 2013a). At the same time, many of them were not as satisfied with their placement history, mostly due to instability and moving. Children and young people in residential and other placements experienced more instability than those in home-based care (foster and kinship). Aboriginal and Torres Strait Islander children and young people reported having more placements, so greater instability, than those in other cultural groups.

CREATE's Report Card 2013 found about 31% of children and young people attended three or more primary schools while in care (McDowall, 2013). Those in residential care had more disruptions through school changes and also reported greater rates of suspension. Stigma is often raised as an issue by children and young people with a care experience and is often reinforced in the school environment with bullying from other students.

The experience of being in care can be confusing for children and young people; half of respondents in the CREATE Report Card 2013 indicated they knew quite a lot about why they were in care, but 14% knew little, and about 25% had received little information from carers or caseworkers explaining their situation (McDowall, 2013).

Current models for out-of-home care

Children and young people report higher levels of happiness the more "at home" they feel in their placement (McDowall, 2013). Overall there was a preference for kinship-based care and support for foster care, although there was mixed commentary on both of these forms. Residential care was the least favoured placement type, bringing forth more negative comments and suggestions for improvements. Permanency is strongly supported although there are concerns regarding adoptions and the long-term family connection effects while some young people expressed frustration with systems that have not allowed them to be adopted by willing foster parents.

Family and sibling connection

Thirty-six percent of respondents to CREATE's Report Card 2013 were placed in split arrangements (i.e., were separated from all their siblings) (McDowall, 2013a). Children and young people in care told us that their siblings are the people they contact most often, followed by their mothers and grandparents. Fathers were contacted the least. Keeping siblings together when they are in out-of-home care, wherever possible, must be a priority to ensure the best possible outcomes for children and young people.

Consistency and best practice

CREATE's research highlighted the differences within Australia's eight different jurisdictions across a range of outcomes and care type models. CREATE supports the continuation of the National Framework for Protecting Australia's Children 2009 – 2020 and the National Standards for Out-of-Home Care to deliver consistent better quality outcomes for children and young people living in out-of-home care in Australia. CREATE believes that best practice in out-of-home care systems should include listening to children and young people and involving children and young people in decision-making. Additionally, flexibility and case-by-case consideration is required when addressing children and young people's needs; a one size fits all is not easily applied when everyone's situation is different.

Areas for attention

The voices of children and young people in this submission illustrate the rich diversity of their experiences and indicate that whilst child protection systems are working for many, it is variable across the jurisdictions. Further work is needed to ensure children and young people in care are safe and have the opportunity to reach their full potential.

CREATE highlights the following areas for the attention of the Senate Community Affairs References Committee:

- 1) Children and young people with a care experience should be resourced to present directly to the Committee on their views and experiences of out-of-home care systems in Australia.
- 2) Independent complaints mechanisms are needed to encourage children and young people in care to be able to express their concerns and make complaints outside of the organisation that provides and/or funds their care.
- 3) Support the work of SNAICC to strengthen Indigenous services and decision-making in child protection systems to reduce the number of Indigenous children and young people entering care.
- 4) Ensure that all states and territories have processes in place to involve young people with their transition planning and skills development from the age of 15 years.
- 5) Provide support for each individual to successfully transition from care to independence that includes safe, stable housing and post care support to 25 years of age.
- 6) Ensure all siblings in care are placed together as family groups, unless there is particular concern about them causing harm to one another.
- 7) Ensure the continuation of the National Framework for Protecting Australia's Children 2009-2020 (and the National Standards for Out-of-Home care) to deliver better and consistent outcomes for children and young people in out-of-home care in Australia.

Introduction

CREATE Foundation thanks the Senate Community Affairs References Committee (the Committee) for the opportunity to respond to the Inquiry into Out-of-Home Care.

In line with Australia's obligations as a signatory to the United Nations Convention on the Rights of the Child (1989), the National Framework for Protecting Australia's Children 2009-2020, is underpinned by a number of principles that includes and clearly stipulates, "The safety and wellbeing of children is primarily the responsibility of their families, who should be supported by their communities and governments".

CREATE acknowledges the critical need for further development of early intervention strategies to support families and in turn, hopefully avoid the need for statutory intervention in the lives of children and young people. CREATE's aim is to ensure that those young people who do enter care, have a voice, are heard, and are able to realise their potential.

CREATE believes the voices of children and young people, relaying their own experiences and views, is crucial to any discussion about child protection systems, particularly out-of-home care, as they are best placed to provide feedback on living in out-of-home care. CREATE's Report Card 2013 is used extensively throughout this submission as the key resource for the views of children and young people, as it speaks directly to the issues at hand and of interest to the Committee (McDowall, 2013a). CREATE surveyed over 1000 children and young people with a care experience aged 8 – 17 years old, 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). We have included a copy of CREATE's Report Card 2013 to this submission for the Committee's reference.

CREATE notes the numerous past state and federal inquiries into child protection and the many recommendations that have not been implemented due to resourcing and other issues. Since 1997, there have been over 30 inquiries, investigations and reports into the various child protection systems across Australia, alongside a continual increase in the numbers of children entering care, and in particular, an increase in the number of Aboriginal and Torres Strait children and young people entering out-of-home care (Lonne, Harries, & Lantz, 2012).

In addition to this Senate Inquiry, there are several inquiries and investigations underway including the Royal Commission into Institutional Responses to Child Sexual Abuse. CREATE believes the large sums of money allocated to inquiries could have been invested to improve service delivery rather than repeatedly looking for different answers. Bromfield (2012) notes that in Victoria the reforms stopped the increase of reports of child abuse to authorities but did not sufficiently improve the quality of child protection practice. CREATE strongly encourages this Inquiry to focus on delivering better outcomes for children and young people in out-of-home care throughout Australia.

CREATE notes the Inquiry's Terms of Reference (TOR) are comprehensive but would like to draw the Committee's attention to three important areas, including the voices of children and young people, overrepresentation of Aboriginal and Torres Strait Islander children and young people, and transition to independence. These areas have been identified by CREATE as key challenges facing Australia's child protection systems. Our submission addresses these key challenges and then comments on the TOR sections where CREATE has relevant commentary.

Key Challenges in Out-of Home Care

CREATE believes there are several key challenges in child protection and out-of-home care across Australia and would like to bring these to the Committee's attention for consideration.

Voices of Children and Young People

The following responds in part, to TOR (h) "Consultation with individuals, families and communities affected by removal of children from the home", but more broadly discusses the right of children and young people to have a voice and be heard, and how that right is, or should be acknowledged and implemented within child protection systems. CREATE believes children and young people in out-of-home-care have the best insight into how the system works and their experiences of life within the care system provide the best source of information for improving the system. CREATE's commitment to ensuring children and young people's voices are heard, has seen the organisation deliver regular reports and submissions on the state of the child protection systems in Australia informed by children and young people with a care experience.

The United Nations Convention on the Rights of the Child (1989) includes a requirement that children and young people have the right to have a say in decisions that impact their lives. Australia's support for the Convention is asserted in National Standard 2 of the National Standards for Out-of-Home Care (Table 1).

Table 1 National Standard relevant to participation

National Standard	Measures
2. Children and young people participate in decisions that have impact on their lives.	2.1 The proportion of children and young people who report that they have opportunities to have a say in relation to decisions that have impact on their lives and that they feel listened to.

The CREATE Report Card 2013 asked children and young people to rate how often they were able to have a say about decisions that affected their lives while in care and the extent they felt people listened to what they had to say, the responses ranged around "Reasonably often" for 62.9% of the children and young people (McDowall, 2013a). Differences in responses were found for Age Group, Jurisdiction and Placement Type, and as might be expected the older age group (15-17 years old) reported feeling more able to have a say than the 10-14 and the 8-9 age groups. Aboriginal and Torres Strait Islander children and young people reported more negative responses about being heard than Anglo-Australians; similarly, those in residential and other placements felt less heard than those in permanent care, kinship care, or foster care.

In an open question where children and young people were asked what they had been most consulted about in their care situation, 582 children and young people responded, with 13.9% indicating they could have a say about most things and 10.3% saying they were never consulted about anything (McDowall, 2013a). Other responses were classified across having a say about relaxation activities (11.9%), daily living issues (14.4%), contact with family and friends (16.8%), choice of where they live (10.8%), general discussions about life in care (6%) and choice of school and school subjects (15.8%).

Children and young people have a range of opinions on what they'd like more say about, and how they get their views heard:

Listen to kids more about where they want to live. (Male, 9 years)

They listen to what I want however sometimes they don't go through with what they say they will do. I tell them that they cannot have meetings without me being present. (Female, 17 years)

Listening and responding to the views of children and young people in the care system should be a cornerstone of good practice. There are many sound principles and policies in the various child protection systems across Australia but the children and young people experience the system by how these principles and policies are applied. CREATE continues to hear from children and young people that they want to have a say in the important decisions about their lives and that when caseworkers or others agree to do something, it is followed through. Children and young people work with CREATE on training and resources that can be drawn upon to improve participation, planning and transition from care.

Researchers have noted a lack of children and young people's voices in legal decisions, including those before they even enter care. Evidence to the Queensland Child Protection Commission of Inquiry (2012) noted that although the principle of children being able to have a say in decisions that affect their lives is becoming more recognised in Australian policy and practice, in reality children's voices are not often heard in court and decisions are generally made for them, without their input.

CREATE's research supports these views and also notes the need for a "child friendly" or inclusive approach to encourage young people to participate and be aware of these decisions. When discussing legal representation with 20 young people in the Northern Territory, CREATE found that over half reported they did not have a lawyer or did not know if they had a lawyer when they were taken into care (this is possibly because of their young age at the time). Young people told CREATE that meeting the young person being represented on the day of court should be avoided as it doesn't allow sufficient time to engage a young person and represent their views. Young people in care find it difficult to trust and they need to be given the opportunity to build a relationship with their representative, so that they can have their views accurately represented. The young people also highlighted the need for lawyers to have training on effective communication methods with children and young people (CREATE Foundation, 2013f).

The following are some of the views young people expressed about their experience talking to their lawyers:

She spoke such big words.

Most of all they could have spent more time with me and explained better what was happening.

I was 13 so I didn't understand big words the lawyer was saying. She was easy to communicate with but still talking 'law' talk.

For young people to have an opportunity to have input in this process is critical. Children and young people have told CREATE they want a say in where they will be placed.

Independent oversight

All states and territories have a Commissioner or Guardian for Children and Young People whose responsibilities include oversight of the services provided to children and young people in out-of-home care but not all can investigate individual complaints. Young people in Western Australia told CREATE why they thought it was important for children and young people to participate in decision-making and why having a Children's Commissioner was important.

She wants to hear teenagers and children so they can have a say. Adults may have a different way to run things but it is important to see how children would like it run. (Male, 15 years)

Kids like us can have a say about what we want and don't want and don't like about government. (Male, 16 years)

If stuff is affecting them they need to have a say. (Female, 20 years)

As the peak advocacy organisation for children and young people in care, CREATE's focus is at the systemic advocacy level, reporting on what children and young people are saying about how child protection systems are functioning. However, there is a need across Australia for consistent individual advocacy for children and young people who are in out-of-home care.

CREATE believes that the ability of all Children's Commissioners and Guardians to listen to children and young people is important but just as important is the ability to act on individual complaints. The inconsistency across jurisdictions of their legislated powers to investigate individual complaints is a serious limitation. In those jurisdictions where children and young people are not able to have individual complaints acted upon by the Children's Commissioners or Guardians they are left without an independent representative to hear their voice and stand up for them when they are at their most vulnerable.

From the many case studies the Royal Commission into Institutional Responses to Child Sexual Abuse is conducting it is clear that internal investigation of allegations of child sexual abuse have failed victims when they were children and as adults. The findings of the Royal Commission to date signal the importance of independent oversight of child protection systems. If a complaint comes to the attention of Children's Commissioners or Guardians then it is imperative that they can fully investigate and act upon findings to avoid further harm to children and young people.

Independent complaint mechanisms are important for children and young people in care to be able to air their concerns, complain and/or seek redress without fear of repercussions and potentially harming the relationship with their care provider. CREATE acknowledges there are other mechanisms, separate to the Children's Commissioners where young people may also seek assistance; however, CREATE's research shows that services must be child-friendly and accessible to encourage young people's confidence in and use of these services.

For example, when young people were asked by CREATE whether they had wanted to make a complaint and decided against it, they gave the following reasons for their decision:

My caseworker made me feel guilty by crying. (Female, 16 years)

I was worried I might get in trouble. (Female, 11 years)

CREATE's Report Card 2013 identified that knowledge of complaints processes was variable across jurisdictions (McDowall, 2013a). Overall, 52 per cent of respondents indicated that they knew how to make a complaint within the system (McDowall, 2013b). As might be predicted, the strongest effect regarding this knowledge involved age. Larger numbers of those in residential care knew about the complaints process, but these placements also had most respondents who wanted to complain but reconsidered. Most concerning is that 11 per cent of these didn't know what to do, and that 54 per cent chose not to raise the issue because of concerns with possible negative outcomes (McDowall, 2013b).

This highlights the importance of tailoring child safe programs and complaints processes to meet the needs of particular cohorts of children so they can understand concepts of safety, identify concerns and, if necessary, raise them as issues.

To capture the views of children and young people in out-of-home care to gauge the difference the National Standards are making to their lives, the Commonwealth Government is funding a national survey of children and young people in care. This survey is intended to build upon existing work in jurisdictions and the non-government sector, with the survey outcomes included in COAG's annual reporting. CREATE understands this survey will be implemented in 2015. CREATE believes the best form of evaluation is independent and should be conducted by parties that are not directly involved in the care of the children and young people being surveyed.

Areas for attention:

Children and young people with a care experience should be resourced to present directly to the Committee on their views and experiences of out-of-home care systems in Australia.

Independent complaints mechanisms are needed to encourage children and young people in care to be able to express their concerns and make complaints outside of the organisation that provides and/or funds their care.

Overrepresentation of Aboriginal and Torres Strait Islander children and young people in out-of-home care

CREATE feels that the overrepresentation of Aboriginal and Torres Strait Islander children and young people in the care system is significant and needs to be looked at closely by the Committee. The number and rate of Indigenous children and young people entering care is continually increasing, and has been described by Indigenous people as a 'second Stolen Generation' (Ockenden, 2014). The importance of this issue is demonstrated in the inclusion of Indigenous-specific criteria in the National Framework for Protecting Australia's Children 2009-2020 and the subsequent National Standards for Out-of-Home Care (see Table 2)

Table 2 National Standards relevant to Indigenous children and young people in out-of-home care

National Framework:	
5. Indigenous children are supported and safe in their communities.	
National Standards	Measures
3. Aboriginal and Torres Strait Islander communities participate in decisions concerning the care and placement of their children and young people.	3.1 The proportion of Indigenous children and young people in out-of-home care placed with the child's extended family, with the child's Indigenous community, or with other Indigenous people, by care type.
10. Children and young people in care are supported to develop their identity, safety and appropriately, through contact with their families, friends, culture, spiritual sources and communities and have their life history recorded as they grow up.	10.1 The proportion of Aboriginal and Torres Strait Islander children and young people who have a current cultural support plan.

According to the Australian Institute of Health and Welfare (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. Aboriginal and Torres Strait Islander children only make up 5% of all Australian children 0-17 years of age, but they account for more than a third of children in out-of-home care (i.e., 13,952 Aboriginal and Torres Strait Islander children as at 30 June 2013). Nationally, the rate of Indigenous children in out-of-home care was 10.6 times the rate for non-Indigenous children. The rate of Aboriginal and Torres Strait Islander children being the subject of child protection substantiation was equally alarming at 8 times that of non-Indigenous children in 2012-13 (AIHW, 2014).

CREATE supports efforts by the Secretariat for Aboriginal and Islander Child Care (SNAICC, 2014) and others to:

1. Promote understanding of, and respect for, Aboriginal and Torres Strait Islander rights and cultures;
2. Place Aboriginal and Torres Strait Islander family and community decision making at the centre of ensuring the safety and well-being of children;
3. Increase the proportion of government expenditure on Aboriginal and Torres Strait Islander developed and delivered prevention and early intervention services, and targeted family support services; and

4. Increase the number and capacity of Aboriginal and Torres Strait Islander child protection services available to provide prevention and early intervention services, targeted family support services and out of home care services.

According to CREATE's Report Card 2013, Indigenous respondents reported having more placements (and greater instability) than those in other cultural groups (McDowall, 2013a). Also, Indigenous children and young people were involved in a greater number of attempts to return to their parents than those in the Anglo-Australian group. With regards to culture specifically, 30.1% of Indigenous participants felt they were "not at all" or "a little" connected to their culture or cultural community and only 10.4% of Indigenous respondents claimed to know of the existence of their personal cultural support plan. These findings are at odds with the undertaking by all Australian governments to uphold the National Framework and the National Standards for Out-of-Home Care (particularly standard 10).

In a project CREATE (2011a) undertook with the Queensland Aboriginal and Torres Strait Islander Protection Peak (QATSIPP) in 2010 to provide advice to the Queensland Government about culturally appropriate and responsive child protection services, children and young people (8-16 years) explained why culture was important to them:

The word makes me feel deadly and strong.

It's important so you can learn language properly, culture is part of who we are and we are losing it, it's important to be able to be able to pass it on to other people... the next generations.

It's everything inside me; you can throw spears, it's how you eat...

It makes me think of family.

Without your culture, you don't know who you are.

Areas for attention

Support the work of SNAICC to strengthen Indigenous services and decision-making in child protection systems to reduce the number of Indigenous children and young people entering care.

Transitioning to Independence

Ensuring transition to independence is well planned and resourced is paramount to achieving positive outcomes for young people exiting care that has been recognised in the National Standard 13 (Table 3). In response to this Standard, CREATE agreed to develop a nationally consistent leaving care resource (the *Go Your Own Way Info Kit*) that included a workbook to guide young people with their case workers to identify actions and plan strategies across major life areas. CREATE received support from all the state and territories to distribute these leaving care kits to young people turning 17 years old in 2014 and CREATE will evaluate the usefulness of this resource in 2015.

Table 3 National Standard relevant to children and young people transitioning to independence

National Standard	Measures
<p>13. Children and young people have a transition from care plan commencing at 15 years old which details support to be provided after leaving care.</p>	<p>13.1 The proportion of young people aged 15 years and over who have a current leaving care plan.</p>
	<p>13.2 The proportion of young people who, at the time of exit from out-of-home care, report they are receiving adequate assistance to prepare for adult life.</p>

In all states and territories, government’s legal responsibility for young people in care generally ceases when they turn 18 years of age and legally become adults. At this stage, their care providers, regardless of their model of care, are also no longer required (or funded) to provide ongoing support and unfortunately many don’t. When CREATE asked young people who had left care whether they had been able to stay in their placement when they turned 18 years old, about 50% had been required to leave (McDowall, 2009). This research also found that:

- 64% did not have a leaving care plan and after leaving care;
- 35% were homeless in the first year of leaving care;
- only 35% completed Year 12;
- 29% were unemployed (compared to the national average at the time which was 9.7%); and
- 70% were dependent on some form of income support. (McDowall, 2009)

These worrying outcomes highlight the importance of good planning and support for young people exiting care. Furthermore investment at this stage has the potential to save the government and community time, money, and resources and most importantly offer young people greater opportunities to have a better life.

The following responses from young people about their experiences after leaving care, provide insight into some of the difficulties they face:

I definitely have faced homelessness: couch surfing, I slept with a bloke for a roof for the night, slept under bridges for the night when I was 19 and 20 years old for over a year.

Currently homeless and having a hard time finding secure accommodation and even emergency accommodation is hard to get in the area. Affects ability to find a job. Worker helping with housing and employment at the moment but still very challenging. Trying to stay positive.

It got to a point when all my friends and family turned their back on me and said, 'No, you can't stay here anymore.' There were times I slept on the streets. (Female, 19)

Research shows that with a planned and staged approach to leaving care, young people are better prepared for and able to cope with living independently. However, over three report cards in 2009, 2011 and 2013, CREATE has seen little improvement in the number of young people aged 15-17 years of age who are aware of having a “transition from care” plan, which continues to sit around 33% (McDowall, 2009, 2011, 2013).

With support from the Commonwealth Government, CREATE (2010) facilitated a project to hear from young people their solutions for improving transitioning to independence. Young people had a range of views on what constitutes a successful transition including:

- Adequate transition plans when exiting.
- Everyone stuck to the transition plan; that we got to the goal.
- Financial support, financially secure and stable, sufficient income.
- Adequate and appropriate housing; affordable and safe.
- Feeling safe and secure in your own home and that it is your home.
- Linked in to community where the young person is from or entering.
- Post care support.
- Sufficient transport.
- Supported emotionally and financially.
- Health (dental, medical) is taken care of.
- Engaged in education or employment, or working towards that goal.
- Has ID e.g. proof of age card, birth certificate.
- Happy, supported and stable.
- When the young person can look back and see how far they've come and that they've gone in a positive direction, and that they're contributing to society. (CREATE Foundation, 2010, p. 47)

The following stories reflect what can go wrong for young people when transition planning doesn't happen:

When I was in care I saw it as being kicked out-of-home at 18 years old and I did not have a plan.

There was no planning. DHS left it to the post care support agency. There was a transfer meeting from ACP but I wasn't involved. I had no idea that I had been transferred to the post care service and did not know who to speak to for six months after I turned 18 years old. It was confusing.

CREATE believes additional support post-care is critical to ensuring young people are able to overcome the usual life challenges that their peers might otherwise have family and others to rely on. Post-care support varies across jurisdictions and is generally available up to 25 but in Queensland and Victoria support ends at 21 years of age. CREATE believes governments have a responsibility to ensure young people leaving care have ongoing support, at least until they are 25.

Feedback on this issue from young people illustrates their vulnerability and the difficulties experienced during this challenging period of their life.

Had to learn very quickly how to live outside the care system as have been in care since 9 years old. Currently in medium term housing.

Being unstable is doing my head in. Its no-one's fault that this happened but I'm basically homeless. I'm not working or studying. I am looking for work but [it] makes me feel I can't get anything right.

Centrelink is not very understanding if you have no fixed address. You get cut off your payments if you can't receive the paperwork.

The Australian Government funds the Transition to Independent Living Allowance (TILA), a one-off payment (\$1500) to assist young people with the costs of leaving care and becoming more independent. This payment complements the range of supports provided by state and territory governments to support young people leaving out-of-home care. Changes to the administration of TILA have seen the payment processed through Centrelink, however, the administrative arrangements for applying and gaining approval for the allowance have been negotiated individually with each of the states and territories. CREATE is aware that the outstanding administrative arrangements with Vic and SA are close to resolution but remains concerned that having eight different arrangements for applying for TILA may exclude some eligible young people from an allowance they are entitled to. In particular, where TILA is not included in a transition from care plan and young people seek to access it after leaving care; they may struggle to engage an appropriate caseworker who can assist them to apply for it, particularly if they move interstate. State and territory child protection services need to ensure that young people who are eligible to apply for TILA can access caseworkers to assist them with applications.

TILA remains a welcome financial commitment to support care leavers but it is important to have consistent administrative procedures and access across Australia.

Areas for attention:

Ensure that all states and territories have processes in place to involve young people with their transition planning and skills development from the age of 15 years.

Provide support for each individual to successfully transition from care to independence that includes safe, stable housing and post care support to 25 years of age.

Response to the Terms of Reference

CREATE's primary concern is those children and young people who are in out-of-home care or have exited care and this submission will focus specifically on the terms of reference that directly concern children and young people who have already experienced out-of-home care (i.e., all terms of reference except a and d).

Outcomes for children in out-of-home care (including kinship care, foster care and residential care) versus staying in the home, TOR (b)

In 2013, CREATE Foundation undertook a benchmark project to survey 1069 children and young people in out-of-home care to get their views on stability and security; participation; Aboriginal and Torres Strait Islander issues; planning; health needs; education; social/recreation opportunities; connection with family; identity development; relationships with significant others; and preparation for transitioning to independence (McDowall, 2013a). Along with requests to address specific day-to-day issues, several themes emerged from the issues that children and young people identified about their lives in care: the desire for more contact with family; the need to be involved in decisions about their lives and to have significant people listen to them; and problems getting things done within the bureaucracy.

Overall, children and young people indicated a "good" placement is one where they have the "experience of a warm, caring, and supportive relationship". Comments included:

Having someone who loves me and helps me through my problems and teaches me and cares for me. (Male, 11 years)

Kindness. Nice feeling of people caring about you; interested in things that I do. (Male, 13 years)

Living with siblings; feeling comfortable. (Female, 11 years)

Stability and security

Eighty-three percent of children and young people told CREATE they were "Quite" or "Very Happy" in their current placement (McDowall, 2013a). At the same time, many of them were not as satisfied with their placement history, mostly due to instability and moving. Children and young people in SA, Tasmania and the NT reported having, on average, six placements. Children and young people in residential and other placements experienced more instability than those in home-based care (foster and kinship). Aboriginal and Torres Strait Islander children and young people reported having more placements, so greater instability, than those in other cultural groups.

It is best when a child stays in one family, not being moved heaps of times. (Female, 15 years)

... I have had many caseworkers in the past 3 years and most of the time I didn't even know I was getting a new caseworker. (Female, 16 years)

Children and young people surveyed by CREATE reported great variability across jurisdictions in the number of placements they had prior to exiting care. Although the national average was 57% of children and young people reporting one to two placements, 70% of New South Wales (NSW) respondents had experienced one to two placements, while in the Northern Territory (NT) it was significantly less. Children and young people in home-based and permanent placements were more

satisfied in their current placement than those in residential and other care. Older respondents reported less satisfaction with their placement history than other age groups (possibly due to the higher number of placements they experienced) (McDowall, 2013a).

Participation and planning

Each of the states and territories have a “Charter of Rights for Children and Young People in Care” that establishes the rights of children and young people to be involved in the decisions that affect them while in care. In a practical sense, the participation of children and young people in decision-making is mediated by caseworkers and carers. CREATE believes that children and young people’s participation is enhanced through well-developed relationships with both carers and caseworkers, including being able to get in touch with caseworkers when they need to and being able to rely on them.

CREATE found that 29% of children and young people reported having had only one or two caseworkers and 35% reported having five or more caseworkers during their time in care (McDowall, 2013a). CREATE understands that reducing the turnover of caseworkers is a complex task but believes it must be a priority for the jurisdictions in both government and non-government organisations (NGOs).

Young people have described the difficulties they have maintaining relationships with caseworkers:

You get to the point where you tell your story so many times there’s no emotion behind it, it’s just a story you tell. That’s because caseworker after caseworker – they never read your case file. You have to re-tell them everything ... My caseworker changed all the time without me knowing ... I would ring up to speak to her and be told ‘Oh, she is not your caseworker anymore’. It made me so angry. (Female, 19 years)

Sixty-five per cent of children and young people reported being able to contact caseworkers when they wanted to, with older age groups more able to do that than younger age groups (McDowall, 2013a). A common request was for departmental staff to do what they promised, when they promised it. Children and young people have indicated to CREATE that there is scope for caseworkers to be more helpful, to follow through on actions and communicate what is happening:

We tell the department stuff and they just ignore it. We’ve been asking for 6 years for guardianship, but nobody from the department talks to us.

I think the one I have at the moment is just out of Uni, she doesn’t have kids and doesn’t know what it’s like to be in my shoes. She’s lovely, but not helpful. If I call her, she doesn’t call me back. I think they shouldn’t know you from the file.

When they say they’re going to do something they should stick to it.

Formal meetings were not a high priority for children and young people, indicating that more effort is required to engage children and young people to be involved in decision-making (McDowall, 2013a). Less than one third of respondents knew anything about their “care plans” and only one third of those who knew about a plan knew something of its contents and had been involved in its preparation. Involving children and young people in their case planning, including the development of care plans, is necessary to improve the participation of children and young people in the important decisions that affect their lives.

Aboriginal and Torres Strait Islander children and young people

Three hundred and nine Indigenous children and young people participated in CREATE's Report Card 2013, where they reported having more placements (and greater instability) than those in other cultural groups (McDowall, 2013a). In addition, over 20% of Aboriginal and Torres Strait Islander children and young people reported attending four or more primary schools, which was statistically larger than for other cultural groups.

The following is what Aboriginal and Torres Strait Islander young people told us they would like to say to the people who make decisions for them. Like most other young people, enabling them to stay with family and to be involved in decisions was critical:

Listen to our feelings and what we like and don't like and think about what you are doing first (before making a decision).

Have a family meeting (to try and keep the kids safe at home).

Place the kid with their closest family, somewhere she will feel welcome.

As detailed earlier, Aboriginal and Torres Strait Islander children are over-represented in care. CREATE's Report Card 2013 shows that more work is required by governments and non-government organisations to not only reduce the number of Indigenous children and young people entering care, but also to provide stable and safe placements for those in care. Indigenous young people generally have poorer outcomes in life without entering care; instability in care placements underpins a range of poor outcomes and compounds the difficulties likely to be experienced by Indigenous children and young people later in life.

Health needs

Generally, the CREATE Report Card 2013 found that children and young people reported having good or excellent health (80%), particularly for those in home-based placements (McDowall, 2013a). However, those in the 15-17 year old age group reported feeling less healthy than the younger age groups. Engagement with counselling services was relatively high, particularly for children and young people in residential care (70%). Of those who accessed counselling services, 66% found the services "Quite" or "Very helpful", with 12% finding them only "A little" or "Not at all helpful".

With 25% of children and young people reporting little or no involvement in sporting activities, there may be implications for their future health and fitness (McDowall, 2013a). Differences were reported across jurisdictions and placement type, where children and young people in Foster Care being more involved in sporting activities outside of school than those in residential or other placements.

While engagement in sport is not the only indicator of health for children and young people, it can be directly addressed through their individual care plans. As one young person explained:

The plan has been helpful for me because it has allowed me to do activities that I couldn't previous to the plan because of financial reasons. (Female, 14 years)

Education

Two thirds of respondents to the CREATE Report Card 2013 found their overall school experience to be at least "Quite" or "Very good". However, there were a number of negative education outcomes found in the CREATE Report Card 2013, in particularly disrupted schooling due to changing primary schools, with those in residential care reporting more changes.

Only 25% of children and young people were aware of an Individual Education Plan (IEP), which all children and young people in care should have (McDowall, 2013a). For those children and young people who were involved with developing their IEP, their engagement took different forms:

I asked for a teacher aide and I got one, and she helps me with maths and it is really nice.
(Male, 8 years)

Set goals for myself and have a say in what subjects I want to choose. (Female, 17 years)

For children and young people who had sought help with schoolwork from someone other than their teachers, they are most likely to ask their carers (McDowall, 2013a). This indicates that support must be provided to carers to ensure they are able to meet the education needs and queries of the children and young people in their care.

CREATE is aware that like many other children and young people, those with a care experience need encouragement and support to engage and succeed in education. When talking to young people in SA about their views on education, CREATE found that many of them had little or inconsistent support and they reported low expectations of their educational outcomes by their carers, caseworkers and teachers compared to their peers who weren't in care (CREATE Foundation, 2014a). Comments included:

Teachers didn't expect much because of my difficult past. They didn't expect us to make better futures for ourselves.

Didn't push me, were lenient when they found out I was in care.

CREATE Report Card 2013 found about 31% of children and young people attended three or more primary schools while in care, which is not ideal for learning (McDowall, 2013a). Those in residential care had more disruptions through school changes and also reported greater rates of suspension. Placement changes may require school changes that can lead to negative educational outcomes.

Connection with family and friends

Outcomes regarding connection with family and friends are discussed at page 26 under "Extent of children in out of home care remaining connected to their family of origin" in response to TOR (i).

Identity development and stigma

The experience of being in care can be confusing for children and young people, particularly when children and young people do not understand why they are in care. Half of respondents in CREATE's Report Card 2013 indicated they knew quite a lot about why people other than their parents were caring for them but 14% knew little, and about 25% had received little information from carers or caseworkers explaining their situation (McDowall, 2013a). This type of information has to be delivered in a way appropriate to the situation and age of the child or young person but they have a right to know what is happening to them.

Young people often raise stigma as a confronting issue. One measure that indicates stigma is the bullying that young people have experienced as a result of their care status. CREATE's Report Card 2013 showed that children and young people who experienced bullying were generally bullied at school, with 25.4% of children and young people reporting being bullied "reasonably often" at school (McDowall, 2013a). In general, females reported experiencing bullying more often than did males and there was a higher tendency for those in 15-17 year age group to experience more bullying.

Feedback from young people shows that although bullying can be an issue, their own perception of being in care and not wanting to be seen as different also causes them to worry, as expressed here:

I got teased from other students saying you parents didn't want you. My best friend said 'nobody wants you, not even your mother'.

...I kept people from knowing that I was in foster care, worried about what people might think. I found school activities like concerts awkward because I didn't want both sets of parents there because it would give away that I was in care.

Current models for out-of-home care, including kinship care, foster care, and residential care, TOR (c)

Children and young people report higher levels of happiness the more “at home” they feel in their placement (McDowall, 2013a). This presents more of a challenge for non-home-based care placements. CREATE supports the involvement of children and young people in the decisions that affect their lives, such as where they live and with whom they live. Decisions must be made on a case-by-case basis, with input from children and young people and their best interests at the core of the decision.

Kinship Care

Children and young people have told CREATE (2011b) that they have a preference for kinship care based on feelings of comfort, familiarity and connection to family and community. They also stated kinship arrangements should be considered more broadly than immediate family to include community members such as neighbours, teachers and family friends.

..with foster carers you don't know who you're gonna get until you're in the situation, you always know with family.

..you already know the person, you're way more comfortable, don't feel as much of a burden or like you're intruding on someone's life.

Children and young people surveyed in CREATE's Report Card 2013 experienced greater stability in kinship care, possibly due to fewer placements (McDowall, 2013a). Those in kinship care expressed greater satisfaction with their placement history than those in residential/other care.

In CREATE's Report Card 2013, children and young people in kinship care reported:

- Longer time in their current placement
- More consistent treatment with other children in the household
- Feeling their needs were well met
- Greater knowledge of their family story
- 20% of Aboriginal and Torres Strait Islander children and young people in kinship care reported having no one to teach them about their culture, though their carers were more likely to be the one teaching them about culture than in other placement types
- Being more likely to be together with siblings in their placement
- Being less likely to have been reunified with birth family at all
- More stability in the number of primary schools attended and fewer school suspensions
- Reasonable level of feeling able to have a say about issues that are important to them
- Fewer issues to complain about but also less knowledge of complaints systems

- Unlikely to know of a transition from care plan (this was low across placement types).
(McDowall, 2013a)

CREATE is concerned that some children and young people report being denied the opportunity to reside with relatives as carers and would like all jurisdictions to have procedures that are able to locate family members as potential kinship carers even though they may be unknown to the child, the parents or other significant people.

... four years later, I found out that I had family. DoCS knew that I had family but my aunty had eight kids. It's a beautiful family, it's a safe family and DoCS knew about them the whole time – while [my foster carer] was sick, I could have been in their care. (Female, 17 years)

Children and young people have also identified negative outcomes or disadvantages of kinship care:

Well if they just assume that's the best option, that's idiotic. I've got mates that are in it [kinship care] and have it worse than at their parents ... it depends on the situation. I was lucky to have one family member who actually gave two shits about me. The rest didn't give a crap where I went. It's stupid to assume that anyone related to you by blood is better. I mean if you're in DoCs cos' of your family ... it's idiotic to assume that anyone else in your family is going to be better. They could be the same. (Male, 15 years)

Children and young people have different views on the level of contact they would like or that they think their carers would like with caseworkers. However, a number of young people have suggested that more support for their kinship carers would help:

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.

It should be in the middle [level of contact] but more laid back than with foster carers. When you're with your family you are more comfortable and not as many problems come up.

Children and young people also suggest that departments maintain contact with them to ensure they are safe and thriving in their kinship care placement:

[I]t was worse. [T]hey do it because they have to not because they want to. [I] was treated worse than my actual parents.

Foster care

Foster care represents a significant proportion (43%) of out-of-home care placements, and in Queensland and the NT is over 50% of placements (AIHW, 2014). As a form of home-based care, many of the positive outcomes discussed above (under Kinship Care) are also found in foster care.

Children and young people in foster care, similar to kinship care reported fewer placements. Over 60% of comments where children and young people gave their thoughts on what makes a good placement, referred to “being in a warm, caring relationship and how happy and safe that made them feel” (McDowall, 2013a). CREATE recognises that where kinship care is not available or suitable that foster care is an important option for children and young people needing out-of-home care.

Children and young people have shared with CREATE both positive and negative experiences in foster care.

I am glad for having a foster family; they are my family now.

When I first came into care I was nervous and I got to be in a good place with good carers and a happy environment. I had the best foster carers ever; they help me whenever I need.

It's really hard when you get close and you have to move and then you're not allowed contact.

When I was put in foster care I was bounced from home to home.

These comments support the need for caseworkers to be in regular contact with children and young people in care, as well as independent oversight and complaints mechanisms that children and young people can readily access.

Residential Care

CREATE acknowledges that some young people report favourably about their residential care placements, particularly when they are well managed and staffed by supportive youth workers. However, CREATE is concerned that residential care is not always the most appropriate placement for children and young people, and that other options need to be fully explored before residential care is used (CREATE Foundation, 2013h).

There are a number of measures where residential care compares unfavourably to home-based (kinship and foster) care placements, with children and young people in residential care telling CREATE they were less happy than those in kinship and foster care (McDowall, 2013a). Overall, the best predictor for happiness in current placement was how “at home” respondents felt, so the challenge in residential care is to make an institutional setting a home for the children and young people who reside there.

In Queensland, a young person living in residential care produced a booklet for residential workers titled “It’s a Home, Not a House”, as she had become “tired of seeing the missed opportunities for youth workers to build positive relationships with kids living in residential care” (GForce, 2014). The booklet was further developed with young people at CREATE Foundation’s Queensland Youth Advisory Group and emphasises the following things for workers to keep in mind:

- The importance of the quality of the relationship between a young person and their residential care worker (or workers) – being open to sharing things about yourself (with good boundaries), being flexible, having open communication, being present and sympathetic, and not showing when you are angry or frustrated with the young person;
 - Respect for young people as the experts in their lives and supporting their right to make decisions for themselves;
 - Understanding and support tailored to the individual, being non-judgemental and letting the young person know you care; and
 - The importance of open communication, of asking how a young person is feeling rather than making assumptions.
 - Respect young people’s privacy. Young people emphasised the need for workers to not disclose personal information about a young person to other young people who live in the residential
- (GForce, 2014)

Children and young people in residential care indicated greater awareness of the rights within the system and had been more likely to have a complaint and follow it up (McDowall, 2013a).

Children and young people in residential care reported receiving lower levels of health care than in other placements. Across placement types children and young people were accessing counselling services, which may reflect the higher support needs for many children and young people in residential care. A relatively high number of respondents (40%) knew about their individual education support plan (McDowall, 2013a).

Some of the more negative outcomes reported by children and young people in residential care, when compared to respondents in home-based care, include less stability, characterised by more moves, greater number of caseworkers, more difficulty maintaining contact with friends, less support from carers for family contact and a more disrupted schooling experience (McDowall, 2013a).

Permanency and adoption

The National Standards for Out-of-Home care recognise the importance of safety and stability for children and young people in care through reducing the number of placement changes that children and young people experience while they are in out-of-home care. Research in Australia indicates stability in care is one of the predictors of better life outcomes after care as it assists children to develop feelings of security and belonging (Cashmore & Paxman, 2006).

The small number of respondents to CREATE's Report Card 2013 who were living in permanent placements (4.2%) reported as good or better outcomes than those in other placement types, particularly living (on average) in their placements for longer and high levels of comfort and security in their placement (McDowall, 2013a).

Adoption as a means of permanency and stability for children in the out-of-home care system remains a contentious issue in Australia due to a history of forced adoptions. It is important to note that stability through permanence in out-of-home care can be achieved by re-unification with family and legal guardianship, in addition to adoption (Akin, 2011).

CREATE acknowledges that adoption without consent of the biological parent(s) and/or child continues to be a traumatic experience in the Australian community and for Aboriginal and Torres Strait Islander people who were forcibly removed as children. Australia's stolen generations, their families and communities, continue to suffer trauma due to forced family separation.

NSW is in the process of implementing changes aimed at increasing the number of adoptions of children and young people from out-of-home care and at the same time has streamlined processes for kinship carers to become permanent guardians, which reduces contact with the department to an annual check in by letter. CREATE in NSW spoke to young people during consultations on the proposed legislative reforms in NSW in 2013, where young people indicated they favoured safety, stability, and permanency to improve life for children and young people in care, citing its importance to building attachment and trust (CREATE Foundation, 2013g).

Young people questioned whether foster carers would be able to adopt if it meant that they would lose their foster care allowance, particularly those foster carers on low and fixed incomes, such as the pension (CREATE Foundation, 2013g). Another concern raised was whether young people would see their brothers and sisters if sibling groups are split and adopted. While the recent NSW changes ensure open adoption, there may still be issues around contact with biological family members, particularly where people aren't geographically close. There was some concern raised by young people that the Department should maintain involvement for the initial part of the adoption to ensure the adoption proceeds well for the child or young person.

Comments included:

Without the allowances received by the government, my carers can't afford to care for me because they are pensioners. (Male, 15 years)

Well, in my situation our sibling group is split into two, and the other foster carer of my younger siblings has been trying very hard for the past years to stop all contact with any biological member of the younger ones' family. We, however, have been doing all we can to continue contact and all the way it has been a struggle. So if it were to happen that the other carer adopted my younger 3 siblings, we would never see them again and all our hard work would have been for nothing. It's not a good idea. Adoption isn't necessary; stability can be made just by the agencies aiding the carers more with the upbringing a child. Also adoption is very messy when it comes to the birth families, a lot of hatred and upset will be fuelled if a child is adopted without consent. (Female, 16 years)

Several young people expressed support for adoption and talked about attempts for their foster parents to adopt them that had not succeeded. Young people consulted expressed some support for open adoption where children and young people, when they are old enough, are able to consent to adoption:

I have been with my foster family for 16 and a half years and have wanted to be adopted for 12 years. Adoption has also been in the case plan for the last 3 years ... still to this day I am not adopted, and I am faced with further complications as I turn 18 and try to fight to be adopted by my loving [foster] parents. (Female, 17 years)

All parties need to be in agreement, everyone needs to be on board. If it was a mutual thing, if the kids wanted to it could work. (Male, 18 years)

... But if there [are] no real problems, where the kid is [not] in danger, then they should not need to be adopted. Like with my situation I was able to go back to live with mum because she sorted out her problems and I made the decision that I wanted to leave the foster home and go back to live with her. (Male, 18 years)

CREATE believes that permanency and living in a family environment will contribute to children and young people being happy and maximising their life outcomes. This type of stability is possible within the current kinship and foster care systems and it is not essential for states and territories to prioritise adoption over foster care. The circumstances of all children and young people in care are different and decisions about placement should aim for stability but must be made on a case-by-case basis, taking into account the views of children and young people themselves and having regard to best practice principles to support all of the people involved in the adoption.

What are the supports available for relative/kinship care, foster care, and residential care, TOR (f)

CREATE would like to bring the Committee's attention to the gaps in support identified by children and young people and what they think should be available. Children and young people in care have told CREATE that more support is needed to help foster and kinship carers to cope with looking after them and to support them to participate in school activities and activities outside of school, such as sport.

Young people have reported (CREATE Foundation, 2011a) that kinship carers are inherently different from foster carers but still need to be supported financially and through respite and other services like foster carer:

If they (young people) need more stuff, to support them, kinship carers are people too; they need help sometimes. (CREATE Foundation, 2011b)

Children and young people in residential care noted that more could be done to help make their placement feel more like home:

I hated places where the workers acted like it was their workplace and not our home. I lived in a place for two years and they treated it like that. One worker only worked two Sundays a fortnight and made us go out because he wanted to even though we had done all our chores. Everyone has to leave every single day except Saturday and Sunday, and he would not let us stay home or sleep in – it was our only day off. (Male, 20)

Extent of children in out-of-home care remaining connected to their family of origin, TOR (i)

Research supports children and young people's calls to be placed with their siblings. In CREATE's Sibling Placement and Contact in Out-of-Home Care report, McDowall (2014) cites a number of studies showing the importance of nurturing sibling bonds and supporting family and cultural connections, and the positive impact on children and young people's growth, wellbeing and care outcomes.

Many children and young people view the right to be supported to maintain connections with their birth family as a basic need closely linked to feelings of identity and culture (McDowall, 2013a). Their feedback to CREATE demonstrates why they feel this way.

You grow up not knowing where you come from or where you belong.

I feel like I don't have a family.

I want group contact with my mum and all my siblings. We're family, and we've never been in the same room together. (Female, 16 years)

Connection to family and culture for Aboriginal and Torres Strait Islander children and young people is particularly important in the child's development (Moss, 2009). Positive self-identity is reinforced by cultural and community connections (Lewis & Burton, 2014).

[Contact is important] for knowing who your family is, and where you come from. (Female, 16 years)

The Aboriginal Child Placement Principle was introduced for this reason and it is why all states and territories now have it incorporated in some form in their out-of-home care policies. However, CREATE has found that 30.1% of the Indigenous respondents to CREATE's Report Card 2013 felt they were "not at all" or "a little" connected to their culture or cultural community, demonstrating the need for much more work in this area (McDowall, 2013a).

The UN Convention on the Rights of the Child (1989), Australia's National Framework, and the National Standards for Out-of-Home Care (particularly Standards 9 and 10), all affirm children and young people's right to maintain connection with their family, community, and cultures. Yet

CREATE's Report Card 2013 found that only 31.4% of children (as age appropriate) and young people were able to demonstrate having a sense of connection with the community in which they live (McDowall, 2013a). When considering placement, 36% of respondents reported being placed in split arrangements (i.e., were separated from all their siblings).

When asked, children and young people in care told us that their siblings are the people they contact most often, followed by their mothers and grandparents (McDowall, 2013a). Fathers were contacted the least. Meaningful family contact (with parents, siblings, and extended family) is essential to both family reunification and permanency planning (Tilbury, 2009). Interest in maintaining or improving family contact is reflected in the views of children and young people expressed to CREATE (McDowall, 2013a).

All siblings should be able to contact each other unless there is a strong reason not to. I have brothers in care I have never seen or met. (Female, 10 years)

I'd like contact with my entire family... I'm not sure who/where all of my relatives are. (Female, 14 years)

Family contact is really important and not just with siblings, mum and dad, but with extended family – aunts, uncles, cousins, grandparents. I'm about to have a baby and I got married this year and don't really have a relationship [with family]. It's hard to begin again with family when you've had no contact for 15 years.

Clearly connection with birth family is an emotive issue that is complex, but it is very important to young people that caseworkers and carers involve them in the decision-making and not assume that they know what's best for them. They have said they want to participate in decisions not only about the frequency of contact but also how it is supervised and where contact occurs.

I want [my parents] to come to my sports activities like competitions and sports days. (Male, 12 years)

I want contact in open places like parks. Somewhere with space where we can have fun. (Female, 13 years)

Mix it up where we meet! Don't always have it in the same place. Have it outside the DCP office, like the shops or a place somewhere nice. (Female, 16 years)

While it might not always be possible to facilitate contact in the way that young people want (i.e., due to safety concerns, resources etc.), it is important to recognise that each child or young person has a different idea of what they would like contact to look like. To be truly child-focussed in the delivery of family contact, it is important to hear from young people and consider their views as part of the planning so that contact is enjoyable and meaningful for them (CREATE Foundation, 2014b).

In focus group discussions, some children and young people have told CREATE they did not want contact with their birth family, and that the child protection system should respect and take into account their views in making decisions about parental and family contact. Although contact may be wanted, it can still sometimes be confusing and challenging. Children and young people have also identified that better follow-up after contact is needed to ensure they are feeling safe and well.

Sometimes contact is overwhelming. (Female, 16 years)

It used to be really, really emotional after contact. Comfort would be good. (Female, 17 years)

Young people felt decisions were often made without them, and not explained to them; they felt that it was their right to know the reasons behind decisions, and that they should be informed about those reasons.

I don't get told why it [contact] has been cancelled, but you have a right to know why....I'm also not allowed to have contact with my older brother, but DCP have not explained why.
(Male, 14 years)

CREATE believes that children and young people have a right to participate in making decisions that impact their lives and feel they are listened to; this includes decisions about contact with family and siblings (McDowall, 2013b).

In addition, CREATE believes that siblings in out-of-home care, wherever possible, must be supported to stay together; and where co-placement is not possible, they must be enabled to maintain regular contact with each other while in care. Siblings who are not placed together should be placed as close as possible geographically so that regular contact is more easily facilitated. Family and sibling contact should be included in individual case planning and the method of contact (e.g. phone, face-to-face, email, etc.) and frequency should be directed by each individual (as age appropriate) or young person in care, unless there is particular risk of harm.

Areas for attention:

Ensure all siblings in care are placed together as family groups, unless there is particular concern about them causing harm to one another.

Consistency of approach to out-of-home care around Australia, TOR (e)

Australia having eight different child protection systems means there is considerable variability in how children and young people who are victims of abuse and neglect are identified and supported (McDowall, 2013a). Evidence of this variability has been discussed in the Outcomes area of this submission, and below some of these key differences are highlighted:

- The number of children and young people brought into the system in the various jurisdictions e.g. the number of children per 1000 brought into out-of-care ranges from 5.2 in Victoria to 11.7 in the Northern Territory (AIHW, 2014).
- The proportion of Aboriginal and Torres Strait Islander children in care relative to non-Indigenous children in care (AIHW, 2014).
- Expenditure levels – with differing rates for family support programs per state/territory (if they run them) to how much is spent per child or in intensive family support (SCRGSP, 2014).
- Variation of the care arrangements and the terminology for these types of arrangements differs across Australia. For example, in NSW 56% of children and young people are in kinship care, whereas in the NT it is 2.6% (AIHW, 2014).
- Sibling placement and family contact varies between the states and territories (McDowall, 2014).
- The age to which young people are supported after leaving care.
- The varying knowledge of, input to, and existence of transition from care plans (McDowall, 2013a).

- Access to the internet, sporting activities, and free time for children and young people across jurisdictions and placement types (McDowall, 2013a).

The National Framework for Protecting Australia's Children and the National Standards for Out-of-Home Care provide the basis to ensure the practices, processes, and outcomes for children in care are consistent. CREATE supports the continuation of the National Framework. CREATE believes that using the National Standards will deliver better and consistent standards of care for children and young people in out-of-home care in Australia.

As discussed, the outcomes for children and young people differ for each state and territory but there have been strong advances made as acknowledged by The Child and Family Welfare Association of Australia (CAFWAA) and Families Australia in their submissions with improvements to data sets; changes to legislative frameworks to encourage stability; and improved transition to independence planning and support for young people. Families Australia noted reporting on the National Framework is expected in 2015 and the analysis of this reporting should identify areas for future joint work to further improve the consistency of approach to out-of-home care.

Areas for attention:

Ensure the continuation of the National Framework for Protecting Australia's Children 2009 - 2020 (and the National Standards for Out-of-Home Care) to deliver better and consistent outcomes for children and young people in out-of-home care in Australia.

Best practice in out-of-home care in Australia and internationally, TOR (g)

CREATE supports the United Nations Convention on the Rights of the Child (1989) and advocates for the adoption of these rights within Australia. We applaud all the states and territories for each having a Charter of Children's Rights and commend their efforts working towards children and young people in out-of-home care having access to these rights.

Rather than advocating for a specific practice model or service delivery method, CREATE believes that there are principles that guide this practice to deliver quality care and outcomes for children and young people living in out-of-home care, which include:

- child focussed interventions
- listening to children and young people
- include children and young people in decision-making
- children maintaining contact, where appropriate, with members of their families
- good case planning and case management
- strong two-way communication
- investing in staff and carers with access to training
- adherence to the Aboriginal Child Placement Principle
- minimising the number of placements a child will experience
- a focus on placement stability and permanency planning
- addressing deficits in education early
- keeping siblings together, where it is safe to do so

- children and young people are involved in planning for a gradual and supported transition to independence, starting at 15 years old and looking beyond turning 18 years old.
- after care support to 25 years of age
- flexibility to consider case-by-case basis
- independent oversight and clear complaints mechanisms that are child and youth friendly.

Current systems have been noted to be crisis-based and backward-focussed and at times neglect to take into account the potential and aspirations of children and young people in care (Crane, Kaur, & Burton, 2013). We believe child protection systems should engage children and young people to be part of the planning and decision making team as they wear the legacy of decisions made for and about them. Flexibility and case-by-case consideration is required when addressing children and young people's needs, a one size fits all is not easily applied when everyone's situation is different.

"The system focused on my immediate needs, the system did not know how I felt; the system did not know what I wanted. I had been taught to not to look too far ahead because things in my home environment were always changing. I was 17 before the words 'transition to independence' became a topic in my life. And again during this time 'transition' only focused on my immediate needs rather than the future I was determined to create for myself. Nobody really talked to me about what I wanted for the future, but I went ahead and followed my hearts desires. I may not have known where I was headed. And honestly if someone had talked to me about those things and what career options were available and helped me figure out steps to get there I wouldn't have had to spend so much time figuring it out for myself , later when I didn't have the support available." (Female, 23 years, speech to National Children's and Youth Law Centre T2i presentation, November 2014)

CREATE supports skills based planning and development for young people to successfully transition from care and offers programs like *Create Your Future* and *Speak Up* training to develop life skills and increase young people's communication and leadership skills.

Conclusion

CREATE appreciates the opportunity to contribute to this Senate Inquiry. The voices of children and young people in care have informed our submission. Their views, opinions, and aspirations have been captured to communicate the areas where the system can be improved, highlight what works well, and help shape ideas for systemic reform that is needed.

Key areas for the Committee to address are: Including the voices of children and young people to inform decision-making and learn from their experiences; addressing the overrepresentation of Aboriginal and Torres Strait Islander children and young people in the out-of-home care system; and supporting young people to successfully transition to independence. CREATE supports the continuation of the National Framework and National Standards to deliver consistent outcomes for children and young people living in out-of-home care around Australia. We have commented on the outcomes for the different placement types, asserted the importance of family contact and sibling placement, and suggested essential elements necessary for a strong child protection system.

CREATE encourages the Committee to consider our areas for attention and offers our support to facilitate children and young people to comment directly to the Committee.

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