

# Participation in Out-of-Home Care in New South Wales

The views and experiences of children and young people  
living in care in New South Wales

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**This is an independent research report undertaken by CREATE and the views expressed in it are CREATE's and those interviewed by them.**



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## Background

All children and young people have the right to have their say when adults are making decisions that affect them, and to have their opinions considered. This is vital to ensuring young people have a say in determining their happiness, wellbeing, and safety. As a recent CREATE report states, “for participation to be meaningful, young people must be able to influence outcomes and have their opinions taken seriously. Young people’s choices must be treated with respect, including the choice at times to not engage in decision making” (CREATE, 2019). It is important that when children and young people participate in decision-making they feel heard and listened to. However, for children and young people with an out-of-home-care experience, participation can be more complex. Lack of trusted and close adults, histories of trauma, and a need to feel safe and secure can hinder meaningful participation. Participation can help to prepare young people for their futures of independent decision-making and provide necessary emotional benefits of self-determination, recognition, and self-worth in the face of often extreme adversity. As McDowall states, young people need to be “given a choice of how they want to be involved, how they want to interact with adults, and with which adults they choose to share their thoughts” (2016, p. 82).


The Convention on the Rights of the Child (Article 12; United Nations, 1989) outlines the basic human rights that apply to children. Australia is one of the 191 countries that has agreed to the rights outlined in the convention. The New South Wales *Charter of Rights* for children and young people in out of home care outlines that young people have the right to “make choices about everyday matters”, “to complain” and “to take part in important decisions affecting your life” (Department of Communities and Justice, 2019). The NSW Children and Young Persons (Care and Protection) Act 1998 requires that these rights are supported and upheld by carers and caseworkers.

For various reasons, including a lack of knowledge of their rights, low personal confidence, or not having a strong advocate to support them, many children and young people have their voices go unheard on matters that affect their lives. Children and young people in care have often experienced trauma as a result of neglect, abuse, or emotional harm, which usually occurs in the context of social disadvantage and intergenerational trauma (Department of Child Protection and Family Support [WA], 2015). These different factors make it hard for young people in care to speak up and feel heard. Participation requires positive interactions between children and young people and those involved in their everyday care and lives, such as carers, caseworkers, and extended families. Because of this, it is important that trusting relationships are built with the adults in their life to ensure that young people feel comfortable and supported to engage and speak out on decisions that affect their lives, such as their living situation, education, and family contact. As McDowall (2016) stated following CREATE’s 2016 findings, not only do young people directly benefit from participation, but the organisation that supports them to participate also experiences positive outcomes. It is essential for state services to have strong policy and practice in place that ensures children and young people in OOHC understand their right to participate, and are provided with the adequate means of support and assistance to do so.

As of June, 2019, there were 16,884 children and young people living in out-of-home care in NSW; 40% of these are Aboriginal and Torres Strait Islander children and young people. Just over half of the care population in NSW identify as male (51.6%), with 48.4% female (the proportion who identify as non-binary has not been recorded) (AIHW, 2020).

This consultation was conducted by the CREATE Foundation to hear directly from young people aged between 12 and 18 years with a care experience living in NSW at the time of the consultation. It seeks to better understand;

- the opportunities young people in OOHC are given to participate in decision-making;
- young people’s experiences with having their say and being heard;
- the factors that hinder young people’s ability to participate; and
- ways to better support young people to participate in decision about their life in care.



The findings of this report aim to provide valuable information for Department of Communities and Justice, necessary for developing and refining strategies and practices to ensure children and young people feel safe and supported in participating in decision-making and are given the opportunities to do so. This will help to promote strategies for achieving better outcomes and greater wellbeing for young people with a care-experience in New South Wales overall.

## Method

### Participants

A total of 30 young people aged 12–18 with an OOHC experience participated in this consultation. Participant demographics are presented in Table 1. Within the participant group 14 identified as female, and 16 as male. The majority of the participants had been in care since they were 5 or younger (70%); and seven out of the 30 were now living independently (three of the 18-year-olds had left their carer). Nine identified as living with a disability, and the majority (8/9) reported receiving assistance for their condition. Five participants identified as Aboriginal and/or Torres Strait Islander. Just over half (17/30) had lived in relatively stable care placements.

### Materials

The survey consisted of 31 questions and contained a range of question types such as rating scales, binary questions, comment boxes and open-ended questions (see appendix A). A variety of question styles provides opportunities for young people to express their views in a way that suits them and as such allows better insight into their experiences.

The consultation focussed on participants experience with participating in decision-making regarding aspects of their life in care. It explored the kinds of opportunities that young people are given to speak up, factors that inhibit young people from feeling heard or able to participate, and enquired about ways in which young people's participation in decision-making could be improved. Quotes from participants were recorded verbatim in order to retain the authenticity of their words and have been used as such in the main findings of this report.

### Procedure

The participants were selected based on the following selection criteria: resided in NSW at the time the survey was conducted, were aged between 12 and 18 years, and were existing members on ClubCREATE's database. Young people were contacted by phone or email and invited to participate. Researchers explained to young people and their carers the nature of the consultation, including that participation was voluntary, they could withdraw at any time, and their answers were confidential. This was explained in language appropriate to each young person's age, and researchers ensured participants understood the information prior to commencing the survey. Information was made available to young people and their carer's in a Participation Information Sheet on the CREATE Foundation website that could be accessed at any time. The process for consent was detailed at the beginning of the survey which explained that by continuing with this survey you are giving your consent to participate.

The majority of the participants completed the survey online (29/30) and one person elected to do this via a hard copy with a team member (see Table 2). The Consultation was conducted in accordance with CREATE's Disclosure and CREATE Consultation with Young People Policies. After completing the consultation, participants could elect to receive a \$25 voucher to thank them for their time and insights.

The quotes in this document have been taken directly from the voices of children and young people with a care experience. In order to protect the identities of the young people involved, attributions of the quotes in this report are made using the participant's gender and age.

*Table 1. Demographics of Consultations Sample*

Demographics	Number of Young People
<b>Age</b>	
12-13	9
14-15	10
16-17	7
18	4
<b>Sex</b>	
Male	16
Female	14
Non-Binary	0
<b>Culture</b>	
Aboriginal	5
Torres Strait Islander	0
Aboriginal and Torres Strait Islander	0
Culturally and Linguistically Diverse	3
No Special Group	22
<b>Placement Type</b>	
Foster Care	17
Kinship Care	2
Permanent Care	4
Semi-Independent supported	2
With Siblings	1
ITCH program	1
No longer in care	4
<b>Disability</b>	
Yes	9
No	19
Prefer Not to Say	2

*Table 2. Survey Method*

Survey Method	Number of Young People
Online Independent	29
Hard Copy	1

## Limitations

The intent of the study was to hear from children and young people in NSW about their experiences of participation in decision-making and to find out what may hinder and enable young people from participating in decisions that affect their lives in care. It should be noted that the study is limited by its sample size (n = 30) and selection based on volunteer respondents largely online and therefore participants may have provided less detailed responses. As such, this study is not a representative sample size for NSW but instead a guide through some young people's voices and opinions. For the sample size, there was a reasonable gender and age range to reflect the state's population.

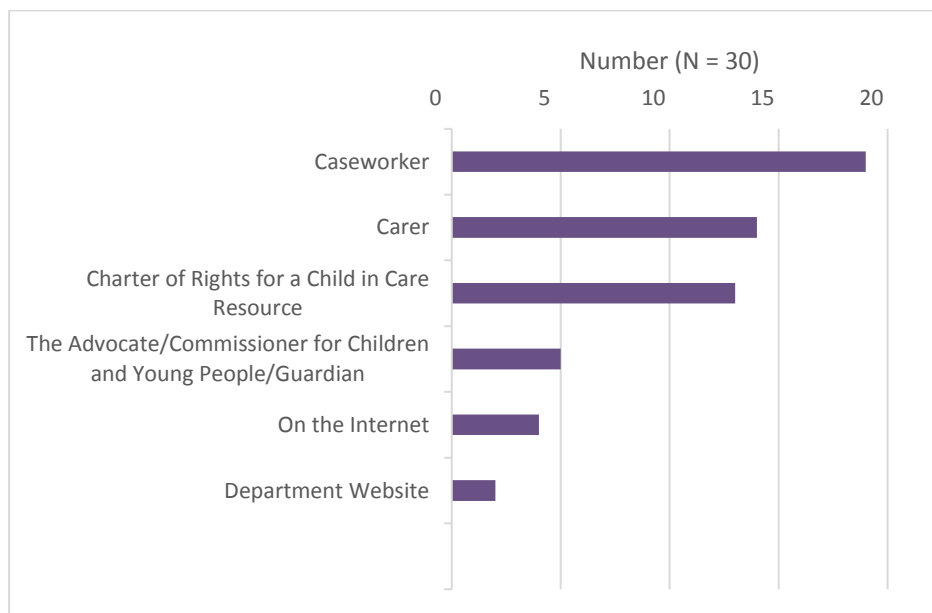
## Findings

### Awareness of Rights

Young people were asked, before they began the survey, whether they were aware that they have a right to have a say about issues that affect them. The majority (29/30) were well aware of these rights. One person was unsure.

Participants were asked how they came to learn about their rights. The majority of participants heard from Caseworkers (19/30) and Carers (15/30).

Figure 1. How Young People Learned About Their Rights



### How Well Young People Feel the System Respects Their Rights

Young people were asked how well they thought their right to have a say was respected based on their experience. Most young people (20/30) scored five and six on the scale: 1: *Not at all*; 6: *Very well*, reflecting their belief that the system does very well at respecting their rights. Some young people were not completely satisfied (7/30), with two of these claiming it did not respect their rights well at all.



Participants were asked to elaborate further on the answers they gave regarding why they felt the way they did about the system respecting their rights. Participants mentioned an array of factors that either negatively or positively impacted how their rights were respected (almost a 50/50 division between positive and negative). The results of a thematic analysis of the comments are tabled below.

Table 3. Factors that impacted participants feelings.

Factors that impacted participants feelings (n=28)	
<b>Unsure/general feeling</b>	6
Negative Impacts	
<b>Not feeling listened to</b>	4
<b>Not feeling respected</b>	2
<b>Negligence from / Distrust of staff</b>	1
<b>Limited access to technology</b>	1
<b>Poor vetting of foster parents</b>	1
<b>Not reflected in care plan</b>	1
<b>Not seeing outcomes</b>	1
Positive Impacts	
<b>Feeling listened to</b>	7
<b>Having support</b>	3
<b>Having respect from NGO team</b>	2

**Not Feeling Listened to.** Four young people didn’t feel their rights were respected because they did not feel listened to when they spoke up.

*Because children don’t always get heard by adults, and if we express specific fears we are often ignored, and our concerns are not respected and we may be placed at risk. (Male, 12 years)*

*I don’t think my agency listens to me. (Female, 13 years)*

**Not Feeling Respected.** Two young people spoke about not feeling respected which led them to feel their rights were not being taken seriously.

*I felt like I was not being respected and well treated with the way my organisation had treated me and my brother, because they would do stuff like leave things till the last minute and never take in mind about our feelings. (Female, 14 years)*

*I want to feel like my wishes are being respected by my caseworker and, to my knowledge, neither of these things are apparent. (Female, 15 years)*

**Negligence From / Distrust of Staff**

*Cause unfortunately people take advantage of people’s circumstances and don’t do their job and say stuff that’s not true so think in my opinion people need to speak out and have a say. (Male, 18 years)*

**Limited Access to Technology.** One young person mentioned having limited technology which may affect their ability to feel as if they can have their say.

*Technology limited. (Male, 12 years)*

**Poor Vetting of Foster Parents.** One participant spoke about an experience of foster parents inhibiting their ability to speak up.

*The caseworkers don't know a lot about the foster parent, and they may force it upon the child not to tell their caseworker that they're rights are getting abused. (Female, 17 years)*

**Not Reflected in Care Plan.** One participant mentioned not feeling as if their care plan reflects their wants and needs.

*I chose not to participate in case plan meetings, but my family was; however, I wanted to be a part of my last one, but no one was there but the caseworkers. My care plan has not a lot to do with me. They didn't know what I wanted to do in my life, so it wasn't included. (Female, 18 years)*

**Not Seeing Outcomes.** One young person felt their rights to speak up were not respected due to not seeing any change after speaking up.

*I get a say but nothing really changes with what I say. (Female, 17 years)*

**Positive Impacts**

**Feeling Listened to.** Seven young people stated that the reason they felt that their rights were being respected is because they felt listened to.

*Because when asking or having your say, whoever it may be that you are talking to, they are listening and answering to what you are trying to explain. (Female, 13 years)*

*I think my right to have the say in important things in my life is being respected because I feel like I'm being listened to. (Female, 15 years)*

*I get a say where I live and what school I go to and when I see my birth family. (Male, 14 years)*

**Having Support.** One young person spoke about feeling his rights were recognised because he felt supported by both carer and caseworker.

*Supportive foster carer and caseworker. (Male, 16 years)*

**Having Respect from NGO team.**

*My NGO team always respects what I have to say. (Male, 18 years)*

***Young People's Awareness of Their Case Plans***

Participants were asked about whether they were aware of their case or care plan. As Table 4 shows, of the 30 participants, the majority (N = 27) were aware of having a case plan. Unfortunately, two young people were unaware, and one was unsure.

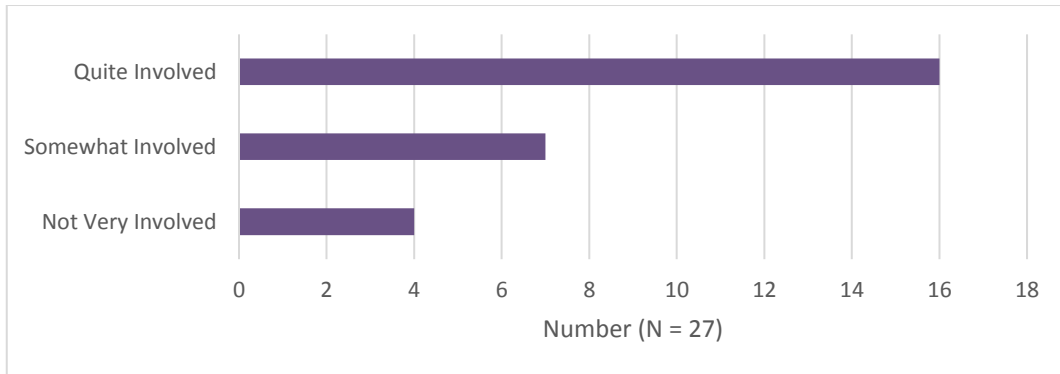
*Table 4. Young People's Awareness of Having Case/Care Plans*

Awareness of Case Plan	Number (N = 30)
Aware	27
Unaware	2
Unsure	1

## Having a Say

Young people were asked how involved they had been in developing their case plan by ranking their involvement on a 6-point scale (1: *Not at all*; 6: *Very involved*). Over half of participants (N = 16) answered 5 or 6 reflecting they are quite involved in developing their care plan, 25% (N = 7) answered 3-4 reflecting they are somewhat involved, 14% (N = 4) answered 1 or 2 representing they are unfortunately not very involved at all. Three did not answer this question (see Figure 2).

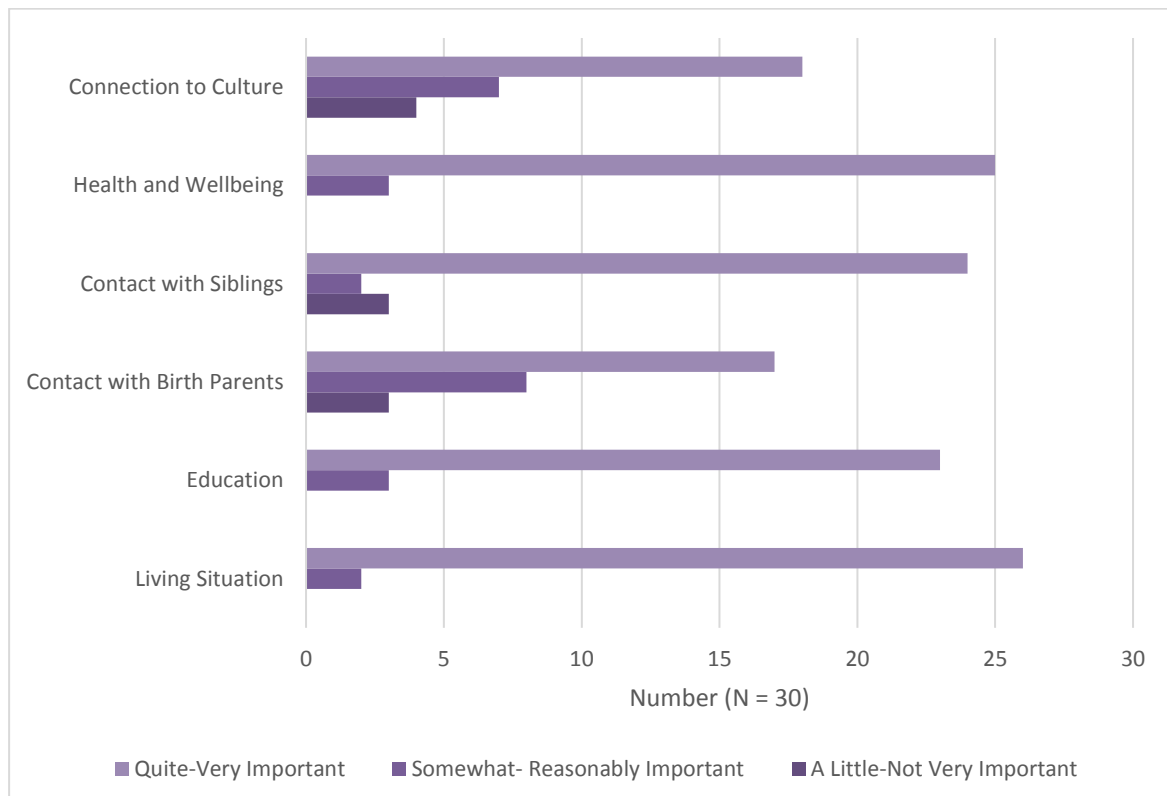
Figure 2. Young People’s Involvement Creating Their Case Plan



## Topics That Matter for Young People to be Consulted on

To get an idea of the topics that young people wish to be involved in making decisions about, participants were asked to rate the importance from of a range of topics (1: *Not at all important*; 6: *Very important*). All the topics were rated as of considerable importance, though *Health and Wellbeing* (n=25), *Living Situation* (n=26) and *Contact with Siblings* (n=24) were particularly important for young people to be involved in making decisions about.

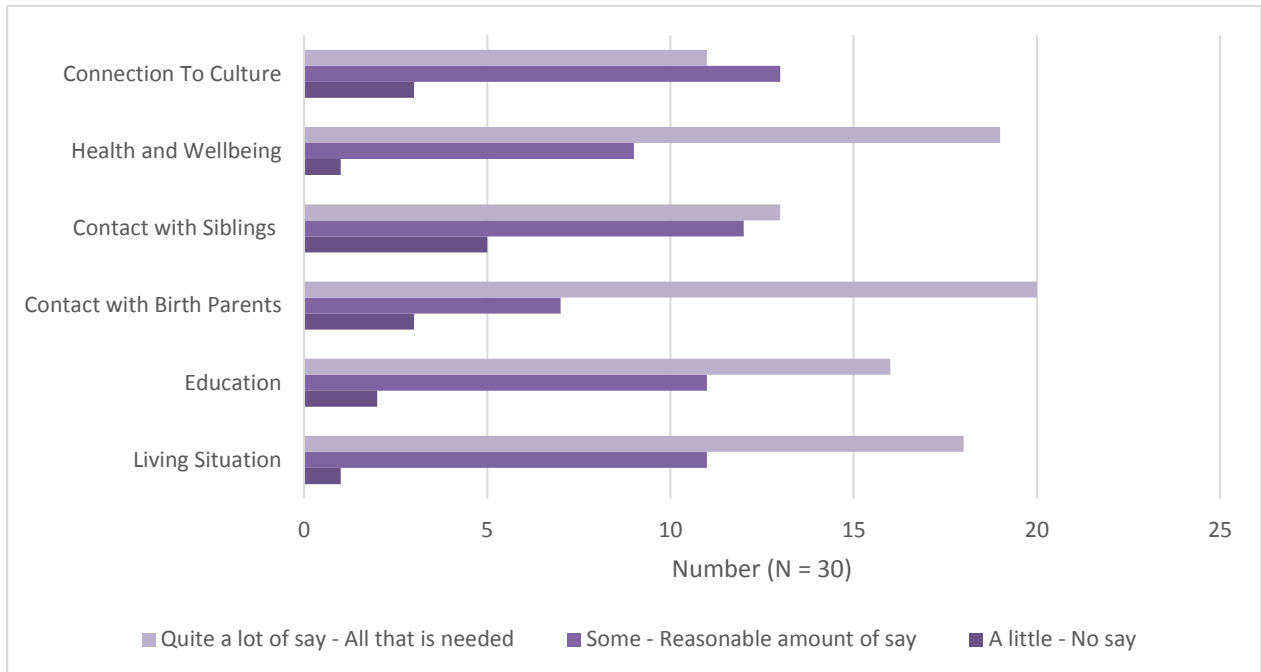
Figure 3. Topics of Importance for Young People’s Decision-Making



### How Often Young People Are Consulted on Topics that Matter

Participants were then asked how often they had been consulted about those same areas. The data show that many young people were consulted quite a lot on issues that they found to be of most importance; these included their health and wellbeing, parental contact, education, and living situation. Less consultation occurred regarding connection to culture and sibling contact. These results are displayed in the Figure 4.

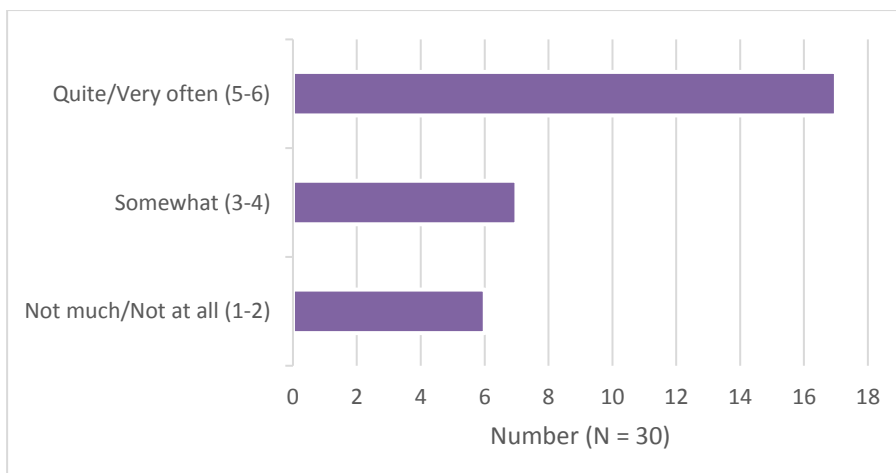
Figure 4. Extent Young People Felt Consulted on Important Topics



### Seeing Change

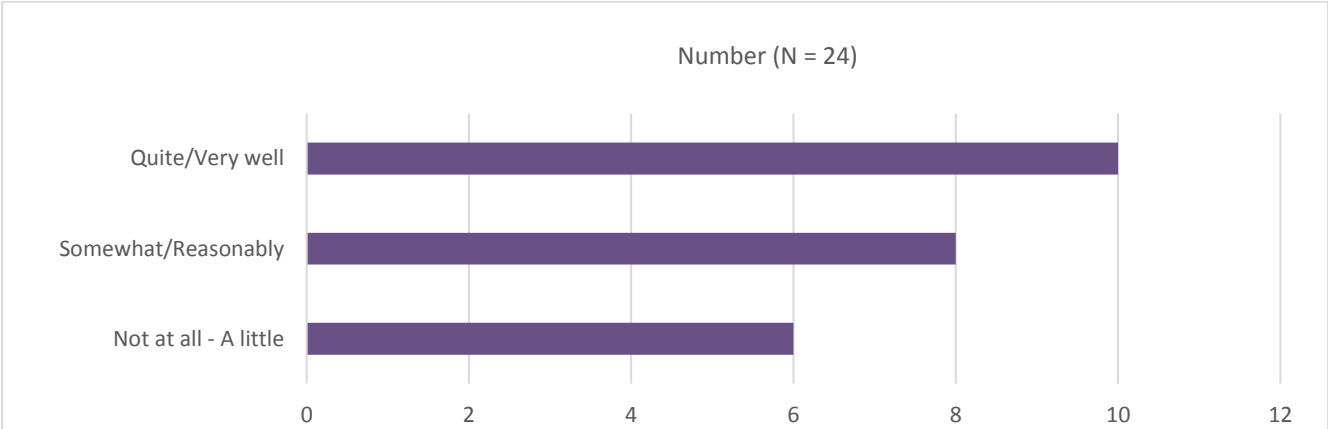
Participants were asked how often they felt that what they said was acted on. Participants gave a rating of from 1 (Not at all) to 6 (Very often) regarding the extent to which they felt heard. Over half (56%,  $N = 17$ ) of the participants felt as if what they said produced action. Seven answered they felt that their views were only somewhat responded to; six young people did not feel they had been heard. Results are displayed in Figure 5.

Figure 5. Do Young People Feel their Say is Acted on?



Those who answered they did not feel their comments were acted upon provided further information regarding to what extent they were told why their views were not acted on. Over half (10/24) felt that it was explained to them quite or very well why it was not possible to act on their queries or concerns. Unfortunately, six participants did not feel as if they received an explanation.

Figure 6. Extent to Which Participants Received Explanations for Why Their Views Were Not Acted On



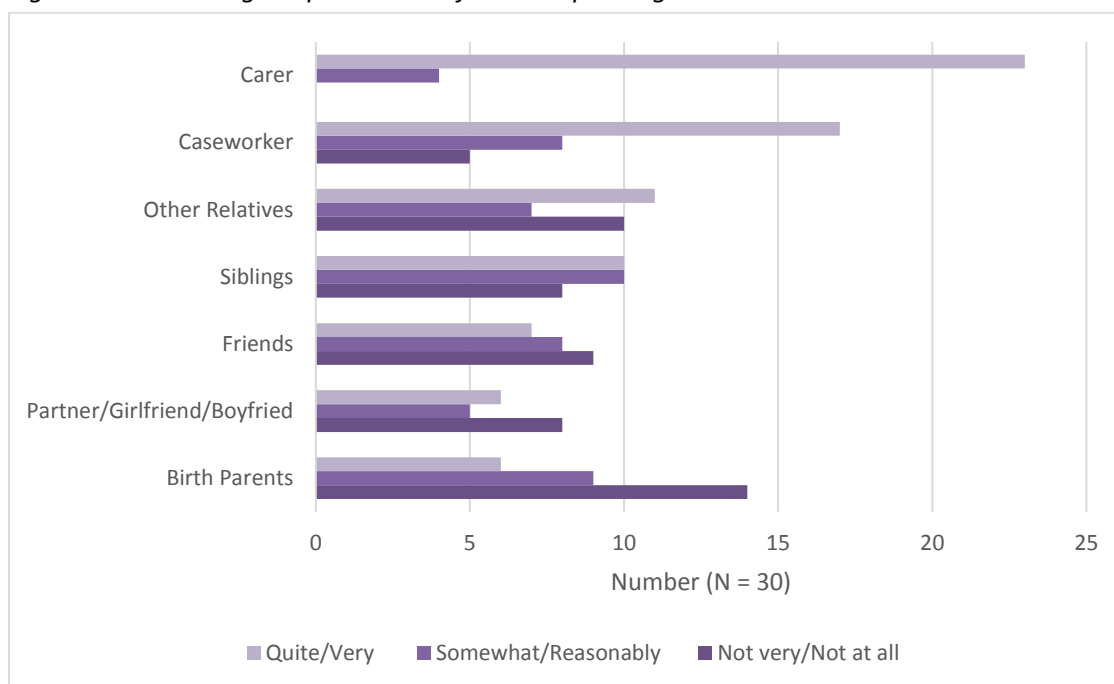
Five young people provided further comments regarding their experience. Some examples are included below.

- Having trust in my foster parents (Male, 16 years)*
- They never used to listen when I didn't want to see my birth family. They made us go. (Female, 13 years)*
- I wish that caseworkers were held accountable for the things that they do/don't do. I wish that I could have multiple people hearing what I say so that my words don't get changed. (Female, 15 years)*

**Who Young People Speak To**

Young people were asked to rate their comfort level with speaking to certain people in their lives such as carers, caseworkers, birth parents, and friends. There were mixed results, highlighting the importance of having multiple supports in young people’s lives to provide options. The most common person young people felt comfortable to speak with was their carer, with 23 participants stating that they were quite or very comfortable to speak with them. Seventeen participants felt quite or very comfortable speaking with their caseworker. Six young people also mentioned other people who they felt comfortable to speak with, including school counsellors, teachers, foster relatives, and pets. The results are displayed in Figure 7.

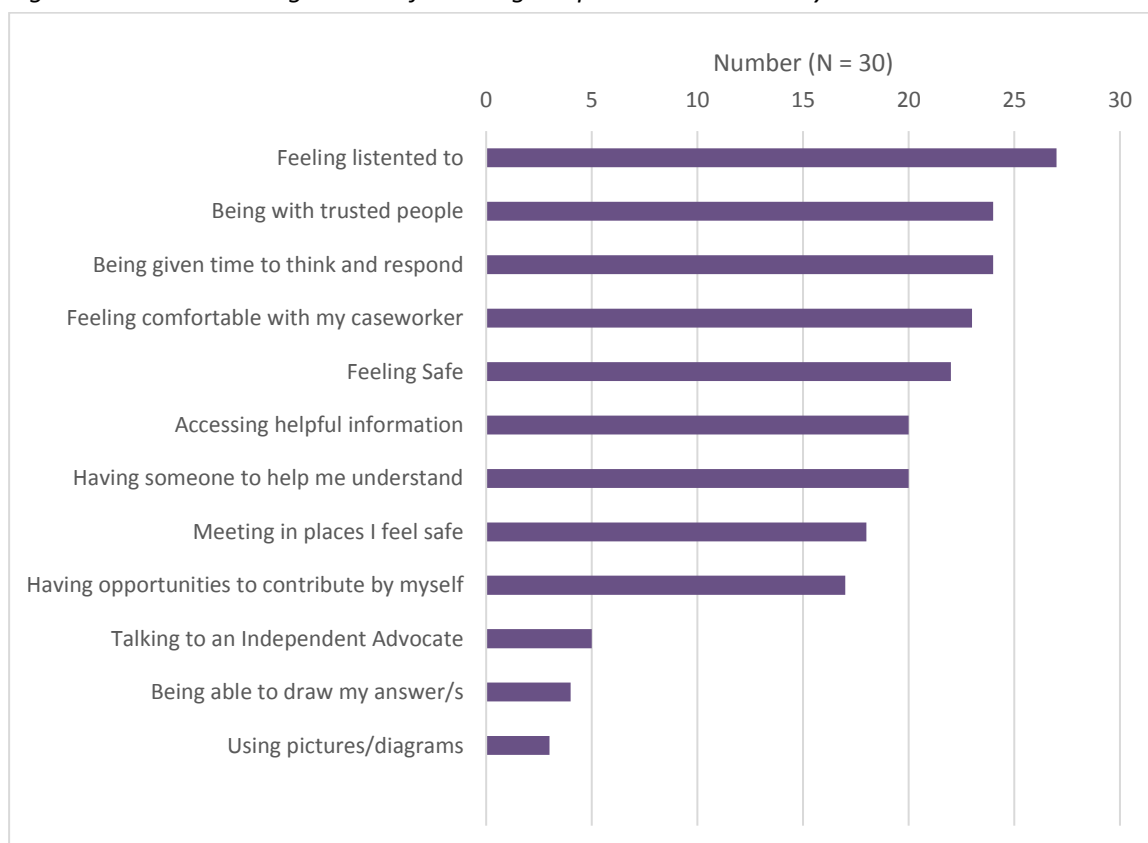
Figure 7. Who Young People Feel Comfortable Speaking With



### Things That Encourage Having a Say

Participants were asked to choose the situations that would make it easier for them to have their say about their life in care. Feeling listened to was one of the greatest motivations for young people feeling as if it was worth their having a say ( $N = 27$ ), followed by being with trusted people ( $N = 23$ ), being given time to think and respond ( $N = 23$ ), and feeling safe ( $N = 22$ ). These results are displayed in Figure 8.

Figure 8. Factors Making it Easier for Young People to Have Their Say



Participants were then asked to explain in their own words what could happen to make it easier for them to have their say. Responses from 26 young people were thematically analysed; 10 didn't have anything to add, while 16 contributed comments as shown in Table 5. Some of the answers involved having caregivers listening better, seeing more outcomes, and improving accessibility.

Table 5. What Could Happen to Make It Easier for Young People to Have Their Say.

What would help	Number (N = 16)
Caregiver listen Better	4
Seeing outcomes	2
More accessibility / assistance	2
Hosting meetings in safe places	2
More involvement	2
Case worker stability	1
Being kept updated	1
Building trusted relationships with staff	1
Change in attendees of case interviews	1

**Listen better.** Four young people noted the importance of feeling listened to when they do speak up both through actions and words.

*If the court listened to me but they just made an order that effects my life. (Female, 13 years)*

*Just for some adults to listen better to children and to respect children's views. This survey is helpful. (Male, 12 years)*

**Seeing outcomes.** Two young people wanted to see more outcomes after they speak up, and not to be promised things that will not happen.

*People doing their job and not saying they will do it but they don't do it so committed and sticking to your word. (Male, 18 years)*

*The matter of things actually having an outcome. (Female, 17 years)*

**More accessibility / assistance.** Two young people wanted more accessible meetings, for example, specifically to be able to use sign language.

*Being able to use sign and gesture / COMPIC to verbalise how I am feeling. (Male, 16 years)*

**Hosting meetings in safe places.** Two young people wanted to have meeting held in environments that they felt comfortable and safe within.

*Sitting down with me to talk about it in a place that I like. (Male, 18 years)*


*Maybe meet in a safe environment or bring along my carer with me. (Female, 14 years)*

**More involvement.** Young people wanted to be involved when it was appropriate for them.

*Let me be involved when I want to (Female, 18 years)*

**Case worker stability.** One young person brought up the issue of caseworker instability and how it affects their ability to speak up.

*Actually having one caseworker, not heaps always leaving. (Female, 15 years)*



**Being kept updated.** One young person wanted to be kept updated and to have better use of communication to do so, rather than finding things out at the last minute.

*To not be given all the information on a Friday arvo with no explanation. I want to be given the info as soon at a reasonable time. (Female, 16 years)*

**Building up a trusted relationships with staff.** One young person wanted to have better trust with the person that she was speaking to.

*Trusting the people (who) I am talking to. (Female, 13 years)*

### **Factors That Make It Difficult to Have a Say**

Participants were asked if there was anything that makes it difficult for them to have their say. Of the 30 participants, seven answered yes, six were unsure, and 17 did not answer. The seven participants who answered yes elaborated on what makes it difficult for them. The responses included anxiety and shyness, not having a caseworker, and adults not listening. One young person spoke about ending up homeless due to negligence from caseworkers. Another young person spoke about broken trust due to promises not being seen through. Some of their responses are below.

**Anxiety or Shyness.** Two young people spoke about feeling anxious or shy which makes it difficult for them to have their say.

*I am little bit shy. (Male, 16 years)*

**Lack of trust in caseworker.** Two young people did not have trust in their caseworkers which inhibited their ability to speak up.

*Caseworker I don't trust and trust has been broken a lot also they say one thing and do another. (Female, 16 years)*

**Not feeling listened to.** One young person mentioned adults not listening being a factor that makes it hard for them to have their say.

*Adults not listening (Female, 15 years)*

**Homelessness.** One young person spoke about their experience of homelessness and negligence from the OOH system.

*Unfortunately, I didn't have a case plan (transition from care plan) until this month and I turned 18 in April when I got my case plan it was 6 October when I was homeless and currently still homeless cause the FACS people didn't do their job. (Male, 18 years)*

Those who answered were asked how this issue could be overcome to make it easier for them to contribute. One young person was unsure. The remaining six gave their answers ranging from more support, better communication and trust, listening better, and being able to ask for a new caseworker. Some of their comments include:

*Being able to ask for a new caseworker. (Female, 15 years)*

*Communication could be better build trust up and listen to what I need to say. (Female, 16 years)*



## Seeing Outcomes

Participants were asked to give details about a time when they felt that their opinion had made a difference in a decision about their life. Twenty-six (26) people took the opportunity to answer this question, six of those who answered were unsure or said it never happened. The remaining 20 young people gave details about the experience. These ranged from outcomes related to schooling, to birth families and to caseworkers. The results of the thematic analysis are presented in Table 6.

Table 6. Experiences When a Young Person’s Opinion Made a Difference

Times when YP’s opinion made a difference	Number (N =20)
Related to birth family	10
Related to foster carers	3
Related to schooling	2
Related to TSIL	2
Related to permanent care	1
Related to case plan	1
Related to sibling	1

**Related to birth family.** Ten young people spoke about experiences when they spoke up and were heard regarding contact with their birth families. This ranged from young people who no longer wanted to have contact with their birth parents or young people who wanted to be able to have more contact. Some of these were heard in court and others were made through speaking with caseworkers.

*When and how long I see my father. The courts made a decision about my visits with my father but I know if I feel uncomfortable or unsafe the caseworker and carer would listen to me and make other arrangements for me. (Male, 16 years)*

*With my caseworker the decision about seeing my dad and everyone had a say but my say was important. (Female, 12 years)*

*When I said that I didn't want to reunite with my birth parents—I didn't reunite. (Female 15 years)*

**Related to foster carers.** Three young people spoke about issues which they spoke up about relating to foster carers. In one of these examples, it was as simple as being asked if the young person was happy and feeling heard. In other situations, it was seeing action taken after the young person spoke up about not being happy in a foster home.

*I told my caseworker and she ended up removing me and then I lived in a better home. (Female, 17 years)*

*Once when I was asked if I felt safe with my carers and I said yes. (Female 13 years)*

**Related to schooling.** Two young people raised experiences related to their schooling. In these examples young people either wanted to move schools due to making decisions with family, or because their home was too far away.

*The decision to move schools, with family, I moved school (Male, 17 years)*

*I talked to my caseworkers about changing schools and why it was reasonable because I was living so far away (Female, 14 years)*

**Related to Therapeutic Supported Independent Living (TSIL).** Two young people spoke about transitioning from care to independent living and wanting to move across states. In these experiences their caseworks assisted them through the process and the young person saw changes made.

*I asked my caseworker about doing TSIL in Melbourne and she made some meetings with FACS (NSW). She found that I can access my leave in after-care plant in another state and that I can access heaps of funding. (Male, 18 years)*

**Related to permanent care.** One young person spoke about needing to make a decision about permanent care, knowing that their say will be heard.

*Right now I have to make a decision on where I want to have a permanent placement. (Female, 16 years)*

**Related to case plan.** One young person mentioned feeling their say was heard in their case plan meeting.

*At the case plan meeting (Male, 14 years)*

**Related to sibling.** One young person spoke about a time when she had her say about her brother not being safe, her say was heard and her brother came to live with her.

*When I felt my brother wasn't safe at a place I spoke up and he got to come live with me (Female, 16 years)*

Table 7 shows the individuals that 13 of the 20 young people first approached when raising the issue where their opinion made a difference. Caseworkers clearly were the most influential.

*Table 7. Who Young People Raised Issues With*

Who the issue was raised with	Number (N =13)
Caseworker	8
Carer	2
Grandparent	1
Solicitor	1
Birth parent	1

## Things That Would Help Young People to Speak Up

As a final question young people were asked if there is anything else that could be changed that might help them to speak up about what they wanted regarding decisions about their care. Nine young people took the opportunity to comment about what would help them. The results are displayed in Table 8.

Table 8. Things That Would Help Young People To Speak Up.

Things that would help	Number (N = 9)
Better support in speaking up	2
Help build up YP confidence	1
Caseworker stability	1
Formalise kinship carer situations	1
Quicker movement	1
Extend care beyond 18	1
Better relations with caseworkers	1
Smoother systems and transitions	1

**Better support in speaking up.** Two young people asked for better assistance in speaking up, such as explaining the situation and not being taken advantage of.

*There is to help people and help Them speak up and not get taken advantage of. (Male, 18 years)*

*Having someone explain what is going on. (Female, 17 years)*

**Help build up young person's confidence.** One young person wanted help to build up her confidence to be able to tell what she is feeling,

*I want to be able to have the confidence to tell her (biological mother) what I'm feeling and what I want (Female, 13 years)*

**Caseworker stability.** One young person brought up the issue of caseworker instability.

*If my caseworker didn't change. (Female, 13 years)*

**Quicker movement.** One young person wanted to see things get done quicker and not be waiting for long periods of time to see outcomes.


*I want to be adopted and they are taking too long to do what they need to make it happen. Eight years so far. (Female, 13 years)*

**Extend care beyond 18.** One young person brought up the issue of care ending at 18, requesting it to be extended beyond 18 years of age.

*Extending Care Beyond 18 years old. (Male, 15 years)*

**Better relations with caseworkers.** One young person brought up feeling judged by caseworkers which inhibits their ability to speak up and be heard.

*Caseworkers, not being judged. (Female, 15 years)*



**Smoother systems and transitions.** One young person spoke about smoother transition periods and making the processes to see change easier through minimising the number of hurdles and people to go through.

*Transition periods to new placements and better communication and not a lot of people to go through because I have to go through over nine people for everyday things which is hard.*  
(Female, 16 years)


## Discussion

This consultation sought to hear from young people with a care experience living in NSW about their experiences participating in decisions that affect their lives. It aimed to hear young people's perspectives on the kinds of opportunities they get to participate in decision-making, barriers to participation, and what would help improve their situation. Recent research by CREATE has found that only 67.5% of children and young people in care feel that they can have a say "reasonably often" and 15.7% reported they rarely or never had a say (McDowall, 2018). This consultation mirrors these findings; while over half participants feel they have a say, there is still much more work that needs to be done to help the others become more involved.

The majority of participants were aware of their right to have a say. Unfortunately, there was still a small number of participants who felt as if the system only partially or rarely respected these rights. While not a majority, it is vital to ensure that *all* young people feel as if they are having their rights respected to participate in decisions that affect their lives. Those young people who did not feel as if their rights had been respected largely felt this way due to not feeling listened to or respected. Similarly, those young people who had felt their right to participate was being respected largely felt this way due to feeling listened to. This demonstrates the necessity of ensuring young people feel listened to in a way that suits each different child and young person, as well as a need to standardise improved practice across all staff and carers. These findings mirror Kirby et al. (2003) who referred to the importance of actively listening to children and young people when they initiate communication, and engaging in informal dialogue and activities in order to build greater trust and understanding of each child or young person's individual needs.

Most young people were aware of their case plans, with just over half stating that they felt quite involved in the development of their case plans. Unfortunately, there was still some work to be done to ensure that everyone felt this way, with over one third of young people stating they only feel somewhat or not very involved. Case plans present a vital opportunity for young people to have a say on an array of issues that affect their lives in care. McDowall (2018) states that being involved in case planning processes is one means through which young people can have a say about decisions. However, in a recent report CREATE found that only 43.6% of young people knew about their case plans, with less than two-thirds of these reported they were involved in developing them (McDowall, 2018). It was clear that young people who participated in the current study found it important to be consulted on a vast array of issues covered in case plans. The most important issues to be considered were their living situation, health and wellbeing, contact with siblings, and education. Young people were consulted less on the important issue of contact with siblings than reflected by the topic's importance rating, with over half of the young people reporting they are not consulted a lot or a necessary amount, even though 80% stated it was of great importance to them. Fortunately, for the other topics listed as important, young people felt they were most involved and well consulted.

Young people generally felt comfortable speaking with a mix of people, with 80% of participants feeling most comfortable speaking with their carers and just over half feeling happy to speak with their caseworkers. This confirms that caseworkers and carers are some of the key adults in the lives of young people with an out-of-home-care experience. Two key factors that arose regarding what made it easier for young people to have their say were feeling listened to, being with trusted people, and feeling comfortable with a caseworker. This mirrors the participation report of the South Australian Guardian of Children and Young People in Care (2008) which stresses that participation is more likely to be



meaningful when there are dependable relationships with trusted adults. As such, it is vital that a healthy environment amongst carers and caseworkers is fostered to ensure that they develop trusting relationships and engage young people in a way that promotes self-advocacy and participation.

Two other key factors that made it easier for young people to have their say were being given the time to think and respond, and feeling safe. Both these findings suggest that young people need to be given the opportunity to participate in comfortable and safe meeting environments with trusted adults present. This reflects the findings from Moore et al. (2015) that notes children and young people need both formal and informal mechanisms to talk about their needs, and to have relationships with trusted individuals with whom they feel safe and who take their concerns seriously. Creating safety within meeting environments is key to enabling participation and ensuring young people feel comfortable enough to have their say.

Two-thirds of participants had an experience where they saw their opinion make a difference. Most of these were in relation to living arrangements, education, carers, and birth families which reflects the same issues that were recorded as most important to the young people consulted. Seeing outcomes is an important aspect of feeling heard that encourages continuous participation when opportunities arise. Wright et al. (2006, p.7) state that “for children and young people to become involved, practitioners need to be able to work in a way that enables participation and ultimately effects change or improvement within the organisation”. As such, it is not only ensuring young people feel as if they are being consulted and participating, but that they feel as if what they say matters through seeing actions be taken.


## Conclusion

All children and young people have the right to participate in the decisions about their life, and to be heard on matters that concern their wellbeing, happiness, and safety. The present consultation aimed to hear from young people with a care experience in New South Wales to gain a better understanding of their experiences of participation, to hear their views regarding barriers to having a say, and what could be done to make it easier for young people to participate. Young people aged 12-18 with a care experience currently residing in NSW participated in the consultation. The results found that it was incredibly important to young people to have their say on an array of issues including living situation, education, and contact with siblings. Most young people felt they were reasonably consulted on these, and other important issues. Some young people felt they could be more involved in decisions affecting their lives and raised some of the concerns and barriers that inhibit this from happening. These ranged from the need to feel better listened too, for adults such as caseworkers and carers to build more trusting relationships with young people, to have more comfortable and safe meeting places, and to see outcomes after speaking up.

CREATE has included the actions below to assist the New South Wales Department of Communities and Justice to foster a widespread environment amongst staff of respect and listening to young people to create trust and child-centred action.

## Actions

- 1. Engage with children and young people and emphasise the development of meaningful, respectful, and trusted relationships.**
  - Caseworkers are encouraged to have regular check-ins with young people to create stability and consistency in their relationships with young people.
  - Sufficient resources need to be made available to address caseworker recruitment and turnover.
  - Ensure ongoing facilitation and training of caseworkers focussed on building trusting relationships with children and young people.

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- Encourage the implementation of nationally consistent powers for independent child commissioners and guardians to act as advocates who ensure the voices of children and young people are heard in all decision-making processes, and to provide community visitors to visit all out-of-home care placements.

## 2. Keep communication open and use inclusive, respectful, and child-friendly language.

- Develop a culture of listening to young people amongst staff and carers
- Ensure young people are kept regularly updated after having their say.
- Share the decision-making process with children and young people, and approach them as equal partners or collaborators.
- If it is not possible for young people to see the results they ask for, clearly explain the reasons for outcomes being unachievable.
- Young people should be provided with feedback about decisions impacting them, so they feel their views have been considered.

## 3. Use strengths-based approaches to promote agency and opportunity for young people.

- Young people are given more opportunities to have their say in safe and comfortable environments.
- Young people are involved in their case plans in ways that suit each individual and what they care most about.
- Train staff in strengths-based approaches, and ensure empathy, choice, and solution-focussed care are being provided.
- Staff actively seek the views of young people in developing case plans, and when making life-altering decisions affecting the young people.

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## Appendix A. Complaints Processes Survey

### CREATE Consultation: Participation (NSW)

#### WHAT IS THIS SURVEY ABOUT?

As a child or young person in care, you have the right to participate or “have your say” about important decisions about your life in care (e.g., your health, where you live, schooling, and family contact, etc.). Although sometimes it can be hard to speak up and tell others about what you’d like to say, it is important that your carers, caseworkers, and others who look after you make sure you have opportunities to participate in these decisions.

We are interested in hearing about your experiences in decision-making processes and the ways you would like to be able to have your say or be involved in important decisions about your care.

#### INSTRUCTIONS ON HOW TO COMPLETE THIS SURVEY

Please answer all questions and leave comments where applicable. You can click through the sections

by clicking "Next" at the bottom of the screen. At the end of the survey click the "Done" button.

#### OTHER IMPORTANT INFORMATION

Before you begin, we would like to remind you of a few things:

- Doing this survey is completely voluntary. You can stop doing this survey at any time and this
- will not affect you joining in with any other CREATE events and activities.
- You can skip questions if there is a reason you would rather not answer them; however, we at
- CREATE hope that you will want to share as many of your views as possible.
- Everything you tell us in this survey will be kept confidential (this means private) unless you
- tell us something that makes us concerned for your safety or for the safety of another young
- person in care, then we may have to tell someone.
- You can have a support person help you with the survey if you would like.
- We may use the information gained from the survey for reports and presentations but we will NEVER use your name. You will be anonymous in these reports.

Having understood the above information, by continuing with this survey you are giving your consent to participate. For more information on consultation participation, you can refer to CREATE's website, or ask your local CREATE Office (1800 655 105) for a Consultation Participation Information Sheet.

#### 1. What method are you using to complete this survey?

- Online Independent
- Online with a CREATE Staff Member
- Over the phone with a CREATE Staff Member
- Face-to-face with a CREATE Staff Member
- Other (e.g., hard copy)

#### DEMOGRAPHICS





**2. In what state or territory do you live?**

**3. What is your postcode?**

**4. How old are you?**

**5. I identify as:**

- Male
- Female
- I identify with another gender. Please specify: \_\_\_\_\_

**6. Culturally, I identify as:**

- Aboriginal
- Torres Strait Islander
- Both Aboriginal and Torres Strait Islander
- No Specific Group
- Other Cultural Group (non-English speaking background) please specify: \_\_\_\_\_

**7. How old were you when you came into care?**

**8. What type of placement do you live in at present? Please select only one.**

- Foster care
- Kinship care
- Residential care
- Permanent care
- Semi-independent supported accommodation
- Independent living
- I am no longer in care
- Other please specify: \_\_\_\_\_

**9. About how many placements have you had while in care?**

- 1-2
- 3-5
- 6-10
- More than 10
- Unsure

**10. Do you identify as someone living with disability?**

- Yes
- No\*
- Prefer not to say\*

\*If no, skip to question 13.

**11. What type of impairment or disability do you have? Please describe in your own words.**

**12. Are you receiving any support for your condition or disability? (This could include accessing an NDIS package, medication, special education, or counselling).**

- Yes
  - No
- Any additional comments:

**SURVEY QUESTIONS**

*Right to Participate*

**13. Before beginning this survey, were you aware that you have a right to have a say about important things in your life (e.g., where you live, contact with family)?**

- Yes
- No\*
- Unsure\*

\*If no, skip to question 17

**14. If ‘Yes’, how did you learn about your rights? (Please select all that apply)**

- Caseworker
- Carer
- The Advocate/ Commissioner for Children and Young People/ Guardian for Children and Young People
- Department website
- On the internet
- Charter of rights for a child in care resource
- Other community group. Please give details: \_\_\_\_\_

**15. How well do you think this right (the right to have a say about important things in your life) is being respected?**

Not at all (1).....Totally (6)

**16. Why do you feel this way?**

*Care Plans*

A Case/Care plan is a document prepared by your caseworker based on discussions with you. It has information on what needs to be done and what services will help make sure you stay safe, healthy, and well. This includes reference to important people (e.g., carer, caseworker, doctor, teacher) with whom you interact and their responsibilities in supporting you.

**17. Are you aware of having a Case Plan (or Care Plan)?**

- Yes
- No\*
- Unsure\*

\*If no, skip to question 19

**18. The development of care plans requires formal or informal discussions between young people and their caseworkers (which can take place in locations suitable for both parties) where the young people are able to say what their needs are that can be included in the plan. How**



**involved have you been (e.g., been consulted, made suggestions) in developing your case plan/ care plan?**

Not at all involved (1).....Very involved (6)

*Having your Say*

**19. How important is it for you to have a say about the following?**

	Not at all important	A little important	Somewhat important	Reasonably important	Quite Important	Very important
Your living situation						
Education						
Contact with birth parents						
Contact with siblings						
Health & Wellbeing						
Connection to Culture						

**20. How often are you consulted about those same areas?**

	No say	A little	Some say	A reasonable amount	Quite a lot	All that I need
Your living situation						
Education						
Contact with birth parents						
Contact with siblings						
Health & Wellbeing						
Connection to Culture						

**21. How often do you feel that what you have said is acted on?**

Not at all (1).....Very often (6)

**22. If you feel that what you said was not acted on, to what extent was it explained to you why this was the case?**

Not at all

- A little
- Somewhat
- Reasonably Well
- Quite Well
- Very Well
- N/A (My ideas were acted on)

**23. Do you have any additional comments on the question above?**

*Care Planning*

**24. How comfortable do you feel talking with these people about important decisions affecting your care?**

	Not at all comfortable	A little comfortable	Somewhat comfortable	Reasonably comfortable	Quite comfortable	Very comfortable
My Carer						
My Caseworker						
My Siblings						
Birth Parents						
Other Relatives						
Partner/ Girlfriend/ Boyfriend						
Friends						
Other* please specify						

**25. In what situations would you find it easier to have your say about your life in care? (Select all that apply)**

- When I can access information to help me understand what is going on
- When there is someone to help me understand
- When I feel listened to
- When I feel safe
- When people I trust are with me
- When I am given time to think and respond
- When I feel comfortable with my caseworker
- When we meet in places where I feel safe
- When I have opportunities to contribute by myself
- When I can draw my answer/s
- When I can use pictures or diagrams
- When I can talk to an Independent Advocate

- Unsure
- Other – please specify

**26. What could happen that might make it easier for you to have your say?**

**27. Is there something in particular that makes it hard for you to have a say?**

- Yes
- No\*
- Unsure\*

\*If no or unsure, skip to question 30.

**28. What makes it hard for you to have a say?**

**29. How could this issue be overcome to make it easier for you to contribute?**

**30. Can you give some details about a time when you felt like your opinion made a difference in a decision about your life? What was the decision, who did you discuss this with, and what happened?**

**28. Is there something else that could be changed that might help you speak up about what you want for decisions about your care?**

#### **END OF SURVEY**

Thank you for completing this survey. To allow CREATE to use your responses in our final report you will need to provide us with your consent. To do this, please copy and paste the link below into your web browser and fill in the details. Please be sure to submit your responses before you leave this page by clicking the "DONE" below.

[https://www.surveymonkey.com/r/CREATE\\_Consent\\_Thank\\_You\\_Participation](https://www.surveymonkey.com/r/CREATE_Consent_Thank_You_Participation)

To say thank you for the time and effort you have taken in answering these questions, we would like to give you a \$25 gift card. If you would like to receive a gift card, the link above will ask you to provide your postal address and contact details. If you do not want a gift card, you can simply select no. Please note, only the first 25 responses will receive a voucher.

If you have any questions about the survey, or if you would like to know more about what CREATE does for children and young people in out-of-home care, contact your local CREATE Office on 1800 655 105