

CREATE Foundation

Pre-Budget 2024-25 Submission to the NSW Government

“Yeah I feel angry, like I haven’t been supported.” (Young person, NSW) (CREATE Foundation, 2022b)

“When they [the government] are making decisions, you should get a say too.... They should make sure you get to have your say.” (Young person, NSW) (CREATE Foundation, 2022a)

“They didn’t do a leaving care plan until two weeks before [I left care] ... I ended up having to go out on my own to find a place and I ended up basically homeless... They just wiped their hands and said ‘there’s nothing more we can do’. They set me up in a hotel for one night.” (Young person, NSW) (CREATE Foundation, 2023b)

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About CREATE Foundation

The CREATE Foundation is the national consumer peak body for children and young people with an out-of-home care experience. We represent the voices of over 45,000 children and young people currently in care, and those who have transitioned from care, up to the age of 25. Our vision is that all children and young people with a care experience reach their full potential. Our mission is to create a better life for children and young people in care.

To do this we:


- **CONNECT** children and young people to each other, CREATE and their community to
- **EMPOWER** children and young people to build self-confidence, self-esteem, and skills that enable them to have a voice and be heard to
- **CHANGE** the care system, in consultation with children and young people, through advocacy to improve policies, practices and services and increase community awareness.

We achieve our mission by facilitating a variety of programs and services for children and young people with a statutory care experience and developing policy and research to advocate for a better care system.

Summary of priorities

CREATE Foundation recommends that the New South Wales (NSW) Government provide targeted investment for the following policy initiatives through the 2024-25 State Budget:

1. Investment in upstream early intervention efforts to divert children and families from contact with the child protection system. This includes investment in intensive family preservation programs to improve family functioning and prevent entries into the care system, in addition to more intensive supports to rapidly reunify children with families when and where it is safe to do so.
2. A review of the *Your Choice, Your Future* leaving care package to address the following:
 - 2.1. Cost of living increases and the inadequacy of current allowances to cover basic needs. Investment should be directed towards increasing the *Independent Living Allowance* to \$16,000 per year up to 25 years to better support care leavers when transitioning to independent living. Additionally, when young people wish to remain with their carers, the *Staying on Allowance* should be standardised to \$544 per fortnight for all carers continuing to care for young people aged 18-20 years, rather than the current sliding scale based on age. These carer payments should be opt-out rather than opt-in to ensure young people are able to stay on with carers. Review points should be established to ensure appropriate indexing of allowances to account for future increases to cost of living.
 - 2.2. Pressures on the housing system in NSW (both the private rental market and social housing), resulting in the need for a specialist mix of housing solutions. To address these pressures, the government could consider innovative housing models, including scaling of the Youth Foyer model and a rental subsidy targeted at young people leaving care up to age 25 to help them enter the private rental market and maintain their tenancies.
 - 2.3. Skills development by improving access and availability of practical supports that engage and empower young people to work towards employment goals and/or educational aspirations.
 - 2.4. Establishment of a Ministerial Youth Expert Advisory Group to ensure the voice and expertise of young people with lived experience informs the review of transition supports.

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3. Implement in full the recommendations from: *Family is Culture: Independent Review of Aboriginal Children and Young People in OOHC in NSW (2019)*; *Their Futures Matter (NSW Auditor-General, 2020)*; and *The Voices of Children and Young People in Out-of-Home Care* report (Advocate for Children and Young People, 2021) as a comprehensive approach to reforming the child protection system in NSW.
 4. Adequately resource reforms of the child protection system with a balance of investment that addresses the acute crisis end of the system, while also prioritising early intervention through intensive family supports, family preservation and reunification. Appropriate resourcing should also be directed to Aboriginal Community Controlled Organisations (ACCOs) and peak bodies to support self-determined approaches to keeping Aboriginal and Torres Strait Islander children safe, well and connected to culture as part of reform efforts. Reform design efforts should also meaningfully involve young people and families with lived experience of child protection and care systems. With additional resources, CREATE is well positioned to safely and meaningfully support the engagement of young people with lived experience in reform design, implementation and monitoring.

Introduction

The CREATE Foundation's funding and policy priorities for the 2024-25 State Budget are outlined in more detail below.


Priority 1: *Early intervention and family preservation*

The CREATE Foundation acknowledges that the NSW Government used the 2023-24 State Budget to stabilise the child protection system with a \$200 million rescue package that fully funded the out-of-home care system to the end of the 2023-24 (NSW Government, 2023b). This was a welcome and critical step given that NSW has the highest number of children in care than any other Australian jurisdiction, with 15,223 children and young people in care as at 30 June, 2022 (Australian Institute of Health and Welfare [AIHW], 2023). 6,661 (or 44%) of the children and young people in care identify as Aboriginal or Torres Strait Islander (AIHW, 2023).

However, it is clear that the NSW system in its current formulation has insufficient capacity to meet the volume and complexity of needs of children and young people in care. Minister Washington has made numerous statements pointing to system failure and highlighting the need to "*fix the broken child protection system in NSW*" (see NSW Government 2023a; NSW Government, 2023b).

However, investment that addresses only the acute end of the system will not divert children, young people and vulnerable families from prolonged contact with the child protection and care systems. CREATE understands that the NSW Government is committed to whole-of-system reform. As such, we urge the NSW Government heavily invest in early intervention efforts, including family preservation programs to improve family functioning and prevent entries to care in the first place, as well as more intensive supports to rapidly reunify children with families when safe to do so. Data from the Australian Institute of Health and Welfare indicates that NSW consistently has the lowest rates of reunification than any other Australian jurisdictions, with just 9% (or 488) of children aged 0-17 reunified in 2020-21 (AIHW, 2022). Of the 9% that were reunified, only 181 children were Indigenous (AIHW, 2022).

In 2016, the *Their Futures Matter* (TFM) early intervention program of change was launched. This reform agenda sought to identify cohorts of vulnerable children and families and direct funding to these groups. The NSW Auditor-General's report on TFM, found that there was a lack of commitment across portfolios which led to a failure to reprioritise investment and drive a whole-of-government approach to intervening earlier to support improved outcomes for vulnerable children, young people and families (Audit Office of New South Wales, 2020). The TFM reform agenda concluded in 2020



without delivering on its ambition and without any firm commitments from Government to continue implementing early intervention reforms (Audit Office of New South Wales, 2020).

However, the final report of the Committee on Children and Young People's *Inquiry into the Child Protection and the Social Services System in NSW* noted that the TFM approach showed promise (Committee on Children and Young People, 2022). The report highlighted that TFM family programs had successfully limited children's engagement with the child protection system and that it allowed for the development of an unprecedented data that could be used to inform investment decisions (Committee on Children and Young People, 2022). Investment in early intervention has the potential to deliver avoided costs to Government. Social Ventures Australia Consulting found in the Victorian context that investment in targeted early intervention over a 10-year period could result in savings, they noted that:

"\$150 million per year (indexed) over a 10-year period delivers cumulative net savings (after deducting program establishment and delivery costs) of \$1.6 billion with breakeven occurring during the fifth year of implementation. Most importantly, this represents approximately 1,200 children per year who could avoid entering out-of-home care, be placed in home-based care, or be reunited with their families, instead of being in residential care." (Social Ventures Australia Consulting, 2019, p. 10)

We know from speaking to children and young people living in care in NSW how important maintaining family connection is:

"I want someone to help me go back home..." (Young person, NSW) (CREATE Foundation, 2023a)

"When I'm 18, I can finally be allowed to go home because now I'm not [allowed to]." (Young person, NSW) (CREATE Foundation, 2023a)


In this context CREATE recommends:

- The NSW Government build off foundational work commenced through the *Their Futures Matter* reforms and implement recommendations made by the NSW Auditor-General to reinvigorate the early intervention reform agenda.
- This includes the evaluation of TFM pilot programs (see [Exhibit 13: Identified cohort solutions](#) in Audit Office of New South Wales, 2020) with a view to scale and expand successful program elements as per the NSW Auditor-General recommendations (See [Recommendation 1\(g\)](#) in Audit Office of New South Wales, 2020).

Priority 2: Leaving care supports

CREATE welcomed the announcement by the previous Government in November 2022 that NSW would offer extended care for young people in out-of-home care from 18 to 21 years, with the additional supports rolling out from February 2023. However, we share concerns raised by community sector partners about the adequacy of allowances and young people's access to transition supports. CREATE also believes that eligibility for allowances should be expanded so that access is not discretionary.

The current allowances offered by the NSW Government through *Your Choice, Your Future* are inadequate to cover basic living expenses in the face of the rising cost of living in NSW. The Office of the Advocate for Children and Young people (ACYP) has reported that young people in NSW are feeling the effects of the rising cost of living and are forfeiting food and medical services as a result (ACYP, 2023). Young people transitioning from care are even more vulnerable to financial hardship and risk of homelessness, as they do not always have access the safety net of extended family to hold them through times of higher need (Mendes et al., 2011). As such, the *Independent Living Allowance* of \$250 per fortnight until a young person reaches 21 is not adequate to cover basic living expenses.



Increases in the cost of living in NSW are also likely to impact the ability of carers to keep caring for children and young people in foster and kinship arrangements. As at 30 June 2022, 93% of children and young people in out-of-home care were either in foster (39.4%) or relative/kinship (53.6%) care (AIHW, 2023). Research has clearly documented that inadequate support for carers has resulted in some carers leaving the system (Australian Childhood Foundation, 2023). This trend is reflected in the decline from 17,960 carers on the NSW Carers Register in 2021- 2022, down to 17,121 carers in 2022-23 (Office of the Children’s Guardian [OCG], 2022; OCG, 2023). To better support and retain carers, the *Staying on Allowance* must be re-evaluated with a view to removing the sliding scale currently in place (\$544/fortnight from the age of 18, \$400/fortnight at 19 and \$250/fortnight at 20) in favour of a standardised approach.

For young people who are not remaining with carers, access to safe, secure and stable housing is critical but costly. According to the Australian Bureau of Statistics (ABS), the median weekly rent in NSW has increased from \$490/week in February 2022 to \$530/week in February 2023 (ABS, 2023). Additionally, as at 30 September 2023, median waiting times for general social housing applications was 26.6 months (over 2 years) with over 49,431 general applications on the housing register (NSW Government, 2023c). This means that relying on social housing is not an option for young people transitioning from care and at risk of homelessness.

While the Department of Communities and Justice offers guidance and some assistance to support young people transitioning from care to access housing (including *Rentstart Bond Loans*, *Bond Extra* or *Rent Choice Youth*), these programs are not targeted to address the specific need of this cohort. CREATE’s research has shown that, of the young people with a care experience surveyed, 30% reported they had been homeless at some stage within their first year after leaving care (37% of these for 6 months or more) (McDowall, 2020). This research also showed that one quarter of young people with a care experience surveyed had lost a tenancy or had been forced to leave their accommodation (McDowall, 2020). Safe, secure and affordable housing is crucial for a successful transition out of care and into independent living. In this context, more specific and targeted support is needed for young people leaving care as part of the *Your Choice, Your Future*.

At a recent CREATE Youth Advisory Group (YAG) in NSW, young people also told us about the value of practical supports that help young people transitioning from care to feel empowered and build skills that aid in their future careers (e.g., pre-employment programs) or achieve their aspirations:

“I had a pre-employment program for two years. Then I worked for Big W for years and now I’m at another place. I love working. The program taught me how to work and now I have a job and money.”
(Young person, NSW) (CREATE Foundation, 2023)


“I did a pre-work program... It was good and now I have a job.” (Young person, NSW) (CREATE Foundation, 2023a)

“I need help in school so I can do uni...” (Young person, NSW) (CREATE Foundation, 2023a)

Young people’s voices will be critical in reviewing the effectiveness of the *Your Choice, Your Future* package. Given this is a new support package available to young people leaving care, it is also critical that access data is monitored to better understand any issues impeding accessibility.

CREATE recommends:

- The NSW Government increase the *Independent Living Allowance* to a minimum of \$16,000 per year for young people leaving care up to age 25 to better address the true costs of independent living. This is in line with other jurisdictions, such as Queensland. The NSW Government should also routinely review the allowance against the cost of living.
- The NSW Government should remove the sliding scale used to calculate the *Staying on Allowance* paid to carers in favour of a standardised payment of \$544 per fortnight for carers continuing to care for young people aged 18-20. The NSW Government should routinely




review the *Staying on Allowance* to appropriately index this payment to account for future cost of living pressures.

- Limitations on eligibility to access both allowances should be removed, including the requirement to have been in statutory care for more than a total of 12 months when young people turn 18. These payments should be non-discretionary to ensure young people, or their carers, do not miss out on the support available. This would reduce the administrative burden of processing applications.
- A specialist mix of housing supports should be provided to young people leaving care to divert them from exiting care into homelessness through the *Your Choice, Your Future* leaving care package. This should include:
 - Consideration of a rental subsidy targeted at young people leaving care up to age 25 to help them enter the private rental market and maintain their tenancies, as part of a broader commitment to ensuring stable housing for this cohort. This would be in addition to the existing mix of housing support programs available to all young people in NSW.
 - Consider scaling innovative, evidence-based housing models. This could include exploring options to scale Youth Foyer models to support young people leaving care, as recommended by ACYP (see [Recommendation 6.2.2](#) in ACYP, 2021) and also highlighted Shelter NSW (see [Key Ask 2](#) in Shelter NSW, 20253). Increased investment should also address young people's desire to develop skills that will support their future careers and/or educational aspirations. Youth Foyers are well-suited to young people leaving care and can deliver stable accommodation and multidisciplinary, community-based support to ensure young people's social and economic participation and improved life outcomes. These better outcomes for individuals also reflect avoided costs to Government across numerous portfolios, including health, justice, housing, and social services.
- Increase resourcing to expand the availability of specialist youth employment programs with a particular focus on young people leaving care. Such programs should support young people who may also be preparing for transitions from study to work in addition to leaving care.
- To ensure the *Your Choice, Your Future* leaving care support package addresses the specific needs of this cohort, establish a Ministerial Youth Expert Advisory group, modelled off examples in the other jurisdictions. In the Victorian context, the Youth Expert Advisory Group (made up of young people with a care experience) was established to ensure the voice and expertise of young people with lived experience informed the design and roll out of transition support packages, i.e. *Better Futures* and *Home Stretch* initiatives.
- The NSW Government evaluate the effectiveness of *Your Choice, Your Future* against clearly defined outcomes for young people transitioning from care. Evaluations should be publicly available and include the voices of children and young people.

Priority 3: Implementing recommendations from past inquiries

The 2022 final report of the Committee on Children and Young People's *Inquiry into the child protection and the social services system in NSW* spoke to the plethora of work in train that aims to reform child protection and care systems. It made clear arguments that successive NSW Governments have been handed a roadmap for reforming the system (Committee on Children and Young People, 2022). CREATE notes that in the last decade alone there has been considerable work in the NSW context that has:

- Established the business case for placing early intervention and family preservation at the centre of the child protection system (see *Report of the Independent Review of Out of Home Care in NSW* [2015]; [Inquiry into child protection by the NSW General Purpose Standing Committee No. 2](#) [2017]; NSW Auditor-General's [Audit of the Their Futures Matter](#) [2020]).
- Provided a roadmap for addressing the overrepresentation of Aboriginal and Torres Strait Islander children and young people in care and redressing the harms that have occurred for



Aboriginal children, young people and families by resourcing Aboriginal-led and designed service responses (see Independent Review of Aboriginal Children in Out-of-home Care – [Family is Culture](#) [2019]; AbSec & the Aboriginal Legal Service [NSW/ACT]’s [Family Is Culture Community Report Card](#) [2023]).

- Sought to improve the experiences of children and young people in care and young people transitioning from care (see [Inquiry into child protection by the NSW General Purpose Standing Committee No. 2](#) [2017]; ACYP’s [The Voices of Children and Young People in Out-of-Home Care](#) [2021]).

The NSW Government has access to a significant body of evidence and roadmap to inform a robust reform agenda. It is time for Government to implement this. Genuine commitment to change and increased investment in early intervention and family preservation have the potential to disrupt cycles of prolonged contact with child protection and care systems. This would address the calls we have heard from young people to maintain family connections:

“A big thing for me is I can talk to my siblings and we can trust and confide in each other.” (Young person, NSW) (CREATE Foundation, 2022a)

“I was happy when I got to live with my nan...” (Young person, NSW) (CREATE Foundation, 2022b)

“My sister had a major life event and I didn’t even know because it was hard to keep in touch once we got separated and that still affects me today but DCJ doesn’t see that when they separate kids.” (Young person, NSW) (CREATE Foundation, 2022b)

“My brother gave me support. I knew I was safer with him.” (Young person, NSW) (CREATE Foundation, 2022b)

CREATE recommends:

- Progress updates to be published by the NSW Government against these reports: the Auditor General’s report *Their Futures Matter; Family is Culture*, noting the findings outlined in AbSec and the Aboriginal Legal Service’s *Family is Culture Community Report Card* [2023]); and ACYP’s *The Voices of Children and Young People in Out-of-Home Care*.
- Following the development and release of progress updates, establish a formalised and comprehensive approach to reforming the child protection system in NSW by implementing:
 - All 24 recommendations and sub-recommendations made directly to the Department of Communities & Justice by the NSW Auditor-General in relation to *Their Futures Matter* reforms, which suggests implementing outstanding objectives, revising governance arrangements, and utilising the new human services data set to direct future investment in early intervention programs.
 - All 126 recommendations for structural change contained in the *Family is Culture (FIC) review report* (2019). CREATE supports our colleagues at AbSec and the Aboriginal Legal Service (NSW/ACT) in highlighting FIC as the comprehensive roadmap for reducing the overrepresentation of Aboriginal and Torres Strait Islander children and young people in care.
 - All 19 recommendations contained in the Office of the Advocate for Children and Young People’s (ACYP) *The Voices of Children and Young People in Out-of-Home Care report* (2021) in an effort to improve the support offered to families, enhance the voice of children and young people in care and ensure that young people are provided with holistic supports upon their transition from care.



Priority 4: Resourcing reforms

Minister Washington's comments over recent months indicate an intention to overhaul the NSW child protection system (see NSW Government 2023a; NSW Government, 2023b). This will require a commitment to resourcing reform efforts over time.

Churchill and Fawcett (2016) conducted a review of child welfare reform in NSW since 2000 and concluded that reform efforts stumbled at the implementation phase with limitations in service developments and challenges that inhibited the scope and impact of major reforms. The NSW Auditor-General's report on *Their Futures Matter* (TFM), also found that there was a clear failure to plan for the longer-term embedding of reform efforts, resulting in a failure of the reform package to achieve its objectives (Audit Office of New South Wales, 2020). For reform agendas to be successful, investment must be coupled with cross-departmental action to realise the full scope of the necessary changes.


CREATE recommends:

- Adequate planning is conducted at the outset of reform implementation, including anticipating resources required for the long-term embedding of systemic change to the child protection system, and deliberate review points that track progress against defined outcomes for children and young people. Planning should also consider workforce planning and strong practice frameworks to underpin evidence-based and trauma-informed early intervention and targeted supports.
- Ensuring that young people with lived experience of child protection and care systems are deeply embedded in reform design, implementation and monitoring, as experts by experience. CREATE is well positioned to facilitate the engagement of young people, noting that this would require additional resources.
- Significant investment should be re-directed to Aboriginal Community Controlled Organisations and peak bodies to adequately resource the Aboriginal sector in the spirit of self-determination and support implementation of Aboriginal-led reforms to address overrepresentation. We urge the NSW Government to genuinely hand over decision-making and resources to the Aboriginal sector to enable Aboriginal-led and self-determined approaches to keeping Aboriginal and Torres Strait Islander children safe, well and connected to culture.
- Strategic planning to improve communication and cross-departmental collaboration to fully realise cross-portfolio reforms and build in practices of continuous improvement.

Conclusion

The CREATE Foundation urges the NSW Government to use the upcoming State Budget to prioritise investment towards children, young people and vulnerable families. Investment in early intervention to deliver the right support at the right time can divert families from long-term contact with the child protection system, benefiting generations of children and families, and delivering avoided costs for Government.

This budget is also an opportunity to improve the *Your Choice, Your Future* support package offered to young people leaving care to effectively set young people up to enjoy full social and economic participation. The package should address the rising cost of living, the additional risks of homelessness that young people leaving care experience, and acknowledge the absence of family and community supports and opportunities that often sit around young people who do not have a care experience.



This as an opportunity for the NSW Government to initiate once-in-a-generation change to improve the lives of our kids. Embedding change will require adequate resourcing of reform efforts, both now and into the future. This is what children in NSW deserve.

Should you have any questions or require additional information, please contact Imogen Edeson, National Advocacy and Influencing Manager, CREATE Foundation. E: advocacy@create.org.au



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