

Referring to the Committee's letter to UnitingCare Burnside dated 19 June 2008, please find attached:

- 2008 briefing paper outlining Burnside's concerns regarding the suspension and expulsion rates of children and young people in care in NSW;
- Extract from 2008 letter to Minister for Education regarding same.



Briefing Paper:

Educational Outcomes for Children and Young People in Out of Home Care

(Prepared for the NSW Minister of Education February 2008)

About Burnside

UnitingCare Burnside is a member of the Children, Young People and Families Services Group of UnitingCare NSW.ACT and part of the Uniting Church in Australia.

UnitingCare Burnside's services are inclusive and based on achieving just, safe and healthy life experiences for children, families and young people. We aim to protect children from abuse and neglect by breaking cycles of disadvantage and building on strengths. We achieve this by providing services across the continuum of care that support healthy family relationships, encourage positive change through education and learning, and build strong and connected communities. Our services range from preventative programs, early-intervention and child protection programs, through to out of home care and after care programs, such as our residential and foster care services.

Our advocacy work is informed by research, evaluation and the voices and experiences of our service users. We aim to influence public and social policy in order to provide the best possible care, protection and opportunities for vulnerable children, young people and their families.

Children and Young people in Out of Home Care and Educational Success

There are more than 12,500 children and young people in care in NSW. As a vulnerable group in society, they require targeted assistance to access educational services and reach educational milestones. Without such support, they are at risk of early school leaving and reduced life opportunities. Research shows that while 80% of children and young people living at home with their families in NSW complete their HSC, less than 36% of young people in care complete this critical educational milestone¹.

Gilligan (2000)² defines a resilient child as one who bounces back having endured adversity, who continues to function reasonably well despite continued exposure to risk. It may have a

¹ Cashmore and Paxman, 1996 *Longitudinal study of wards leaving care*.

² Gilligan, R. (2000) Adversity, resilience and young people: The protective value of positive school and spare time experiences. *Children & Society* 14 pp.37-47.

social or constitutional origin, but our focus is on the experiences of the child and how those experiences are processed to ensure positive learning outcomes. It is important to note that resilience is not an infinite bucket – children may be able to cope with one or two fairly serious adversities in their lives, but as the number of adversities rise they will become increasingly negatively affected by the strain. The children and young people in UnitingCare Burnside out of home care have usually experienced multiple adversities at early formative stages of their development, and this does impact negatively on their capacity to function within the complex set of human relationships and learning skills that make up school life.

However, schools can offer considerable social and psychological value for a vulnerable child who would benefit from a sense of ‘membership’ of a wider community. A sense of belonging to school can enhance academic performance and motivation and emotional well-being (Glover et al, 1998, in Gilligan, 2000 p.41). Involvement in an educational establishment can protect against behaviours risky to health (Resnick et al, 1997), and academic success has long-term benefits to a young person’s choices in life. It is widely acknowledged as the most powerful lever for positive life outcomes. A positive school experience can often effectively modify negative life experiences.

Issues of suspension and expulsion

Burnside understands that a Memorandum of Understanding (MOU) exists between the NSW Department of Community Services (DoCS) and the NSW Department of Education and Training. We note that this MOU outlines a process for assisting children and young people in care to access education through the public system in NSW. The MOU is particularly focused on the needs of children and young people in out of home care with complex needs and has a strong focus on relationships between DoCS caseworkers and schools in decision making about children and young people in care.

Our recent experiences with expulsion and suspension from Behaviour Schools shows that at times this relationship is not happening in ways that secure appropriate access to education for all children and young people in care.

For example:

One young person in one of Burnside’s foster care programs spent significant time in juvenile detention and returns to the local behaviour school when he is not detained. He is difficult to maintain in a classroom as his behaviour is designed to upset classroom control. He quietly moves around the classroom and discovers ways to annoy or disturb other students. Behaviour School finds it difficult to control his behaviour and is deeply concerned about his affect on the others in the classes. This young person also understands that if he continues to disturb others and/or abuse staff he will be suspended. He knows the consequences of the system. Behaviour School, understandably, feels that this young person is creating serious problems for the smooth running of the school and will need to be suspended.

For this young person, his strategy to be suspended from school will sadly be successful. It can be difficult to maintain young people in school settings, even in Behaviour Schools where it is expected that teachers will have the latest behaviour management skills. Sadly, this does not seem to be the case. **UnitingCare Burnside would urge that priority training for staff and teachers in Behaviour Schools be available to attract those with a vocation to work**

in this field in different models of discipline. We urge that training and work focus be strengths based, and restorative rather than punitive.

The UnitingCare Institute of Family Practice runs workshops on the strengths based approach and would be pleased to develop and deliver a training program specific to the need of teachers in Behaviour Schools. They can be contacted on (02) 8830 0777 or via aking@ifp.nsw.edu.au.

The NSW Department of Community Services Draft OOHC Service Provision Guidelines issued 24th January 08, under 6.3.6 'Educational screening and assessment', states:

If school attendance is disrupted for disciplinary reasons, the caseworker should ensure that the child is given a continuing education program by the school and is restored to school as soon as possible.

In the Suspension and Expulsion of School Students Procedures Document (Student Welfare Directorate 2007) there is no direction under Short Suspensions for schools to provide work programs. It does state that '*the school learning team and school counsellor should be notified of the suspension*'. Under 6.3.6 (Long Suspension) it does state that '*A work program should be provided for the duration of the suspension*'. However, consultation with the Managers and Coordinators of our services indicates that provision of any work rarely happens, despite being requested.

We would draw the Department's attention to the following resource:

Outer School Pty Ltd is an organisation that produces activity/learning resources for children out of regular schools. This company provides packages that have been developed by educationalists, follow the NSW curriculum in terms of content and age/year levels. They can be used by agencies or by parents/carers. Support may be required.

Outer School Pty Ltd, PO Box 1545
Double Bay NSW 1360
Ph: 0419 266 510
Email: info@outerschool.com
www.kidsouttaschool.com

We would suggest that if teachers do not have the time to develop individual learning packages for students, **funds be made available from the Department of Education and Training to access this (or another similar) organisation for appropriate learning materials for carers to work on with the children and young people.**

However, it is often problematic for services to have the young person at home during suspension. Residential Care services often do not have the staffing levels to address the young person's individual learning needs on a 1:1 basis. For some services there may be no staff available during the day, such as in some SAAP funded services, and the young person will be left entirely to their own devices. This is not satisfactory for the successful outcome of re-engagement with learning, and workers ask that consideration be given to **allowing the young person to work out their expulsion time in the school**, though obviously not in a classroom environment.

The Suspension and Expulsion of School Students Procedures Document (Student Welfare Directorate 2007) in its policy section (Section 5) states that

The school and the government school system will work with parent(s) or carer(s) with a view to assisting a suspended student to rejoin the school community as quickly as possible (5.0.1), and

Suspension...allows time for school personnel to plan appropriate support for the student to assist with successful re-entry (5.0.2).

However, on consulting with our Managers and Coordinators, it seems that suspension resolution meetings are not conducted in a timely manner, and indeed often occur on the last day of the suspension.

Jody was placed on suspension for verbal outbursts and swearing in class. This tended to occur with a particular teacher and towards the end of the day. Her caseworker requested school work to complete at home, and was given a small amount of homework, inadequate for the time of suspension. Despite several calls to the school, the school meeting was not scheduled until the Friday before she was due to return. It was identified that she would be better in another class, with the opportunity to self-regulate some 'time out' in the afternoons if she felt her control slipping. Unfortunately the class could not be changed for another few weeks, and Jody was returned to the same teacher where conflict had previously occurred.

We would urge that **school personnel be adequately resourced and focused to move in a timely manner towards planned re-entry of the child or young person.** Meetings at the end of the suspension leave the young person further in a limbo while supports are organised, or often put them back into exactly the same situation that triggered the behaviour causing the suspension in the first place.

First Steps

The most vulnerable in society will fall through the gaps of even the best resourced and committed programs and organisations. It is essential that the community sector and the school education system work closely together to minimise the likelihood of failure for many children and young people in out of home care. The existing MOU between the Department of Education and Training the Department of Community Services is a commendable start. However, we would like to see further focus on adequate services for our most vulnerable young people who need further support to remain engaged in learning.

While the recommendations contained here are quite specific, the first step would be to set up a process for gathering data and communicating on shared issues of concern. The Association of Child caring Agencies (ACWA) conducts a monthly Out of Home Care Forum. Two of these meetings per annum are dedicated to issues of education in out of home care. While anecdotal information indicates there are many unresolved issues, it would be useful to gather some base-line data on how many agencies experience problems in obtaining the best educational services for the children and young people in their care, as well as types of issues.

For the best process and communication, **nomination of a contact person within the Department is requested for attendance at the next Forum meeting focused on education issues (Tuesday April 1 at Anglicare Carlingford)**. It would be good to know what data this person would like in advance of this meeting so that the Education Manager at UnitingCare Burnside can liaise with the ACWA Forum coordinator in order to begin a process of data collection and canvassing of issues.

We look forward to further discussion on these points.

Jane Woodruff

Chief Executive Officer

UnitingCare Burnside

Phone: (02) 9768 6849

Email: jwoodruff@burnside.org.au

Dianne Nixon

Manager, Education Program

UnitingCare Burnside

Phone: (02) 9768 6887

Email: dnixon@burnside.org.au

Briefing Paper: Suspensions / expulsions of children and young people in UnitingCare Burnside Out of Home Care Services (2007)

Data was collected from across UnitingCare Burnside's Out of Home Care programs for the 2007 school year. Programs providing data were: Orana Far West Community Placements; Coffs Harbour Foster Care; Family and Youth Services Western Sydney; Foster Care Western Sydney.

In 2007 Burnside had 76 children and young people 5 – 16 years old in care across these services. Thirteen children and young people in Burnside services, aged between 10 and 16 years, were expelled or suspended from schools in 2007. This represents *approximately 17% or almost 1 in 5 children placed in our care were in conflict with the school system at this level*. The result was approximately 30 months of lost school time between the 13 children.

Issues around violent behaviour and language were the main reasons for suspension / expulsion though there were a few incidences of work refusal, bringing alcohol to school and mention of the school being unable to meet the needs of the child in areas of behaviour management. While the reasons given were serious, it should be noted that *40% of the children being suspended or expelled were 12 years or younger*, and were potentially missing a significant amount of schooling.

In about 40% of cases no school work was provided, and where it was provided there were several incidences of the young people refusing to complete it. Case workers and carers find this a difficult situation to enforce, and, as noted in our original briefing note, would like schools to consider suspension in a separate area of the school, where school work could be completed and followed up. This would make suspension less of a reward.

Access to education for children and young people in out of home care continues to be an important issue for agencies with children in their care. The Create Foundation notes:

Research has shown that children in care are less likely than other children to continue their education beyond the minimum school leaving age. They are likely to attend a large number of different schools and to experience substantial periods of absence from school¹.

This situation is reflected in our findings. Children and young people in care are the responsibility of the State. They are failing educationally and this makes them a high priority when considering access to education for disadvantaged groups. UnitingCare Burnside is keen to work with the Department of Education and Training to ensure that access for children and young people in our care supports their academic engagement and achievements appropriately.

¹ CREATE 2006, in AIFS *Child Prevention Issues* 26, 2007