

**Submission  
No 9**

## **CHILD PROTECTION AND SOCIAL SERVICES SYSTEM**

**Organisation:** Home Stretch

**Date Received:** 11 December 2020



*Let's finish  
what we started*

## Submission to Inquiry into the child protection and social services system

This inquiry was self-referred on 23 September 2020.

That the Committee on Children and Young People inquire into and report on the effectiveness of the NSW child protection and social services system in responding to vulnerable children and families with particular reference to:

1. How vulnerable children and families are identified and how the current system interacts with them including any potential improvements, particularly at important transition points in their lives;
2. The respective roles, responsibilities, including points of intersection, of health, education, police, justice and social services in the current system and the optimum evidence based prevention and early intervention responses that the current system should provide to improve life outcomes;
3. The adequacy of current interventions and responses for vulnerable children and families and their effectiveness in supporting families and avoiding children entering out of home care;
4. The child protection intake, assessment, referral and case management system including any changes necessary to ensure that all children assessed as being at risk of significant harm receive a proactive and timely in-person response from child protection staff;
5. The availability of early intervention services across NSW including the effectiveness of pilot programs commissioned under Their Futures Matter program;
6. The adequacy of funding for prevention and early intervention services;
7. Any recent reviews and inquiries; and
8. Any other related matter.

### Background

Parents have the primary responsibility for raising their children and providing support. However, as noted in the National Framework for Protecting Australia's Children 2009-2020<sup>1</sup>, where the home environment is not safe enough for children, children are placed in the care of the state; in Out of Home Care.

There are currently an estimated 17,879 children in Out of Home Care in New South Wales, 95.5% of are in foster care, kinship care or other types of home-based care. Less than 4% of children or young people are in residential care.

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<sup>1</sup> [Protecting Children is Everyone's Business](#), National Framework for Protecting Australia's Children 2009–2020, 2009.

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The current government policy require the child protection system to begin preparing the young person for leaving care at 15 years. Every year approximately 1192<sup>2</sup> young people between the ages of 15-17 are discharged from care and are legally designated as independent when they turn 18, with their care terminated, they are required to leave their foster, kinship or other accommodation arrangements.

In contrast to the current state care system which terminates young people's care at the age of 18, modern family patterns in Australia show that one third of families keep their children at home until they are well into their twenties. Young people residing at home with one or both parents are remaining at home longer, with almost 50% of young people aged 18 – 24 years having never left the family home<sup>3</sup>, and more than 80% of young people aged 18 – 21 are still living at home according to the latest Household, Income and Labour Dynamics in Australia Survey<sup>4</sup>.

Research consistently points to the poor social and economic outcomes of many young people in Out of Home Care. A review by the Australian Institute of Family Studies<sup>5</sup> into transition from care found young people leaving care are 'one of the most vulnerable and disadvantaged social groups', and that:

- 35% were homeless in the first year after leaving care
- 65% did not complete Year 12
- 29% were unemployed (compared to the national average at the time of 9.7%);
- 70% were dependent on Centrelink for some form of income support.

Too many care leavers exit directly into homelessness or endure ongoing housing instability. A Swinburne University<sup>6</sup> national homelessness survey in 2015 found that 63% of homeless youth have a state care history.

These poor outcomes indicate that the current system is failing young people in its care.

### International examples of Extending Out of Home Care to 21

Internationally many countries, concerned with the high costs to the state from the poor outcomes experienced by care leavers have moved to extend care to 21 years. The United Kingdom, the United States, Canada, parts of Europe and more recently New Zealand, have now all extended the leaving care age to 21 years.

Evaluations<sup>7</sup> from these jurisdictions show that when care is extended, the state will halve the homelessness rates of this cohort and double their education and employment engagement. Further the most recent extended care study from the United States, the CalYouth study has shown that:

- Arrests have reduced by 40%
- Pregnancies have reduced by 38%, for every year that extended care is offered past 18 years.

The mounting social and economic costs associated with exiting those in 'state care' in the UK led the UK Government to reform its care system legislation to allow young people to remain in their care placements until the age of 21 via what is called the "Staying Put" program. As part of the same reform, Scotland took its implementation a step further and has proposed the option of extending care to those also in kinship and residential care arrangements.

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<sup>2</sup> [Transitioning from Out of Home Care to Adulthood](#) (2018) National Framework for Protecting Australia's Children 2009 – 2020

<sup>3</sup> [Australian Bureau of Statistics](#) (2009, June). *Australian Social Trends 4102.0*

<sup>4</sup> [HILDA Survey](#), 2019.

<sup>5</sup> [Supporting Young People Leaving Care](#) (2016)

<sup>6</sup> [Swinburne University of Technology](#), (2015). *The Cost of Youth Homelessness in Australia*.

<sup>7</sup> [Raising our Children, Guiding Young Victorians into Adulthood](#), 2016

New Zealand recently amended their legislation to ensure that young people can remain or return to living with a caregiver from age 18-21. It is now a duty to maintain contact with young people who have left care or custody until 21 and they've extended duties to provide advice and assistance to these young people up to age 25.

International<sup>8</sup> studies have demonstrated that extended care produces positive outcomes for care leavers, including significantly reducing levels of homelessness, increased engagement with education and employment prospects; as well as reducing alcohol and drug dependency, and interactions with the justice system.

### Opportunity for reform to improve outcomes for New South Wales' most vulnerable children

While the state government provides a variety of transition and post-care supports, these are discretionary and are not a substitute for continuing care. The current approach by the New South Wales Minister is focused on 'leaving care':

*"Support is available to young people based on their individual needs and circumstances as they transition to independence,"*

*"This includes personalised plans and aftercare assistance, such as financial allowances and payments, assistance to set up a home, support for education, training and employment... counselling and other specialist services".<sup>9</sup> Minister Ward said.*

But Ms Birchall says this wasn't her experience.

*"Not having a stable caseworker at the age of 17 and 18, I felt like I had no say in my leaving care plan. I have a copy of the plan now but it's all very basic," Sammy Birchall, 21*

Although post care support is available and important, the New South Wales Government is still showing young people the door on their 18th birthday, ceasing all financial and other support of to the current care placement and letting child, (and carer if there is one), fend for themselves come their 18th birthday. This policy is ineffective and outdated. As expressed by Keira Kauler, a 24 year old care leaver.

*"When you turn 18, among foster kids it's called D day, pretty much you are stepping into oblivion, it's a horrible, awful, terrifying day for most kids. That was my real scare into reality that the world is harsh and doesn't have any mercy, no matter how old you are or how much stuff you've gone through"*

The Victorian Commissioner for Children and Young People released *Keep Caring*<sup>10</sup>, a Leaving Care report on 9 December this year.

It found that within three years of leaving care:

- One third become homeless
- Half require mental health services
- 70% live below the poverty line
- One quarter have contact with the criminal justice system
- And more than half don't have a leaving care plan.

"There needs to be not just an expectation, but an enforceable legal obligation to support young care leavers appropriately," Commissioner Liana Buchanan.

The unacceptable outcomes of this latest report is a story about care leavers in every jurisdiction in Australia and it is highly likely the findings would be similar for young people in New South Wales.

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<sup>8</sup> [Raising our Children, Guiding Young Victorians into Adulthood](#), 2016

<sup>9</sup> [We just want to be supported like other kids](#), 2020

<sup>10</sup> [Keep Caring](#), 2020

Thus, post care support in New South Wales is failing too many young people living in the state's care.

Governments internationally and in Australia have recognised that many young people are not ready to go at 18, after a life in care, and that it is inappropriate to the young person's development for the state to terminate its care at this stage despite what the legislation says.

Providing young people in care the option of extended care to 21 years would have direct benefits to the young person, government and the community. Introducing legislative change to the Children and Young Person's (Care and Protection) Act 1998 (NSW) to extend the age that a young person leaves care to 21 would also generate significant fiscal savings.

A Deloitte Access Economics, *Extending Care to 21 years in New South Wales*<sup>11</sup> report found that if care was extended to 21 years:

- Homelessness for this cohort would be halved, from 39% down to 19.5%;
- Smoking would decrease by 31.9%
- Educational participation would increase from 7.0% to 16.3% for non-parents
- Teenage pregnancies would decrease by 6.4%
- Hospitalisation would decrease from 29.2% to 19.2%;
- Alcohol and drug dependence would decrease from 15.8% to 2.5%.

The financial return for the New South Wales Government for every dollar invested in the continuation of care is \$2.10 and \$3.40 when individual wellbeing is included. And the cost of not acting to the New South Wales Government, would be approximately \$222 million over 10 years.

Out of Home Care provider Uniting, is currently running a privately funded trial of Extended Care to 21 years, in New South Wales. The results are outstanding already and at the very least the Government should be co-financing such a trial and measuring the outcomes.

Currently in Australia Victoria, South Australia, Tasmania, Western Australia and Australian Capital Territory are all offering a type of Extended Care to 21 years. Queensland has extended care to 19 years. New South Wales is the only jurisdiction in the country that hasn't acknowledged that terminating care at 18 is unreasonable and it is likely that by the end of 2021 will be the only state not to have an Extended Care pathway for young people.

Western Australia are running a Government funded trial and evaluation. The Northern Territory and Australian Capital Territory Ministers have written agreements to implement extended care policy in the coming 12 months. Queensland have extended care to 19 years with discussions on going to 21 years under way. South Australia and Tasmania are providing Extended Care to 21 years for foster and kinship placements. Over 500 young people are currently enjoying Extended Care in Australia, and young people in New South Wales should also have the option of this offer.

All of the above mentioned jurisdictions also have post support programs and support available for care leavers but recognise that continued care is a reform that they had to introduce to improve the outcomes for these young people.

From January 2021 Victoria will provide universal Extended Care to 21 years to all young people leaving state care, this will include:

- All young people living in foster, kinship and residential care placements will be provided with the opportunity to have their care extended for a full three years to their 21st birthday;
- It will be to a take up rate of 80%, with capacity for 100% take up if need be;
- State financial support for three years that covers carer reimbursements (\$15kpa), a guaranteed housing allowance, equivalent to the carer reimbursement for a young person exiting residential care; an allocated worker for the three extended years; and brokerage per young person for education, employment or other expenses;

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<sup>11</sup> [Extending Care to 21 in New South Wales](#), 2018

- Financial support is attached to the young person, so that if the young person moves on from the foster or kinship carer between their 18th and 21st birthday, the money will follow them;
- Ability to re-enter for support: this will allow young people that have left care at 18 and find themselves homeless to come back in to the system until they are 21 years;
- The program will be promoted by government to ensure all child protection workers, case managers, carers and young people are aware and able to access it.

The social and economic outcomes are compelling for young people in care and would greatly benefit the New South Wales Government to provide Extended Care to 21 years for young people living in care. On the reverse side, the consistently poor outcomes experienced by care leavers in New South Wales, and the high financial costs of not doing anything is unacceptable.

There is established a New South Wales Home Stretch Committee. The committee is made up of the state's leading Out of Home Care providers and advocates including peak body ACWA and Out of Home Care providers: Anglicare, Barnardos, Catholic Care, CREATE Foundation, Family Spirit, Marymead, McKillop Family Services, Samaritans Foundation, Stepping Stone House, and Uniting.

For more information on the Home Stretch Reform please visit [thehomestretch.org.au](http://thehomestretch.org.au)

**“When I finally left care it wasn't so great. I struggled. Learning how to pay bills, rent and shopping and just being alone. We need to extend care to 21 because you wouldn't do it to your own kids, if you had your own, you'd still have them at home and keep them safe”**

**Gina McRae**

**“We just want to be supported like other kids, and not be treated differently.”**

**Sammy Birchall**

**“You go through so much in care that to be left on your own while you're still trying to get your head around that and the rest of your adult choices, it's so much to take on board that you are just going to crash and burn”**

**Dylan Langley**