

**Submission
No 34**

CHILD PROTECTION AND SOCIAL SERVICES SYSTEM

Organisation: Youth Action

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Youth Action is the peak organisation representing young people and youth services in NSW. Our work helps build the capacity of young people, youth workers and youth services, and we advocate for positive change on issues affecting these groups.

It is the role of **Youth Action** to:

1. Respond to social and political agendas relating to young people and the youth service sector.
2. Provide proactive leadership and advocacy to shape the agenda on issues affecting young people and youth services.
3. Collaborate on issues that affect young people and youth workers.
4. Promote a positive profile in the media and the community of young people and youth services.
5. Build capacity for young people to speak out and take action on issues that affect them.
6. Enhance the capacity of the youth services sector to provide high quality services.
7. Ensure Youth Action's organisational development, efficiency, effectiveness and good governance.

Acknowledgement of Country

Youth Action acknowledges the Traditional Custodians of Country throughout Australia and understands that sovereignty was never ceded. Our office is located upon the land of the Gadigal people and we recognise their traditional and ongoing Custodianship and pay our respects to Elders past, present and emerging.

**Committee on Children and Young People
Inquiry into Child Protection and Social Services
NSW Parliament**

Youth Action welcomes the invitation to provide a submission to the inquiry into the child protection and social services system (the System). We have welcomed the changes made as a result of various government's increased focus on evidence based and trauma informed approaches to marginalised young people at risk of, or in contact with the System. However, too many young people still find themselves at a disadvantage.

There are continued calls for greater participation of young people in policy development and service provision. This is despite many reports, inquiries and commissions into the failings of the System recommending significant, system level changes.

Youth Action is advocating for a NSW where every young person is valued, engaged and supported. The cornerstone of this objective is improving the decision-making processes in NSW through utilising the diverse range of expertise of both young people and the youth sector as experts in their own lives.

As such, we recommend the Government meaningfully consider the below:

1. Improve official mechanisms for young people with lived experience to provide input and expertise to inform policy development across all aspects of the child protection and social services system.
2. Implement prior recommendations from key research and evaluation of the NSW child protection and social services system to drive widespread systemic change – namely those from the recent 2019 [Independent Review of Aboriginal Children and Young People in Out of Home Care](#) 'Family is Culture Report', the 2017 NSW [Parliamentary Inquiry into Child Protection](#), the 2015 David Tune ['Independent Review of Out of Home Care in NSW'](#) and the 2014 NSW [Ombudsman Review of the NSW Child Protection System: Are things improving.](#)

These recommendations were decided upon based on previous evidence as well as learnings from Youth Action's recent conversations held with young people with lived experiences of the care system conducted specifically to inform this submission.

Recommendation 1: Improve official mechanisms for young people with lived experience to provide input and expertise to inform policy development across all aspects of the child protection and social services system.

Youth Action held a series of conversations with young people with lived experience in the child protection and social services system. We circulated a request through our members and networks asking for young people with experience of the care system to contribute their views to inform our submission. Ten young people from across NSW with a diverse range of backgrounds and life experience, including experience in care and as carers responded within the timeframe.

We were humbled by their thoughts and the time they shared with us. Their belief that speaking with us could help effect change in a system whose shortcomings they were intimately familiar with demonstrated the strength of their hope that a better system is possible. In recognition of the trust

that these young people placed in us by sharing personal stories, we have dedicated a significant proportion of this submission to detailing their voice.

What these conversations made evident is that young people with experience in the care system are passionate about having their voices heard by decision makers. They have profound insight into the impact of the system on their lives, and well-considered suggestions about how it could be improved to better support children, young people, and families in the future. Their views about what could be done differently demonstrate deep compassion for the complex challenges faced both by children, young people and families impacted by the system, as well as for those working within it.

We asked young people three broad questions about the system: what is working well for children, young people, and families; what is not working well; and if they were to design a child protection system what would be the key elements to ensure children, young people, and families are supported to thrive?

Based on what young people told us, we were able to categorise their ideas into the following six themes for improving the child protection and social services system.

1. Investment in early intervention to better support children, young people, and families to stay together and reduce their contact with the system.
2. Reform the system to enable it to better meet the needs of children, young people and families in contact with child protection and social services.
3. Ensure First Nations children and young people are supported to maintain strong connection to family, community and culture.
4. Improve effectiveness of aftercare and transition to independence support for young people leaving care.
5. Improve independent system oversight and accountability.
6. Embed the inclusion of the voices of children and young people into all levels of the system to improve both individual and systemic experiences.

Investment in early intervention to better support children, young people and families to stay together, and reduce their contact with the system.

All young people spoke about wishing that more resources were put towards helping families tackle the challenges they face, connecting them to support services and preventing them from coming to the attention of the system in the first instance.

‘We need to start at the beginning and work to keep families together.’

A number of young people who had been removed from their families, described that they felt there were missed opportunities early on in their contact with the system whereas, with the right support, there could have been the possibility to stay with their families.

'I understand there are times it (removal) has to happen, but it happens too often for families where it could be prevented.'

Reform the system to better meet the needs of children, young people, and families in contact with child protection and social services

This was the area spoken about in most detail during the conversations. Young people talked about their experience of feeling powerless and trapped in a system, often from a young age, that was unwieldy and difficult to navigate. One that they did not think prioritised their needs and said frequently compounded experiences of trauma which had brought them to the attention of the system in the first place.

Some of the main areas they identified as requiring urgent reform were:

Removal processes:

Most young people said this was the starting point for their contact with the system. They felt it was important that children are supported to understand the process as poor experiences of removal had long lasting impacts.

'For 18yrs I carried my mum's faults as mine, that somehow I had messed up ... as a 9yr old no one explained to me.'

'Young people still don't know the reason why they are being taken into care ... I was told I was going on a holiday.'

'It's a bit rough the way they take kids from their families and just tell them, you live here now.'

There was considerable insight into the complexity of situations leading to the decision to remove a child or young person. The young people acknowledged that there are specific circumstances where it is not safe for children to remain in their homes. They agreed that when this is the case, it is vital that workers have knowledge to navigate these difficult conversations. To explain why the decision has been made for removal and to help the child or young person understand what is happening, as well as supporting them to emotionally process the situation in the future

Additionally, young people said that they felt restoration should be an option fully explored, and there should be more support and resources to help parents who indicated a desire to work towards restoration.

'The agency worked against her (my mother) not with her ... but at the end of the day she wanted us back.'

Placements:

We heard from young people with experiences in kinship and as carers, as well as young people with experience in foster care and residential placements. All young people spoke about the need for stability of placements, including carers and caseworkers, to make them successful.

Kinship care was the placement experience spoken about most positively, especially for Aboriginal young people.

'Kinship care keeps you connected to culture.'

These young people said kinship care was much less disruptive for a child or young person as they stayed connected to family, community and culture. Young people felt kinship care with support from the child protection system should be the first option placement considered for all children and young people.

'Families should stick together.'

One young person caring for younger family members spoke about how she was fortunate to have had the same caseworker connected to her family for seven years and commented on how much she valued their support.

'(The caseworker) checks on the kids all the time, calls to see how they are doing, helps us with housing and helps get the kids into activities.'

Young people described more mixed experiences with foster care and residential care placements. Predominantly their concerns related to issues of placement stability and availability of specialised support related to young people's individual needs.

Some young people noticed improvements since the introduction of Intensive Therapeutic Care models, saying it is a better way to support the wellbeing of young people with lived experiences of trauma. One young person gave the example of the reduction in the amount of police involvement with young people living in residential care placements as a positive outcome of this change.

'Police used to be called weekly but now only maybe yearly.'

On the whole however young people described experiences in residential care settings as difficult and sometimes unsafe. They felt the complex dynamics between young people with significant histories of trauma living together are hard to manage.

'There is too much trauma in one place ... no one has time to grow.'

'You are taken from your home because there is domestic violence and drug and alcohol use, but the same stuff is happening in the refuge.'

'No wonder young people abscond, because they don't want to stay there.'

Some young people said being placed in residential care felt like something that happens when the system does not know what else to do.

'It (residential care) is a shocking solution to a really bad situation ... I think they decide this child can't be helped anymore.'

Another young person described how residential care had been used as a threat when they were having trouble settling into a foster care placement.

'If you don't start behaving you will be put in this home.'

Young people consistently said there needs to be more one-on-one care options for children and younger adolescents, especially those with significant trauma histories who struggled to live in group home contexts.

Decision making processes:

A number of young people said one of the things they struggle with most was the cumbersome processes regarding the way decisions about their lives are made. They shared experiences about their feelings of frustration, uncertainty and anxiety; whilst waiting for responses to minor everyday requests, like asking to have a sleepover or dying their hair, to important decisions about things such as access to family and placement options.

'Young people in OOHC should be made to feel more normal.'

'You feel like you have to fight for everything.'

Young people expressed frustration about decisions made for them by managers with whom they felt they had little contact rather than carers who they felt understood their needs much better.

'Carers in residential homes know the young people but do not get enough of a say, managers make the decision but don't know the young people.'

Young people said that it would have significantly helped them manage resulting feelings of powerlessness and confusion if someone had been able to talk them through what was happening, to explain why particular decisions were being made, and give them an opportunity to give their views.

'It took too long to fix ... but then when change comes it happens fast and no one tells you what is happening.'

Young people connected to non-government organisations said they felt this offered better outcomes as it was easier for decisions to be made, as well as being able to access workers who knew them and could provide advocacy and support.

Contact with family:

Young people talked about how having ongoing connection and access to family was important to their wellbeing and identity. As mentioned previously young people in kinship care felt especially fortunate to be able to stay connected to their families.

'You want to see your family as often as you can.'

Young people spoke with sadness about the loss they felt being separated from family members including siblings, parents, grandparents, as well as extended family such as cousins, aunts and uncles.

'My siblings and I were scattered across the country.'

'DCJ kept me connected to my other siblings in care, we did activities together ... but not my siblings outside the system.'

They felt that maintaining connection to family should be considered a priority. It should be well-resourced, so young people did not miss out due to issues such as lack of organisational capacity to support access visits.

'You want to see family more often than a 3hrs supervised visit ... sometimes you don't get to see them at Christmas ... there are no staff do the visit.'

Retention and training of staff working in the system:

Another aspect which young people spoke about in detail was their lived experience with workers in the system and the significant impact these people have on their lives. The group they spoke most about were their 'caseworkers' and 'carers' with both the Department and other non-government care organisations.

'Whether you get a good caseworker or not can determine how your life pans out.'

Young people spoke with genuine gratitude about how much they benefited when they were able to have a consistent worker for lengthy periods of time.

'I had 5 different caseworkers, so it was pretty tough, I really loved one I got though.'

'One caseworker was really good ... she was consistent for the last 4-5yrs I was in care ... I remember her... it really helped that I wasn't with some random.'

All agreed that children and young people were negatively impacted by the instability experienced as a result of the high turnover of staff in the system.

'Young people have to retell their trauma.'

'It makes you feel there's no point in even trying.'

An unexpected finding was the lens through which the young people interpreted this failing of the system. Rather than seeing this issue solely as it related to their own experiences, they repeatedly spoke about seeing the lack of support for workers and expressed compassion for the challenges they experienced working in the system.

'You need to look after yourself before you can look after others and I think that the system needs to look after itself first before it can help others.'

They said too many workers and carers had limited understanding about the impact of childhood trauma so consequently struggled in working with children and young people with complex needs, such as those who come into contact with the system.

'Workers are not trauma informed, they don't know ways to work with children and young people with experiences of trauma.'

'I have been in foster homes that were dysfunctional one carer couldn't cope and the agency couldn't see this, but I could.'

'Workers come into the system to work with children, they don't know how to work with carers or parents ... they come once a month for a home visit ... It's ridiculous what they expect from a caseworker, no wonder there's such high turnover.'

They described watching workers trying to do their best to support children, young people and families, but not being able to achieve change and ultimately leaving the job.

'They advocate but can't get anything done ... I think they feel as stuck as we are.'

Ensure First Nations children and young people are supported to maintain strong connection to family, community, and culture.

Four First Nations young people took part in the conversations. These young people spoke at great length about strong connection to family, community and culture as essential to First Nations young people's sense of identity and emotional wellbeing. They gave examples of various successful cultural programs and initiatives with specialist Aboriginal staff which had supported them and their families to tackle challenges in their lives. Young people feel it is crucial to have Aboriginal controlled organisations working with First Nations children, young people, and families in contact with the child protection system.

'Connection to family and culture teaches you to do stuff that our ancestors taught their kids.'

'(We need more) culturally-informed, trauma healing services for parents to help explain to them what is happening for them.'

They also said it is important for non-Indigenous workers and programs working with First Nations children, young people and families to understand the history of colonisation from the perspective

of First Nations communities, and the continuing impact of the Stolen Generations on First Nations people's experiences with the child protection system.

'When the caseworker came to visit to see how we were going, my grandmother who was doing everything right always worried that we could be taken on that day ... I worried if I said something wrong to the caseworker I could be taken away.'

'A child or young person doesn't necessarily have trust issue with you, it's with the organisation you represent.'

One young person spoke with great insight about the need for non-Indigenous workers to understand the concept of intergenerational trauma and its impact on the families they are working with, including learning local histories in the areas where they work.

'Our elders always felt in their blood something wasn't right ... (it's called) epigenetics, we just had to name it with a white person's word for people to understand.'

'Our elders talk to us about different massacres ... workers need to understand the trauma that parents carry.'

Improve effectiveness of aftercare and transition to independence support for young people leaving care.

Aftercare support beyond eighteen years and the smooth transition to independence for young people leaving care, were named by young people as key elements to a system that supports them to thrive. Young people were clear that leaving care plans need to be developed collaboratively with the young person involved. They expressed the need for an allocation of resources to these plans that would allow them to achieve positive outcomes across all areas of their lives.

They were also clear that leaving care plans needed to be developed and reviewed over a lengthy period prior to them turning eighteen so that the transition out of the care system was a supportive, gradual process.

Unfortunately, the reality was different for a number of the young people from whom we heard. Young people shared a range of experiences from leaving care plans that, while developed early, were not reviewed to allow for changes in circumstances, while other young people's leaving care plans were not finalised until they were just weeks from turning eighteen.

'My transition from care plan was terrible ... key points were left out and it was poorly written even though they had started the planning when I was sixteen.'

'My leaving care plan was only completed recently ... there is no housing arranged when I turn eighteen next month ... I have to leave this residential care program where I have lived for the past four years.'

One young person who had both lived experience of care and now as a caseworker with a specialist aftercare organisation, talked about the difficulty they have supporting young people whose leaving care plans are not adequate to meet their ongoing needs.

'Young people thought they would stay with their carers ... and then placements break down ... now they don't know what the other side of eighteen will look like.'

'The plans often only help with financial things but not with things like teaching living skills or connecting to community or culture.'

'The bureaucracy doesn't line up; you can't apply for Centrelink until you are eighteen and you can't get a home until you are on Centrelink.'

A plan for stable housing was something everyone agreed needed to be considered as young people transition out of care. Young people acknowledged not everyone was immediately ready for independent living. Some young people had experiences of semi-supported housing models that they thought worked really well. The crucial factor they identified was that whatever the form of housing, it needed to offer long-term security.

'When you are over eighteen years that's your home.'

Young people who were supported by aftercare programs said the support they received was really helpful. These programs were seen as having capacity to be more flexible in the advocacy and assistance they could offer to young people. Support in areas such as goal setting, living skills, financial management and transition to independence were seen as valuable.

Improve independent system oversight and accountability.

It was obvious through the stories young people shared with us, that there were many instances during their contact with the system where agreed principles and processes were not followed, and no one was held accountable. In some cases, young people said they had raised concerns or made complaints with varying degrees of success.

More often young people described feeling powerlessness as a result of the convoluted way decisions were made by the system that they frequently did not act. They said it was difficult to make a complaint to the department or non-government agency responsible for their care when they felt it was the department or agency at fault.

Some knew about the processes of making complaints through the Ombudsman, however they thought even the Ombudsman struggled to get results.

'The Ombudsman visitors are ok ... but they can't do much because of all the rules.'

'I had to go through the Ombudsman to get my (leaving care) plan approved and it took two years.'

They expressed a desire for a feedback and complaints process that was more supportive and understanding of the difficult circumstances relating to their care experiences.

'Young people should have more of a say and be able speak up if you are not comfortable.'

Embed the inclusion of the voices of children and young people at all levels of their involvement in the system to improve both individual and systemic experiences.

All young people agreed that it is vital to include children and young people in the decisions made about them whilst they are in care. They said when this happened it had positive, lasting impacts on their sense of wellbeing.

'(They need to) listen to what you (have to) say ... (and) tell you what's happening all the way through.'

'Young people should have a say in what happens to them.'

Some young people were part of organisational and departmental advisory groups which they felt were important in presenting their views to decision-makers. One young person spoke about how there is more focus on voice now than when they were younger. This young person had been part of an advisory group, which they felt was doing good work using their ideas to improve children and young people's experiences with the child protection system.

None of the young people mentioned whether they knew that children have a right to be included in decisions that impact their lives. When they spoke about having their views included, they described it happening when they had a connection to a supportive caseworker or service. One young person who was nearly eighteen, when asked if they knew this was one of their rights under the UN Convention on the Rights of the Child gave the following reply:

'How old do you have to be to get that right?'

It was clear that despite being in the child protection system from a very young age, no one had explained to this young person the rights held by all children throughout their lives.

Although it was not specifically raised, it is Youth Action's view that all children and young people in the care system should know their rights and there should be rights-based training for those working with children and young people to ensure they know how to support young people to uphold those rights.

There are some excellent additional examples of the value of meaningfully including the voices of young people with lived experience in policy decision in the System. One such example is the 2018 CREATE ['Out-Of-Home Care In Australia: Children And Young People's Views After Five Years Of National Standards'](#). In this comprehensive report, one of the key conclusions was how *'it is critical*

if children and young people's rights are to be upheld that they be given every opportunity to participate in decisions affecting their daily life'.

Young people are the experts in their own lives and it is vital to hear directly from young people who experience the successes and failures of the System.

Youth Action is in a position to conduct further consultations with young people to ensure their voices are present in submissions. We welcome ongoing conversations with the Government to discuss how to implement greater youth participation within decision making.

Recommendation 2: Implementation of prior recommendations from key research and evaluation of the NSW child protection and social services system.

Youth Action has been advocating for substantial changes to the System for a number of years, most recently outlined in our [A NSW for Young People Beyond 2019](#) report. Prior to the state election, Youth Action recommended that the Government:

1. Develop a whole of government policy and practice framework and a strategy that articulates a strong commitment specifically to at-risk young people, including Aboriginal young people, with measures to track progress and provide accountability.
2. Commit to increase expenditure for prevention and early intervention over a five-year period, including programs for prevention and early intervention for young people aged twelve to twenty-five years in NSW.
3. Raise the age of leaving out-of-home care to twenty one, for young people who wish to stay beyond eighteen, as recommended by the [Home Stretch campaign](#). With adequate supports attached in relation to housing, education, employment, life skills, mental health and peer support, and adequate assistance for carers.
4. Implement policies to prepare young people to transition to independence and invest in quality monitoring of agencies' compliance with these policies.

These recommendations have yet to be actioned by the Government and thus are still relevant to this inquiry. Many other recommendations have been made to improve the System across more than a decade. The conclusions of four key reviews produced in the previous six years make concerningly similar conclusions despite vast evidence being provided to make system change.

The 2014 NSW [Ombudsman Review of the NSW Child Protection System: 'Are things improving?'](#) Report concluded:

'This system dysfunction has resulted in a failure to identify and meet the needs of vulnerable children and families; the continued funding of agencies that are failing to provide a good quality service; and the limited return on investment from a number of costly agency programs.'

The 2015 David Tune [Independent Review of Out of Home Care in NSW](#) noted:

'The review concluded that, overall, the current NSW system is ineffective and unsustainable. The system is not client centred, expenditure is crisis driven and not aligned to an evidence base and the Department of Family and Community Services has minimal influence over driver of demand and levers for change. Moreover, the system is failing to improve long term outcomes for children and families with complex needs, and to arrest devastating cycles of intergenerational abuse and neglect.'

The 2017 NSW [Parliamentary Inquiry into Child Protection](#) highlighted:

'The malaise that exists in child protection is not the result of the actions of a single minister or government. It has got itself into this position over a number of decades. No politician or political party can claim any moral high ground with respect to child protection in this state. The major political parties have all served in office over recent decades, and in this policy area have little to be proud of. The crass reality is that child protection has been, and is treated as, a political football game; a game where the objective is to take out one's political opponent.'

In 2019 the [Independent Review of Aboriginal Children and Young People in Out of Home Care in NSW](#), Family is Culture Review found the NSW Government: *'Is failing to protect Aboriginal children in its care.'* It made 125 recommendations relating to *'self-determination, transparency, public accountability and oversight, improving early intervention and recognising the harm of removal.'* In 2020 the [Family is Culture Collective](#), a collective of Aboriginal and non-Aboriginal organisations, called on the NSW Government to make a significant financial commitment in the 2020/21 budget to address the over-representation of Aboriginal children and young people in the child protection system.

These reports have outlined numerous recommendations for systemic reform. While some of these have been implemented by Government, they largely relied on the work of the, Their Futures Matter reforms which this year received a poor review from the Auditor-General of NSW, Margaret Crawford. The [Review](#) noted some \$380 million of funding meant to be used for new early intervention programs remains tied to existing programs, *'with limited evidence of their comparative effectiveness or alignment with Their Futures Matter objectives'*. This hindered delivery of 'the reform's key elements, particularly the redirection of funding to evidence-based earlier intervention supports and limited the impact that TFM could have on driving system change.

A key, reoccurring recommendation has been the redistribution of funds from crisis response to early intervention and prevention. Youth Action, along with Fams and Local Community Services Association, created the joint [The Case for an Effective Prevention and Early Intervention Approach](#) report in 2019 based on years of ongoing failure to fully implement recommendations from previous reports. Highlighting the evidence that came before it, we noted:



'The case for early intervention is clear. Decades of government reports, reviews and reforms have recommended greater investment in, and enhancements to, early intervention and preventative approaches.'

For real impact to occur on the ground, a significant redistribution of money away from crisis response to early intervention is required. A commissioning, place-based, trauma-informed approach to financing services needs to be more uniformly implemented across the social services sector. With the current level and distribution of funding, services are struggling to keep up with demand and meeting operational requirements. In our [Snapshot 2020: NSW Youth Sector](#) report, 65% of youth services support a young person in crisis once a day to once a week, 49% of youth services operate at over 100% capacity compared to 36% in 2011 and more than 1/4 of youth services say they can rarely meet demand. Crisis response-based systems are untenable and will continue to cost the Government more and more year-after-year. Modelling from, Their Futures Matter clearly articulates the need to shift funding focus, not just for the communities they affect but also the budget bottom dollar.

Youth Action supports the words of incoming Children's Commissioner, Anne Hollands, *'I'm not interested in just more reviews and more 500-page reports that point out the same things. I am looking for what can be done in terms of actual action now.'*

We welcome the opportunity to provide this submission and the voices of young people, but hope greater implementation of recommendations will occur as a matter of urgency.