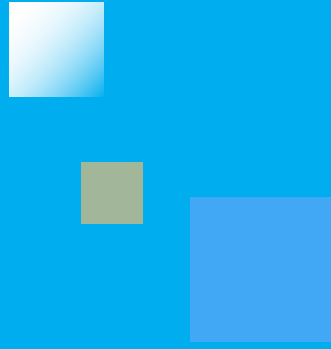
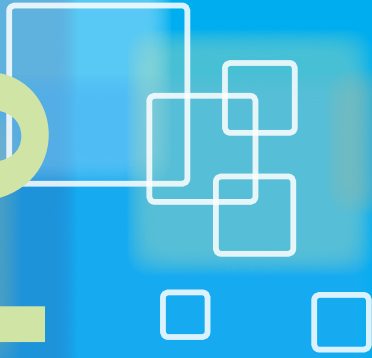


# Chapter 6



## Chapter 6

### Young people leaving care

The Commission's terms of reference require it to review the effectiveness of Queensland's current child protection system in relation to the transition of children through, and exiting, the child protection system.<sup>1</sup>

When a child or young person is in the custody and/or guardianship of the chief executive, there is a legal requirement for the chief executive to ensure that the young person is provided with help in the transition from being a child in care to independence at 18 years of age.<sup>2</sup>

Although this chapter focuses on the process of leaving care, the Commission acknowledges that improving outcomes for children in care is achieved by a combination of an effective system for children and young people while they are in care, together with partnership and supportive processes to assist young people as they leave. Effective transition from care cannot compensate for a system that has failed children in the years preceding their 18th birthday.

The chapter begins by presenting a demographic profile of young people in out-of-home care in Queensland who are transitioning to independence. Studies are referred to on the long-term costs to the community of not providing ongoing assistance. Support available from Australian Government programs is briefly outlined. Options for alternative and additional support systems are examined, drawing on national and international approaches, to provide some insight into how the Queensland system might bolster its provision of services to this cohort. In developing proposals, the focus is on providing gradual transition to independence, ensuring stable accommodation and improving education and employment opportunities.

## 6.1 Background

### 6.1.1 Demographic overview

The target group for young people needing support to transition to independence is those aged 15–17 years who are in the care of the chief executive. As at 30 June 2012:

- There were 1,273 young people aged 15 years and over who were subject to a child protection order granting guardianship to the chief executive.
- Transition from care planning had occurred for 73 per cent (927 young people), with 91 per cent (841) of these participating in their planning.
- For people having exited care, the department may still provide support services past the age of 18 years, however there is no data available on the number of these support service cases currently open (Department of Communities, Child Safety and Disability Services 2012h).

Information from community visitors in 2010–11 indicated that the situation for Aboriginal and Torres Strait Islander young people was very similar, with an only slightly larger cohort (27 per cent compared with 24 per cent) having no care plan (Commission for Children and Young People and Child Guardian 2012e).

There has been a 24 per cent increase in the number of young people aged 15 years and over leaving out of home care over the last four years: from 419 in 2007–08 to 518 in 2011–12. This increase for 15 to 17 year olds is in contrast to the rate at which the total cohort of children are exiting care, which decreased by 13 percent over the same period from 1,544 to 1,350. These changes reflect the increased lengths of time that children are staying in care, so the cohort on exit is increasingly older (Department of Communities, Child Safety and Disability Services 2012h).

### 6.1.2 Long term costs

Raman, Inder and Forbes (2005) identified the high economic costs of not supporting young people to succeed as adults. They noted that, for the Victorian Government, the lifetime unemployment, crime, health, housing and child protection costs (reflecting the intergenerational cycle of care) were estimated as being an additional \$738,341 per person for young persons leaving care. This cost is significantly greater than the early investment needed to support young people at the time they leave care.

A further study by Morgan Disney & Associates and Applied Economics (2006) estimated the cost to government of a cohort of 1,150 people who had left the child protection system, across their life course from ages 16 to 60, to be just over \$2 billion gross. This is a net cost to government of \$1.9 billion over a 44-year period (\$43 million per annum) more than the cost for the same size cohort in the general population. It is noted that this estimate includes the substantially higher outlays incurred by the Australian Government, such as income support payments and health care.

The above study also indicated that, if supports for young people transitioning from care were to be implemented, the most conservative scenario indicates an estimated gross saving of \$128 million for the cohort over 44 years, and the most extreme scenario results in gross savings of \$760 million. The highest cost saving is found in the reduced use of mental health services, family support services and justice services.

These costs arise because young people leaving care are at greater risk of experiencing negative life outcomes. Close to half of them experience periods of homelessness and commit offences. Young people need to develop employment and independent living skills, and more social and emotional skills, before they can be expected (or are able) to live independently. A sense of security, stability, continuity and social support are strong predictors of better outcomes for young people's long-term prospects after leaving care (Osborn & Bromfield 2007).

### 6.1.3 Child safety practice manual

The legislative framework for transitioning from care is set out in chapter 5. The Child safety practice manual provides for transition planning to start when a young person is 15 years of age. As part of the case plan, a sub-plan is to be developed with young people focusing on possible career, training and living arrangements after the age of 18. A young person's progress towards achieving transition from care goals is documented at case plan review, or at a minimum every six months.

Departmental funds may be provided to support and resource a plan. There is no specific transition from care funding, so any costs must be met from the Child Related Costs<sup>3</sup> budget. Specifically, according to the manual:

- transition from care funding can be accessed for the duration of the transition from care plan, including by young people who have left care
- expenditure is subject to approval by the Child Safety service centre manager in accordance with the young person's case plan or support plan
- a plan for using transition from care funds may span several years and may continue for a specified period or defined purpose after a young person has left care
- planning should take into account transition from care funding, the Transition to Independent Living Allowance and any other funding sources.

Plans developed past the age of 18 are called 'Support Service Plans', but are not counted as part of a child safety officer's caseload. The department has the capacity to fund placements after 18 years, but this is seldom done and usually for young people to finish high school. In most cases then, if a young person stays with their foster carer after 18 years of age the carer receives no payments from the department.

Only one funded non-government organisation currently delivers transition from care support in Queensland. Life Without Barriers delivers this program in Logan and

Goodna. Other than this, managing a young person's transition from care is the responsibility of child safety officers. The Queensland Government made a pre-election commitment to support young people leaving care up to 21 years of age. However, no policy implementation details have yet been announced.

#### 6.1.4 Support from the Australian Government

The Transition to Independent Living Allowance is a one-off payment of up to \$1,500 for young people aged 15–25 who are moving from care and who qualify for independent status under Centrelink guidelines.

The *National framework for protecting Australia's children* includes supporting young people to independence as a priority area. In October 2011, the Australian Government, state and territory community and disability ministers endorsed a nationally consistent approach to transitioning young people from out-of-home care to independence. This approach is also underpinned by a number of principles that align with Australia's obligations as a signatory to the United Nations Convention on the Rights of the Child.

The national approach outlines the need for a gradual transition from care to independence, which includes:

- a strong preparation phase
- a transition phase with access to tailored support to consolidate living skills and promote independence
- an independence phase with support after leaving care to foster resilience and stability.

The National Partnership Agreement on Homelessness supports a range of relevant services:

- The Youth Housing and Reintegration Service funds providers to assist 12–20 year old young people (not only those leaving care) who are at risk of homelessness to greater stability and independence (Department of Communities, Child Safety and Disability Services 2012s). Support focuses on family and community living, maintaining tenancies and linking young people with education and employment. Under this initiative, accommodation includes supervised supported accommodation, community-managed studio units and community-managed young people studios (temporary relocatable accommodation).
- After Care Services assist young people who are 18 years old and are leaving care or have recently left care to transition to independence. Where the After Care Services do not have a physical presence, the Department of Housing and Public Works (Housing Services) is required to engage with local non-government organisations to deliver the service. These services include brokerage funds for extra support to live independently and case management services to help with their transition to independence.

- Post-care support assists young people with a disability who are turning 18 and exiting from state care to community-based living as independent adults. Services are delivered by 12 officers within government and two located in non-government organisations.

The above agreement, which initially expired in 2012, has been extended together with its funding until 30 June 2013. The Australian and state and territory governments have entered into negotiations for a new agreement (Department of Families, Housing, Community Services and Indigenous Affairs 2012c).

## 6.2 Current challenges in transition from care in Queensland

Stein (2005) observes that stable placements, a positive sense of identity, a positive school experience, strong social networks, and preparation for independent living through opportunities for planning and problem solving are associated with increased resilience and better outcomes for young people.

To improve outcomes there is a need to:

- view successful transition of young people from care to independence as the responsibility of the government
- provide targeted assistance to ensure that young people who leave care are not excluded from adequate accommodation, health systems, education and/or employment
- provide person-centred, varied and diverse assistance to accommodate a young person's emotional readiness for independence, rather than their chronological age
- provide contingency plans for young people to accommodate the difficulties, setbacks and crises that are normal for all young people making the transition from home/care to independence.

As set out above, in most cases foster carer payments automatically cease when the young person turns 18, but there appears to be no data on how many young people stay with their foster carers beyond age 18.

There are significant gaps in targeted provision of post-care support. Analysis of available research, as well as information gathered by the Commission, indicates that many young people still do not receive adequate assistance during the transition period to establish stable social and economic independence. The Department of Families, Housing, Community Services and Indigenous Affairs (2011) states that this is due to a number of factors, including:

- sudden exits from care without adequate post-care support
- young people who exit care at age 18 and move to another region or jurisdiction
- insufficient outreach by post-care and mainstream services

- insufficient capacity and expertise across the system to meet the particular, and often complex, needs of the young people
- insufficient support for carers to facilitate a smooth transition
- inadequate assessment of needs and planning support for young people
- young people choosing to disengage from the system
- the low profile of leaving care services within the broader community
- disparity between policy and practice
- no 'whole of system approach' to working with young people transitioning from out-of-home care to independence.

It is worth noting that delivering services to some young people leaving care is always going to be challenging, no matter how thorough the relevant policies, legislation and procedures or how available the services. Government departments need to ensure that supports are delivered in a manner that means young people can engage with them. Spending time developing relationships with these young people is crucial, particularly since this group is likely to feel that the 'system' has previously failed them. The Department of Families, Housing, Community Services and Indigenous Affairs (2011) states that:

... the willingness and ability of these young people to engage constructively with support services and to sustain effective relationships without support is a significant issue. This may be true for many young people however the literature suggests that those leaving care lack trust, alienated by a system that has not always given them the stability or sense of belonging that they need to thrive. Many are further alienated by a community that they are unable to relate to. This is often compounded by poorly developed social and emotional skills as a result of pre-care and in-care experiences. Lack of engagement by many of these young people is a critical issue that must be addressed if government and non-government organisations and services are to effectively reach them.

The existing legislation, policy and procedures relating to young people leaving care in Queensland indicate a desire to provide adequate support, but the reality is that the implementation of existing policy is ad hoc and there is room for improvement. Coordination between departments and agencies is lacking.<sup>4</sup>

A number of individual submissions from young people who had been in care and transitioned to independence indicate a failure by Child Safety to provide adequate support and to focus on the needs of the young person:

My transition was stupid, at best; I received little help and most of it I have organised on my own and I had to go to the Child's Ombudsman [sic] before DoCS would do anything for me.<sup>5</sup>

Several submissions also recognise the need to acknowledge the young person's view, and provide adequate support and timely planning throughout the entire time a child

or young person is in care. Several young people who participated in focus groups held for the Commission gave examples where Child Safety had either not acknowledged or not responded to their wishes.

Young people must be able to gain a sense of security by having access to mentors, family and other appropriate adults who are able to guide and support them through this difficult transition. Having access to staff within government agencies who have an understanding of the needs and problems of young people will help to improve young people's access and engagement in housing, education, health and additional supports.

Studies also indicate that many young people leaving care report being unaware of their own leaving care plan; indeed, only 32 per cent of eligible young people reported having a leaving care plan (McDowall 2011), and 55 per cent of young people aged 16 years and over in care in Queensland identified having a transition from care plan (Commission for Children and Young People and Child Guardian 2012a). Additionally, there is very little evidence of support past 18 years of age.

From collaborations between PeakCare and CREATE Foundation in 2009 and in 2010 with young people and with non-government providers, the following key points emerged:

- There is a need to focus on the 'centrality of the individual' in the planning process.
- Timely service delivery is needed.
- Positive relationships must be developed between young people and Child Safety staff.
- There are significant limits on resources devoted specifically to young people.
- For non-government organisations, working in collaboration with Child Safety staff is highly challenging when working to transition young people from care to independence.

The Commission is aware that reviews by Child Safety have also shown that different Child Safety service centres approach transition from care support differently. Some offices dedicate specific staff to this function while others use a generic approach where all frontline staff incorporate transition from care planning and support into their caseloads. There are also distinct differences in the financial resources provided to young people.

In summary, the concerns for young people transitioning from care in Queensland are similar to those internationally and nationally, centring on:

- a lack of a planned and gradual transition, including stable positive relationships
- unavailability of suitable supportive accommodation
- an absence of encouragement and resources to plan for and attain employment



- the unaffordability of education and attendant lack of educational achievement.

Another significant issue addressed below is that many people exiting care have complex needs, intellectual disabilities and/or mental health problems. This increases their risk of falling through gaps in the system, with some of them too readily ‘opting out’.

### 6.2.1 Planned, individual and gradual transition

All young people need the opportunity to make a gradual transition from dependence to independence with support and with the ability to learn from their mistakes. The fundamental difference for young people who are leaving the child protection system is that they do not have the ‘safety net’ of family and parents that young people in the general population have. Without this ‘safety net’ it is unlikely that young people will access services or that their long-term prospects will improve. For this reason, it is important that young people leaving care are linked with adults and mentors who are able to give them a sense of security and offer advice and support when needed until they are at least 21 years of age, and where possible throughout their lives.

Raman, Inder and Forbes (2005) recommend that an integrated model of care support should be implemented for young people up to 25 years of age. The upper age limit is based on conclusive research showing that in Australia a very high proportion of young people aged 18–29 years remain at home with their parents, and that transition to adulthood is a gradual and iterative process rather than a discrete event in a young person’s life.

Queensland is the only state where legislation, policy and practice are unclear as to how long the state must deliver support for young people after 18 years of age. Other than indicating that post-care support may be provided at the discretion of the Child Safety service centre manager through a support service case (which extends for 12 months), there is limited acknowledgement that young people are likely to need support after the age of 18, and as indicated in 6.1.3 above, there is a lack of data on the number of young people subject to a support service case after leaving care. This is raised in the UnitingCare Community submission:

In addition, provision of post-care support is not common as services to these young people are delivered via a support service case which is not counted in the overall workload of Child Safety Service Centres. There is therefore minimal incentive for a Child Safety worker to do this work.<sup>6</sup>

All other jurisdictions in Australia have policies and/or programs that specify an upper age for post-care support of those aged 21–25 (see Table 4 below).

In Queensland most young people are discharged from care when they turn 18. This allows for a maximum three-year transition from care period, depending on when the transition from care plan is developed. Given that these young people have generally not had access to the same stable and supportive environment as the general

population, transition planning needs to allow for a young person to take risks, fail, be supported, and get back on the 'right path'. As well, planning should begin at a point in time at which the young person is able to engage and actively plan for independence, which may be later than 15 years of age.

It is questionable whether a young person is ready to consider planning for their independence at 15. Perhaps at this age the focus should be on acquiring basic skills needed as an adult, such as saving, part-time employment, cleaning and cooking, with more formal planning beginning later. Also, if a young person is in a stable placement with foster or kin carers, there is a need for clarity about the security of this placement after 18 years.

The Department of Communities, Child Safety and Disability Services acknowledges in its submission to the Commission the need to improve transition planning in Queensland by providing additional support to young people transitioning from care, both before and after leaving. Proposals include:

- amending legislation to make it clear that the obligation to help a young person transition to independence may extend until 21 years of age (recommendation 22.2)
- enabling support service cases to be included in caseload calculations and promoting the use of these with staff as a mechanism to support transition from care (recommendations 22.1 and 22.3)
- developing a post-care support program (recommendation 22.4).<sup>7</sup>

Many young people appear to be unaware of their transition from care plan, and much of the planning that does occur takes place in the few months before a young person is discharged from care, rather than over a few years as is required by the *Child safety practice manual*. In the CREATE focus groups, young people expressed the following concerns:<sup>8</sup>

'They don't start preparing you for transitioning out of care soon enough. I think at the age of 15 it should start.'

'The timing is shocking. I didn't know until I was 17 I had to plan.'

'The planning ... it's really wishy-washy.'

'It's not very well structured. The meetings go over your head. It makes it impossible to plan.'

'Timeframes are too short.'

'I'm 16 and starting to freak out. No-one's spoken to me about it.'

Young people also identified access to funding for leaving care as another area that requires more discussion through the planning process:

'CSOs need to be a lot more informative. All I know is I had a bit of money. My CSO didn't tell me I had YARS funding available. It felt like I was in the dark.'

‘More funding for young people for TFC. I couldn’t use funding for things I really needed funding for. I needed more than just a bed.’

‘Resi needs to have compulsory savings and it helps you buy things for when you leave.’

‘I honestly think this is the department’s strong point. They’ve given me white goods, stuff for my kitchen when I move out and an income.’

‘You have to get three quotes on what money is to be spent on. By the time Child Safety makes a decision, the quote is expired.’<sup>9</sup>

Young people offered the following views to the Commission in relation to post-care support:

‘Need support up to 21 (financial, emotional, counselling). Make sure all after-care needs are met.’

‘Placements being flexible upon the young person turning 18.’

‘In mainstream society, kids get to stay with their families post 18. This isn’t available to children and young people in care.’

‘Should still have someone there to access after you transition. As it is, you often have no-one to go to or turn to.’<sup>10</sup>

Despite the fact that they have no legislative obligation to do so, non-government organisations are often leading the planning with limited support from Child Safety:

Research about young people’s experiences of transition from care planning has found that many young people transition to independence not having, or knowing about, their transition from care plan or actively participating in its development.<sup>11</sup>

However, they [UnitingCare staff] are limited in their ability to manage these activities [transition from care planning] as under current legislation they do not have primary case management responsibility for the young person and are prohibited from sharing information about the young person with other service providers.<sup>12</sup>

Non-government organisations have also expressed to the Commission an interest in taking on transition from care planning, particularly for those young people in residential care.

### 6.2.2 Accommodation

Without stable accommodation it is difficult for young people to succeed in education, employment or training. Raman, Inder and Forbes (2005) found that young people with formal leaving care plans incorporating stable housing arrangements had a positive association with education, employment, housing and financial outcomes. Despite this, research indicates that many young people transitioning from care become homeless or find themselves in unstable accommodation.

Given the characteristics of young people in the care system, it is likely many will

initially fail in maintaining accommodation. Ongoing support is essential to ensure they do not become chronically homeless, engage with adults who will further victimise them, or engage in criminal activity.

A shortage of appropriate accommodation, and support to maintain accommodation, adversely affects the ability of young people to live independently, requiring them to return home in the short term until more suitable and safe accommodation can be found. This may leave them vulnerable to historically abusive parents who may not want their child to return and can create extra tension or conflict within the family.

The Australian Association of Social Workers (Queensland) identifies that there is a lack of information in Queensland on post-care placements, that is information on where young people place on exiting care and also on how long they maintain that accommodation. This is despite it being evident that teenagers who have been in care are over-represented in the homeless population.<sup>13</sup>

Young people themselves have identified the following concerns relating to accommodation:

- they are not being equipped to live independently
- their capacity and willingness to live independently are not discussed in the planning process
- housing and accommodation options are not explored early enough in the planning process, resulting in limited housing options at the point of transition
- a high rate of homelessness, a lack of suitable long-term accommodation, no priority given for subsidised or government housing and an inability to compete in an increasingly expensive private rental market
- government housing for young people often being located in low-income, high-unemployment areas
- young people having to leave care and move into temporary or crisis-type accommodation (CREATE Foundation 2010).

Ms Deidre Mulkerin identifies the following challenges and areas for development when supporting young people to access social housing through the Department of Housing and Public Works:<sup>14</sup>

- educating Child Safety in relation to housing services that are available, such as RentConnect and the National Rent Affordability Scheme, which provide financial grants and support to access accommodation
- adequate provision of notice for Housing service centre staff that a young person is due to turn 18, therefore requiring social housing
- clarifying the current expectations regarding the role of Housing Services in accommodation – Housing staff are primarily focused on tenancy management and not case management or direct support to tenants

- different levels of support being provided by Child Safety and Disability Services, which affects clients transitioning to adulthood – for example a decrease in support services once a young person leaves care.

### 6.2.3 Education and employment

Education is a vital element for success in the adult world. The educational needs of young people who have been in care are significant, as many may have missed school, had little assistance or simply fallen through the gaps in the system.

Queensland’s education support plan is aimed at providing additional assistance for young people in care. Though the aim for all children in out-of-home care is to have an education support plan completed, 6 per cent, or 253 children and young people, did not have an education support plan in 2012.<sup>15</sup> Tilbury (2010) also identified that it is reasonably common for a support plan to be developed but remain unimplemented because of a lack of funds and difficulty linking it to a case plan.

Of further concern is research indicating that there is no specific focus by case workers on employment planning. Child Safety case workers have identified that they do not have the requisite expertise or information about career development; most case workers generally felt that career development was not within their remit (Tilbury et al. 2011).

The ability for young people who have been in care, who are on the Youth Allowance and who want to continue with education may also be hindered by limited financial resources. The range of benefit support at present for a young person receiving the fortnightly allowance is from \$220.40 to \$527.50 (if a young person has a child). By the time rent, school fees, university resources and so on are paid for, there is very little left to cover transport, clothing and other educational expenses.

### 6.2.4 Young people with complex needs, intellectual disabilities and/or mental health problems

The *Child safety practice manual* (Chapter 5.1.3) gives the following definitions for high, complex and extreme needs:

- high needs: needs that indicate serious emotional, medical or behavioural issues that require additional professional or specialist input
- complex needs: needs that significantly impact on the child’s daily functioning, usually characterised by health conditions, disabilities or challenging behaviours
- extreme needs: needs that have a pervasive impact on the child’s daily functioning, usually characterised by the presence of multiple, potentially life-threatening health or disability conditions, and extreme challenging behaviours that may necessitate a constant level of supervision and care.

The Commission has also heard evidence from Professor Lesley Chenoweth<sup>16</sup> about the significant disadvantage experienced by young people who have an intellectual disability. They are at increased risk of a number of poor social outcomes such as homelessness, exploitation and abuse (particularly sexual abuse), unemployment, early pregnancy, poor mental health, addictions and financial debt.

Young people who have complex needs and/or multiple problems are currently not being adequately serviced. The Commission has heard that young people under 18 years are ‘self-selecting’ out of care without adequate support or future plans, leading to their inability to support themselves either financially or emotionally.

It is likely that this group of young people are ‘opting out’ of care for such reasons as their perceived ‘failings’ of the state as a ‘corporate parent’ and their general mistrust of the system. This reluctance to engage is compounded by their past abuse and subsequent trauma which is often not adequately addressed while the young person has been in care. Further, for a variety of reasons child safety officers may have been unable to meet the complex needs of these young people in the area of mental health, general health, drug and alcohol use, and education.

The Department of Communities, Child Safety and Disability Services has produced a practice paper, *A framework for practice with ‘high-risk’ young people (12–17 years)*, which outlines effective approaches to practice for this group. However, it is evident that some young people are still not accessing or being provided with appropriate supports. Given a lack of specific specialist positions to work with young people leaving care in Queensland, it is even more likely that those deemed ‘high risk’ will fall through the gaps as child safety officers struggle to balance the demands of their caseloads.

As well, UnitingCare comments that Disability Services will not confirm a young person’s ongoing funding until the young person turns 18, making it difficult to undertake pre-discharge planning.<sup>17</sup>

The National Partnership Agreement on Homelessness has provided some additional support for those with a disability transitioning from state care, through the provision of 12 transition officers to support young people 15–25 years of age (Initiative 15). The Queensland *2010–11 National partnership agreement on homelessness annual report* stated that this program had supported 197 young people with a disability to transition to independence. Issues identified were:

- establishing a funded non-government service provider
- timely referrals and effective information sharing between Child Safety Services and Disability Services
- working with young people who self-place or refuse to engage but are then identified at a time of crisis, at which point support is delivered.

## 6.3 Inter-state and international approaches to transition from care

### 6.3.1 Gradual transition and support

In a substantial review of the leaving care system in Australia, Mendes (2009) concluded:

... at the very least care authorities should aim to approximate the ongoing and holistic support that parents in the community typically provide to their children after they leave home until they are at least 25 years of age.

Given that most Australian jurisdictions discharge young people from custody at 18, this indicates a need for substantial post-care support services to allow young people to successfully move to independence. It may, however, be unrealistic to expect child protection workers, who are managing investigations and interventions for younger children, to adequately provide post-care management of those young people.

An issue worth further consideration is whether there should be some flexibility to determine a young person's readiness to leave care. This would mean that young people who self-select to leave care before age 18 are provided with information and supports early and young people wishing to remain in care past the age of 18 are supported to do so (based on criteria relating to attending education, employment and so on). For both these groups there needs to be continual review and flexibility about ongoing access to assistance, given the need for young people to test boundaries without being abandoned if their plans don't succeed.

Nationally, all jurisdictions are committed to formal transition planning and support under the National Child Protection Framework. However, there is a difference in the nature, timing and duration of supports across jurisdictions. Although each jurisdiction has legislation relating to support for young people to transition to independence, the period of time that these supports continue to apply varies. Table 4 provides information about the transition arrangements in place in Australian states and territories.

**Table 4: Comparison of leaving care arrangements in place in Australian state and territory legislation**

Jurisdiction	Legislative provisions	What is provided for
Victoria	<i>Child Youth and Families Act 2005</i> (Chapter 2)	Allows for the provision of support until 21 years.
Western Australia	<i>Children and Community Act 2004</i> (Part 4, Division 5 and subdivision 3)	Extensive provisions that provide support up to 25 years.
New South Wales	<i>Children and Young Persons (Care and Protection) Act 1998</i> (Chapter 8, Part 6)	An extensive framework, including access to support for young people until 25 years, and in exceptional cases support can be provided beyond 25 years.
Northern Territory	<i>Care and Protection of Children Act 2007</i> (Chapter 2, Part 2.2)	Provides support until 25 years and outlines what must be in the plan.
South Australia	<i>Children's Protection Act 1993</i> (Part 2, Division 1)	Basic provisions with more detail provided through administrative policy. Support up to 25 years under the Transitioning from Care Policy or through the Post Care Service which has no age limit.
ACT	<i>Children and Young People Act 2008</i> (s 455 and s 503)	Basic provisions for the development of leaving care plans, with details provided in administrative policy. Support to be provided up to 21.5 years, depending on when planning started.
Tasmania	<i>Children, Young Persons and Their Families Act 1997</i>	Provides a requirement to support young people to successfully transition to independence. Administrative policy provides further in-depth guidelines, including a requirement of a minimal period of one year post leaving care support and provision for ongoing support up to 25 years through the After Care Support Program.
Queensland	<i>Child Protection Act 1999</i> (Chapter 2, Part 6 and schedule 1)	Provides a requirement to support young people to transition to independence and defines a child as being up to 18 years. Further details and procedures are provided through administrative policy, with support not expected to exceed 12 months post leaving care at 18 years.

**Source:** Compiled by Queensland Child Protection Commission of Inquiry.

Internationally, the need for a longer period of targeted assistance for young people transitioning from care has been recognised in legislation. In the United Kingdom the *Children (Leaving Care) Act 2000* provides mandatory supports until the age of 21. This legislation focuses on the provision of finances, education (until 24 years of age) and training, along with the provision of a personal adviser to assist in transitional planning. This could be a basis for developing provisions in Queensland legislation, although it is likely that these supports would require additional funding.

One study of the impact of the Children (Leaving Care) Act interviewed 106 young people and their leaving-care workers in seven local authorities (Dixon et al. 2006). This study found that most young people either felt very or quite well prepared for leaving care, although young people with a disability and those with emotional and behavioural difficulties felt less so. The areas where good preparation had been specifically identified included having a healthy diet, having good personal hygiene, knowing about safe sex and managing substance use. Care leavers had received help from a wide range of people, including family members, foster carers, and health and welfare professionals. Most of the young people had also had a formal leaving-care review and a comprehensive assessment of their needs prior to discharge.

In 1999 the United States enacted the Foster Care Independence Act, which increased



federal support to states for independent living programs, including doubling the federal allotment for the program, which provides payment for room, board and medical coverage up to 21 years of age (Bell 2002). New legislation also created the *John H. Chafee foster care independence program*, which emphasised independent living skills with a focus on education, employment and life skills training. Legislation introduced in 2008<sup>18</sup> established the option (by providing matched federal funding) of maintaining eligible young people 'in care' until 21 years. Eligibility is met if the young person is in high school, in post-secondary or vocational training, in pre-employment programs, employed for at least 80 hours per month, or medically exempt from the above activities.

CREATE Foundation (2010) identifies Victoria as providing a best-practice example of ongoing support through a suite of services and resources for young people transitioning from care, including:

- Mentoring: all mentors are volunteers from the community and are specifically trained to work with young people leaving care.
- A post-care support, referral and information service: this service provides support for young people aged 18–21 years who require assistance after leaving state care. In 2009 this service was in eight regions with funding of \$1.9 million.
- Leaving care brokerage: this is flexible funding available for both those leaving state care and those young people up to 21 years old who need financial support after leaving care. All regions have given an undertaking to support any young person in need, regardless of their region of origin. Financial help can be used for accommodation, education, training, employment, and access to health and community services that are not supported by Medicare. There is no monetary limit within reason (except for emergency funding, which has a limit of \$500). The total brokerage budget was \$1.7 million in 2009.
- A leaving care helpline: this is a service for 16–21 year olds who are leaving or have left care. The helpline is open from 10.00 am to 8.00 pm on weekdays and 10.00 am to 6.00 pm on weekends and public holidays. In 2009 it was anticipated that the helpline would take 1,200 calls annually.

CREATE Foundation also identified New South Wales as providing a best-practice example for transitioning young people with a disability to independence. A program developed in partnership with the Department of Ageing, Disability and Home Care, Department of Communities and New South Wales Housing and Human Service Accord provides the following:

- a person-centred approach to young people leaving care
- notification to the Department of Ageing, Disability and Home Care two years before a young person exits from care
- once a referral to the program has been made, assessment of young people and establishment of a leaving care plan, with other agencies becoming engaged.

The program was evaluated by the Social Policy Research Centre, which found that it is an important and well-funded program that generally meets its objective to support young people with a disability leaving care to manage transition (CREATE Foundation 2010).

McDowall (2009) identifies the Rapid Response program in South Australia as a best-practice example of government agencies collaborating and focusing on the health, housing, wellbeing and education needs of children and young people under guardianship. The program targets all children and young people aged up to 18 years under guardianship and includes a focus on post-guardianship supports and services to enable a smooth transition to adulthood by providing extra assistance.

Government services are required to give priority access and additional services to this target group, with program guidelines designed to reduce waiting times, reduce ineligibility because of criteria restrictions, improve communication between key players and fill gaps in services. The aim of the program is to meet the needs of children and young people under guardianship in five areas:

- case management
- assessment: increasing the capacity of the system to provide psychological, developmental, physical health and educational assessments
- service response: increasing the capacity of the system to provide services required by children and young people under guardianship through all government departments
- information sharing and privacy: increasing information sharing and continuity of information
- regional guardianship service networks: adopting collaborative, holistic, multi-agency regional service networks.

### 6.3.2 Accommodation

Internationally, there have been a number of initiatives to increase the supply of suitable accommodation for young people leaving care and provide support to reduce the risk of homelessness. This often involves providing government incentives to supply accommodation for young people or regulation of services to ensure that young people are supported. These initiatives have included:

- use of public and private sector resources
- funding providers to specifically provide accommodation for young people discharging from statutory care through supported accommodation or training centres
- allocating funds to statutory housing bodies to supply housing specifically for all young people in need of assistance

- development of statutory teams resourced to assist young people through to independence, including locating and funding suitable accommodation
- changes in legislation to enforce statutory services to continue involvement with young people after discharge from care, in areas such as accommodation, education and health.

There is increasing interest in the ‘foyer’ model that originally developed in France. There are variations of the model, but its basis is that it provides accommodation with closely linked supports to help a young person maintain stable accommodation, achieve educational outcomes and seek and gain employment. Mentors, personal development programs and community-based activities may or may not be incorporated.

The foyer model has been widely adopted in the United Kingdom and several schemes now operate with some success in Australia. Examples are: Garden Court Youth Foyer, Illawarra New South Wales, Miler Live N Learn Campus, Sydney New South Wales, and Ladder Hoddle Street Youth Foyer, Melbourne. The model has however attracted some criticism in the United Kingdom for being coercive and focusing more on policing behaviour than providing effective support. Evidence suggests that young people in these schemes remain in education, complete courses and engage in employment, and that these models have potential as a practical strategy for dealing with homelessness (Smyth & Eardley 2008).

CREATE Foundation (2010) identifies the Tasmanian Transition Program, which aims to provide supported accommodation and preferential access to the public housing program for young people leaving care, as a best-practice example for addressing homelessness. The program:

- has a target group of young people up to the age of 18.5 years
- obliges young people to participate in the support arrangements necessary for them to achieve independence and sustain a stable tenancy
- requires the young person to enter into a direct tenancy for two fixed periods of approximately six months each:
  - the first tenancy is from 17 years of age and when an appropriate property can be found through to their 18th birthday, with the state child protection agency taking the tenancy lease
  - the second tenancy is for six months from the young person’s 18th birthday, with the state child protection agency providing support. If the tenancy is deemed successful, the young person is offered an independent tenancy either in the dwelling or at a more suitable location (with priority access) and the tenancy is operated under normal policies applicable to all tenants of Housing Tasmania.

### 6.3.3 Education and employment

A Chicago study found that, at the age of 19, 37 per cent of those who had recently left care were not at school or employed. Only 18 per cent of young people who had been in care attended college, compared with 62 per cent of young people in the general population (Courtney & Dworsky 2005).

Internationally, there is a trend towards supporting young people who have been in care to continue with education by increasing financial support to this age group through direct funding or fee waivers. The Children (Leaving Care) Act in the United Kingdom allows for young people to be fully funded by the state until the age of 23, if they were engaged in a program of study at the age of 18–21 years.

In March 2012, the West Australian Minister for Child Protection, Robyn McSweeney MP, announced that young people in care can enrol in recognised training courses and not pay course fees. The Department of Child Protection negotiated an arrangement with the West Australian State Training providers (formerly TAFE) so that course fees are waived for young people with a care experience.

## 6.4 Proposals for consideration

### 6.4.1 Options for ensuring adequate funding across relevant government departments

Each government department responsible for health, housing, education, training and child protection deals with young people transitioning from care to independence. Anecdotal evidence, studies by CREATE Foundation and international research suggest that government agencies are not currently providing adequate support to young people either before or after they leave care. To ensure support from all relevant agencies, there are three options proposed:

- ‘Ring fence’ part of all relevant government department budgets to ensure there are enough resources to support 15–25 year olds leaving care. This will ensure that the appropriate proportion of government funding is allocated to young people leaving care. However, the disadvantage is that the cost of the needs of young people leaving care is likely to be disproportionate to their numbers.
- ‘Ring fence’ new funding for all government departments for new services for 15–25 year olds leaving care. This will provide incentives for government departments to develop new services for young people leaving care and have the cost of these services met. However, some government departments may elect not to access the new funding, which would mean no change. This option also entails additional funding being made available.
- Maintain the requirement for all government departments to deliver some services to young people leaving care. This is unlikely to have any effect, as several government departments already have ‘services for young people’ in their statement of intent and/or business plan, but the reality is that these areas receive

little attention and are not enough to achieve successful outcomes.

### **6.4.2 Options for delivery and coordination of supports to young people leaving care**

Some options for coordination of service delivery and support to young people leaving care are:

- Keep responsibility and delivery of services for 15–25 year olds, including transition from care planning and post-care supports, with the Department of Communities, Child Safety and Disability Services. This essentially maintains the status quo.
- Keep responsibility and delivery of services for transition from care planning to 15–18 year olds with the Department of Communities, Child Safety and Disability Services, but transfer to non-government organisations the responsibility and delivery of post-care support for 18–25 year olds. This may result in an improvement in post-care supports, as long as adequate resourcing is provided and there is a willingness in the non-government sector to accept responsibility for the target group. This option may also require improved existing supports before leaving care.
- Transfer responsibility and delivery of services for 15–25 year olds, for transition from care planning and post-care supports, to non-government organisations. This may result in an improvement in post-care supports, provided there are adequate resources and a willingness in the non-government sector to accept responsibility for the target group. Monitoring effectiveness may prove difficult with no government oversight.
- Transfer responsibility and delivery of services for 15–25-year olds, including transition from care planning and post-care supports, to a government department other than Child Safety. This would remove this target group from the responsibility of Child Safety, which is focused on those children who are at risk of harm. It would be necessary to ensure that the alternative responsible department provides effective coordination and service delivery.

### **6.4.3 Options to support gradual transition from care**

Options available for all government departments delivering human services are to:

- train and recruit specific case managers or teams for young people
- implement a ‘rapid response’ approach similar to that in South Australia, where children and young people in the custody of the chief executive (including those leaving care) are given priority access to services – especially those transitioning from care to independence
- establish a mandated executive-level group from each of the key relevant departments to oversee implementation of policies and monitor effectiveness in improving outcomes – both short-term and long-term (possibly the current child

safety directors' network)

- implement regional, multi-agency transition from care panels that meet regularly to monitor transition from care plans for each young person
- implement specific targets that directors-general and ministers are required to publicly report annually.<sup>19</sup>

Options available for Child Safety are to:

- recommend amending the legislation so that it is clear that there is an obligation to help a young person transition to independence until 21 years of age (including child-related costs and, if necessary, carer allowance) and that they may have access to transitional planning, support and funding until 25 years of age
- implement compulsory specialist positions or teams within Child Safety service centres to support young people aged 15 years and over to independence (in 2010, CREATE Foundation estimated that Queensland would require 87 workers to support the 491 young people who transitioned from care, at a cost of \$2,939,539); for those young people with complex needs, a disability or mental health problems, this will mean early and close liaison with a relevant officer in Disability Services or Queensland Health
- explore options for non-government organisations to take responsibility for transition from care planning in locations where this may be viable
- recruit and train caregivers specifically for young people leaving care, to help them learn relevant skills
- develop a policy for supporting young people who self-place, including the provision of ongoing support in an appropriate manner, until the age of 25 years
- provide 'ring-fenced' Child Safety funding for post-care support up to age 25 years, including brokerage funds; this support may be delivered by specialist teams within Child Safety or by non-government organisations, depending on capacity, and young people would access this funding through any Child Safety service centre (in similar fashion to the Victorian model)
- publish data on the number of young people subject to support service cases after leaving care
- ensure that young people are linked with at least one family member or other appropriate adult from the age of 15, who will be able to provide support and advice both before and after the young person leaves care
- provide mentoring services to support young people after they leave care.

An option available for community visitors is to:

- give high priority to providing support to young people once they have been discharged from the custody of the chief executive, given that this has been identified as an 'at risk' group.

Each of these options has the advantage of allowing young people to make mistakes and have the support to learn from these experiences. The option of having a case manager specifically for young people at each site or office will impose a minimal cost but will significantly improve face-to-face services. It will not, however, improve service delivery unless some of the options in the following sections are also implemented. The disadvantage of the proposals set out below is that they require increased resources.

#### **6.4.4 Options to increase availability of suitable accommodation**

There are a number of options to increase the ability of young people to find safe, suitable and sustainable accommodation.

Options available to the Department of Housing are to:

- develop a variety of accommodation options for young people to meet their diverse needs (implement some of the options made available internationally)
- negotiate with the Australian Government to expand the Youth Housing and Reintegration Service (After Care Services) to enable all eligible young people to be appropriately supported into accommodation
- implement a model similar to the Tasmanian Transition Program, allowing for the gradual handover of tenancy from Child Safety to the young person.

Options available to Child Safety are to:

- provide a range of supported accommodation options with appropriate caregivers
- develop policies on how a young person could pay board to a caregiver should they wish to remain in their placement after discharge from care
- financially compensate carers to continue to provide support for young people up to age 25 to stay with existing caregivers if this is the young person's preference and they are undertaking further education or training
- implement compulsory referral to the Youth Housing and Reintegration Service (After Care Services)
- develop life skills courses to help young people to maintain a home
- develop policies to explicitly prevent young people exiting care to short-term accommodation or homelessness.

These options allow for an increased supply in the right type of housing for young people leaving care, increase young people's inclusion in accommodation, and allow for a 'teaching' element when necessary.

### 6.4.5 Options to support young people to improve education, employment and health outcomes

There are a number of options to provide incentives for young people to access employment, education and/or training opportunities.

The whole of government could instigate and commit to a quota of traineeships or internships within various government departments (state, federal and local) for young people who have been in care.

Options available to Child Safety are to:

- with the young person's agreement, have an exit from care health check, including dental, physical, mental and sexual health, as part of the planning process
- provide additional funding for education and training supplied through Child Safety
- ensure that education support plans are adequate, funded and implemented
- extend care placements for all young people turning 18 during their final year of school until their formal high school education is completed
- provide brokerage funds for a young person to access necessary resources for employment, such as clothing.

Options available to the Department of Education, Training and Employment are to:

- develop initiatives to help young people in care to remain at school as long as possible, including provision of training to teachers on how to understand and manage the impact of abuse (on behaviour) for young people in educational settings, and development of alternative education pathways for young people in care to prevent exclusion
- reduce or waive fees for young people leaving care who want to access tertiary education (both at state level, for example TAFE fees, and at federal level by negotiating with the Australian Government for HECS waivers)
- include life skills as part of the curriculum for mainstream education or develop an online module for young people who need access to this additional education
- deliver universal services such as free dental and health care on site at secondary schools throughout Queensland, as well as accommodation brokerage and employment services.

Options available to Queensland Health are to:

- provide free six-monthly health checks for all young people leaving care until 25 years of age
- provide accessible youth-specific mental health services.



Options available to Centrelink are to:

- offer non-recoverable grants for eligible 16–17-year-olds for education/training costs
- offer grants, subsidies and/or scholarships for young people leaving care up until 25 years of age.

The advantages of these options are that they increase incentives for young people to attend education, and remove the financial and other barriers for young people leaving care that prevent them from continuing their education. The disadvantages are that they will increase costs, and financial barriers also may not be the only reason a young person does not continue education, employment and health care.

A number of these options have funding implications and therefore priority would need to be given to those that are likely to be most effective.

#### **Question 18**

To what extent should young people continue to be provided with support on leaving the care system?

#### **Question 19**

In an environment of competing fiscal demands on all government agencies, how can support to young people leaving care be improved?

#### **Question 20**

Does Queensland have the capacity for the non-government sector to provide transition from care planning?

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- <sup>1</sup> See terms of reference in *Commissions of Inquiry Order (No.1) 2012* paragraph 3(c)(iv).
- <sup>2</sup> *Child Protection Act 1999* (Qld) s 75(2).
- <sup>3</sup> Child Safety Service Centres use Child Related Costs to meet the needs of children and young people subject to intervention in circumstances where the fortnightly caring allowance and Commonwealth and State Government benefits do not meet the cost. Child Related Costs need to be part of an approved case plan or placement agreement (Department of Communities, Child Safety and Disability Services, 2012c). Child Safety Services has a range of policies that provide guidance on what expenses can be covered by Child Related Costs.
- <sup>4</sup> Submission of Australian Association of Social Workers (Queensland), August 2012 [pp16–17].
- <sup>5</sup> Submission of JC, 11 September 2012 [p1]. It appears that JC means to refer to the Commission for Children and Young People and Child Guardian.
- <sup>6</sup> Submission of UnitingCare Community, October 2012 [p21: para 94].
- <sup>7</sup> Submission of Department of Communities, Child Safety, and Disability Services, 2 January 2012 [pp93–7].
- <sup>8</sup> Submission of CREATE Foundation, ‘Consultation report for the Queensland Child Protection Commission of Inquiry’, 10 January 2012 [p22].
- <sup>9</sup> Submission of CREATE Foundation, ‘Consultation report for the Queensland Child Protection Commission of Inquiry’, 10 January 2012 [p22].
- <sup>10</sup> Submission of CREATE Foundation, ‘Consultation report for the Queensland Child Protection Commission of Inquiry’, 10 January 2012 [p23].
- <sup>11</sup> Submission of PeakCare, October 2012 [p57].
- <sup>12</sup> Submission of UnitingCare Community, October 2012 [p22: para 95].
- <sup>13</sup> Submission of Australian Association of Social Workers (Queensland), August 2012 [pp16–17].
- <sup>14</sup> Exhibit 27, Statement of Deidre Mulkerin, 10 August 2012 [p19: para 76 – p20: para 80].
- <sup>15</sup> Exhibit 32, Statement of Lynette McKenzie, 10 August 2012 [p14: para 85].
- <sup>16</sup> Exhibit 47, Statement of Professor Lesley Chenoweth, 24 August 2012 [p7: para 36].
- <sup>17</sup> Submission of UnitingCare Community, October 2012 [p22: para 99].
- <sup>18</sup> *Fostering Connections to Services and Increasing Adoptions Act 2008* (USA).
- <sup>19</sup> See s 248 of the *Child Protection Act 1999* (Qld) which already requires various departments across government to report annually on their child protection activities.