

## CHAPTER 7

### THE FUTURE FOR CARE LEAVERS

#### Introduction

7.1 Ensuring that all children and young people are protected from harm and abusive situations to help reduce the need for placement in out-of-home care is overwhelmingly supported. As discussed through this report, the Committee received many calls for a more national and co-operative approach among governments and other sectors, to tackle child abuse issues in Australia. Many ideas that were proposed are intertwined. In addition to the many child abuse and prevention issues that were raised, the need to capture data about care leavers, irrespective of their age group, was identified as a fundamental issue so that care leavers needs can be addressed by policymakers. Underlying such ideas is a need for an ongoing national education program for the prevention of child abuse. Ideally such a strategy would emphasise the value of children and young people and how they should be treated, rather than only what is often occurring in children's lives at present.

#### National approach to tackling child abuse

##### *Cooperative approaches*

7.2 Families Australia provided a comprehensive 'way forward' strategy where the Commonwealth would lead in conjunction with the States and Territories to combat child abuse and neglect. Its suggestions include the introduction of an expert group to oversee a Prevention of Child Abuse and Neglect Strategy and an inter-departmental committee to review and improve child abuse and neglect policies and programs, including those for children with a disability. The organisation's more practical ideas relate to:

- grants for out-of-home care children for services such as educational assessments and specialised health care to deal with trauma from child abuse and neglect;
- support and programs for grandparents, relatives, kinship and foster carers who have responsibility for children who have been abused or neglected;
- education and awareness programs relating to indigenous child abuse; and
- a national 1800 help line for carers of children in out-of-home care.<sup>1</sup>

7.3 The AMA has called for a Commonwealth and State-Territory national approach to prevent and deal with child abuse, neglect and recovery. The AMA has also cited the importance of multi-disciplinary approaches among medical, nursing,

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<sup>1</sup> *Submission 175*, pp.6-8 (Families Australia).

teaching, childcare, social work, law and non-government and government agencies.<sup>2</sup> The NSW Commission for Children and Young People has also emphasised that good outcomes for children and young people in care depend very much on the collaboration of agencies such as health and social security, educational services, the judiciary, and the courts and law enforcement systems. The Commission noted the importance of breaking down the present barriers which are preventing resources from being shared:

...training and development activity needs to occur for workers from different sectors in collaborative teams...where...the federal, state and non-government sectors work together to develop professional relationships and to develop a better understanding of each other's practice domain.<sup>3</sup>

### **Research**

7.4 A consistent theme in submissions related to the need for research and data about care leavers, given the lack of data on even the existence of care leavers using services as well as information about the effects for them of having been brought up in out-of-home care. The Positive Justice Centre (PJC) commented on the lack of information on people who have been in care:

Apart from a few inquiries, you will find absolutely no reference to care leavers in the literature generated by the service providers. There are no policies, no programs and no research that looks into our needs, even though this is the core business of those services and would increase the likelihood that they would achieve their publicly stated goal of reducing homelessness...through failing to address our special needs they are ensuring that there is a continuing population to administer.<sup>4</sup>

7.5 The PJC has suggested ways to assist care leavers, including the instigation of longitudinal research on adult care leavers to determine what programs and policies are needed. Their research design ideas include those to ensure policy evaluations to identify what works and to inform policy making as well as to advise agencies on dealing with problems generated by the child welfare system now, rather than in 10-20 years time.<sup>5</sup>

7.6 The PJC also indicated that while one in five adult prisoners and one in three juvenile prisoners have been in care, there is no acknowledgment of this in the criminal justice system. They consider that groups such as the Australian Institute of

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2 Australian Medical Association, 'More must be done to protect our children from abuse and bullying – AMA', *Media Release*, 17 September 2004.

3 *Submission 35*, pp.27-28 (NSW Commission for Children and Young People).

4 *Committee Hansard 4.2.04*, pp.30-31 (Positive Justice Centre).

5 *Submission 122A*, p.21 (Positive Justice Centre).

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Criminology and Australian universities' criminology schools are missing a major opportunity to develop crime prevention policies and programs that 'actually work'.<sup>6</sup>

7.7 CBERSS emphasised that research on care leavers is important provided that it is the right type of research and not merely for the sake of someone's PhD thesis, for example. The organisation also noted the dearth in research particularly that which is relevant for effective policymaking:

Most of the research has been done with highly biased population, often psychiatric populations, from which the major concern is trying to identify risk factors in terms of diagnoses, such as: what are the risk factors inherent in child abuse experiences that may predispose someone to developing a personality disorder? Economic costs and some of the social costs of those experiences are often simply not addressed at all, and there is a great paucity of literature in that area.<sup>7</sup>

7.8 CBERSS quoted major impediments to ascertaining details of the true extent of child sexual abuse for various reasons including that little is known of the sequelae of children who are not brought to the attention of authorities or health professionals.<sup>8</sup>

7.9 As noted in *Forgotten Australians*, some care leavers consider that agencies such as Centrelink do not know how to deal with people who have been in institutions and that 'Have you been in care' type questions should be on forms used by such agencies so that staff are able to provide the right sort of assistance in a way that is sensitive to care leavers, many of whom have had a traumatic childhood.<sup>9</sup>

7.10 An audit of Australian out-of-home care research was conducted in 2004 by Judy Cashmore and Frank Ainsworth. The researchers identified 94 research projects over a 10-year period and produced a comprehensive directory on a State and Territory basis of completed and current research projects, including details of projects' anticipated completion dates.<sup>10</sup> However, the Positive Justice Centre was critical of this report contending that the authors failed to undertake certain research in the past that would be critical of a system they helped put in place.<sup>11</sup>

7.11 Many other suggestions were raised in evidence. The National Children's and Youth Law Centre has called for continuing research and exploration of alternatives for children and young people who have experienced a breakdown in

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6 *Committee Hansard* 4.2.04, p.31 (Positive Justice Centre).

7 *Committee Hansard* 9.12.03, pp.44-45 (CBERSS).

8 *Submission* 49, p.9 (CBERSS).

9 *Forgotten Australians* 2004, p.322.

10 Cashmore J and Ainsworth F, *Audit of Australian out-of-home care research*, Child and Family Welfare Association with support from the Ian Potter Foundation, 2004, p.9.

11 *Submission* 122A, (Positive Justice Centre).

their family or living arrangements.<sup>12</sup> The Australian Institute of Family Studies (AIFS) has suggested measures such as ensuring a long-term plan for the child; supporting the placement so that it does not break down; counselling, support and treatment for the child to address the trauma that led to the need for alternative care; and engaging a 'mentor' from outside the protective system to maintain contact with the child throughout his or her moves and on return home.<sup>13</sup>

7.12 Work is also being undertaken by the National Child Protection and Support Services data group to broaden the national data collection including the introduction of a new national framework to count responses to calls to community services departments in relation to the safety and wellbeing of children, including responses that occur outside the formal child protection system.<sup>14</sup>

### ***The value of children***

7.13 Apart from moral questions about children's worth and ensuring that children are properly cared for, that such high levels of child abuse are continuing in Australia raises questions about the value which society places on children and in economic terms for all concerned including the nation. There is significant financial cost from the ever-increasing substantiated cases of child abuse in Australia. The AMA has noted that child abuse and neglect are serious public health issues that can scar people from childhood through to their teens and adult life.<sup>15</sup> Dr Michael Rice from the AMA, has made the point that the harm and neglect of children need to be viewed as a public health issue. When referring to the increase in the number of substantiated cases of child abuse in the 12 months ending 2003, he stated:

...if we had an increase in the incidence of tuberculosis in this country of the same number and same rate, there'd be a national outcry...the public would be up in arms, demanding that something be done about it.<sup>16</sup>

7.14 Undoubtedly, the considerable strains on the public purse of child abuse include long-term costs of hospital treatment, correctional systems, drug and substance abuse programs and income support payments. CBERSS advised of a study where Family Court expenditure statistics were used and arrived at the 'conservative' estimate of tangible costs in 1998 to the federal government of \$2,200 per victim of child abuse.<sup>17</sup>

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12 *Submission 70*, p.6 (National Children's and Youth Law Centre).

13 *Submission 67*, p.16 (Australian Institute of Family Studies) – citing Tomison & Stanley 2001.

14 AIHW 2005, p.12.

15 AMA, *Media Release*, 17 September 2004.

16 Taken from a media conference transcript on the AMA Summit on Child Abuse, Canberra, 19 February 2004, p.1.

17 *Submission 49*, pp.11-12 (CBERSS).

7.15 Professor Fiona Stanley who has extensive experience of Australian children's deteriorating health, including from abuse has dubbed this issue as 'real brain drain'. She emphasises the correlation between child abuse and neglect and other issues such as missing out on education and employment opportunities and experiencing mental health and substance abuse problems. Professor Stanley has emphasised the importance of a stable childhood not only to achieve better situations for individuals but for the nation's 'social capital'. She pointed out that despite Australia's wealth and increasing Gross Domestic Product, problems exist for many children. Professor Stanley noted:

If you start off compromised, then your whole-of-life chances are affected and if you start off healthily and well nurtured then you are much more likely to reach your genetic potential.

The trends I have described suggest that this brain drain is continuing to rise...Failure to invest in all stages of human development, particularly in the early years, is being recognised by organisations such as the World Bank to negatively affect future economic prosperity.

Children who have good early childhood experiences before the age of six, in stimulating, nurturing environments have better outcomes throughout their life and the earlier they have these experiences, the better the result. They have better school grades, better self esteem, fewer social problems, and fewer health problems and less likely to be teen parents, use drugs or be involved in crime.

Most parents want to be good parents and want the best for their children but they need to be equipped and capable to do so. We also need to look beyond the family to neighbourhoods, workplaces.<sup>18</sup>

7.16 Professor Stanley has emphasised the importance of nurturing social environments from birth and programs that enhance child development and has endorsed the use of early-intervention programs for children. She has noted the importance of a whole of community effort and the interaction of social, biological, family, child development, educational and health for life patterns:

Even if we don't particularly care about kids (which I do), even if we have not got children of our own, even if we only judge everything by an economic bottom line – this 'brain drain'...is the most concerning and worrying problem we have.<sup>19</sup>

### ***Public awareness and education - child abuse***

7.17 CBERSS has noted the effectiveness of campaigns to stem child abuse citing an American survey of child sexual abuse in 1992-1999 showing that over 50 per cent of the participants mentioned the effectiveness of prevention programs and

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18 Stanley AC Prof Fiona, *The real brain drain – why putting children first is so important for Australia*, National Press Club Address, 6 August 2003.

19 Stanley AC Prof Fiona 2003.

public awareness campaigns.<sup>20</sup> The AMA considers that governments must provide support and education for parents to help prevent child abuse and neglect.<sup>21</sup> The Tasmanian Commissioner for Children considers that an acknowledgment of the causes and effects of child abuse would encourage public awareness and an understanding of the consequences of such abuse, resulting in a resolve to prevent or minimise the future abuse of children in care.<sup>22</sup>

7.18 A campaign could be beneficial in educating people about being good parents; informing them of programs which could assist young people such as care leavers; acting as internal marketing within Commonwealth departments and agencies such as Centrelink to ensure that staff are aware of care leavers' needs and reminding society of the high personal and financial costs to children who are abused, and to the nation as a whole. A campaign could promulgate information about penalties for abusing children and serve as a way of deterring potential abusers.

7.19 An evaluation of a FaCS education campaign to promote positive, caring attitudes among adults towards children, showed that Australians have little understanding about the scale of substantiated child abuse in Australia and that few people rate child abuse as a community issue of concern unless prompted. Of the parents surveyed, 80 per cent want more information about how to improve their relationship with their children, 71 per cent struggle to find the time to enjoy activities with their children and three out of four parents do not believe that parenting comes naturally. These findings are supported by evaluations of the campaign's parenting seminars showing that parents need information and support for their parenting roles. A further evaluation is to be undertaken later in 2005.<sup>23</sup>

7.20 As mentioned, concerns have been raised that often people are not aware of programs which may be able to assist them. Families Australia noted that often, young people are not aware of any support which may be available to help them.<sup>24</sup> Evidence has also demonstrated that people who provide care for children may not know of their entitlements as the following information shows:

I was unaware that I was entitled to financial assistance from DoCS as the children's carer, I was unaware that I was entitled to what DoCS refer to as an establishment fee of 1 400 per child to help meet the costs of setting up a home...I was only informed about these entitlements when I met with a Family Law Court solicitor.<sup>25</sup>

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20 *Submission 49*, p.11 (CBERSS).

21 AMA, *Media Release*, Attachment, 17 September 2004.

22 *Submission 277*, p.9 (Office of the Commissioner for Children Tasmania).

23 Department of Family and Community Services, Additional information, 23.2.05.

24 *Submission 175*, p.19 (Families Australia).

25 *Submission 511*, p.4.

7.21 In any public education campaign, good quality developmental research is a critical element on which to base the strategy. A wealth of knowledge about children's experiences in out-of-home care has been gathered in forums such as the Senate inquiry. This could assist in informing policymakers with a national strategy which could entail a range of communication avenues including via the promulgation of specific messages in pamphlets and other communication products through groups such as GPs' offices, baby health centres, schools and government offices such as Centrelink, as well as via material tailored for mainstream print and electronic media outlets and the Internet. Other professionals who have contact with children such as members of the clergy, police and legal professions, the judiciary and foster carer associations and representatives, could also assist in disseminating information and grandparents are an important group in this regard. Families Australia quoted 1997 Australian Bureau of Statistics data where approximately 12 000 children aged 14 years and under, were living with their grandparents.<sup>26</sup>

7.22 The Committee considers that a role exists for the Commonwealth Government to instigate a multi-media public education campaign to help reduce child abuse across Australia which could be conducted by a lead agency of the Commonwealth. If a national commissioner for children and young people were established, as recommended later in this chapter, any national education campaign could come within that office's responsibilities.

## Conclusion

7.23 This report provides information on current practices in the area of child protection in Australia and the system of out-of-home care. It is evident to the Committee that while many improvements in child protection have been made in recent years, a great deal remains to be achieved. A national approach to child care and protection was discussed in chapter 2.

7.24 Recent inquiries in the States and Territories have identified deficiencies and shortcomings in their child protection regimes. The States and Territories have responded to recommendations made by these inquiries. For example, the Queensland Government has adopted a whole-of-government approach to child protection with the central component the creation of the Department of Child Safety. The Department will progress a reform agenda to implement a number of initiatives including training and support for foster carers and improved external and internal accountabilities with the Department and the broader child protection system. In the ACT, the Office of Children, Youth and Family Support was created with the Government aiming to improve practice and reporting standards.

7.25 The Council of Australian Governments (COAG) has placed family violence and child protection on its agenda as a significant area of national interest. COAG has focussed on family violence and child protection in indigenous communities

which it sees as a matter of 'grave concern'. Governments have agreed to the National Framework on Indigenous Family Violence and Child Protection. The Framework is underpinned by bi-lateral agreements and jurisdictions will work cooperatively to improve how they engage each other and with indigenous communities to prevent family violence and child abuse.

7.26 The National Plan for Foster Children, Young People and their Carers has been endorsed and released by the Community and Disability Services Ministers. Work is currently under way to progress the National Plan's key areas for action.

7.27 There is no doubt that these are significant developments and that jurisdictions are committed to improving the child protection system. However, the Committee considers that this is but a 'good start' and much more needs to be done, and can be achieved, to ensure that all children in Australia are protected from abuse and neglect. The huge social and economic costs if our children's care systems fail are readily apparent in future failed and unfulfilled lives.

7.28 While it is acknowledged that the main responsibility for the implementation and administration of the child protection system rests with the States and Territories, the Committee considers that the Commonwealth must play a significant leadership and agenda-setting role in driving the changes necessary to systems and policies which would more effectively protect children and young people than has been the case to date. Certainly, examples exist where the Commonwealth has taken the lead in policy development and implementation with considerable success, such as, in areas of national competition policy and a recently-developed national blueprint to deal with Australia's water resource problems. The Committee considers child protection issues are no less important, and indeed, are of major importance for the future wellbeing of Australian society.

7.29 The social and economic cost to society of children in care, while unidentified, is enormous. The costs impact on all levels of government: State and Territory government through their care and protection systems and the Commonwealth through various programs and welfare payments to those in care and after leaving care.

7.30 The States and Territories are tackling the particular challenges within their respective systems. However, there is a danger that the need for national approaches to problems, cooperation between jurisdictions and sharing of best practice may be lost as governments focus resources on implementing policies and practical measures to assist children and young people and their families, including the day-to-day administration and handling of child protection issues.

7.31 The Committee considers that it is essential that the reform process goes beyond questions about State-Territory versus Commonwealth issues. Leadership and direction at the highest national levels are required. The Committee considers that the Commonwealth, under the leadership of the Prime Minister and with the



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cooperation of all jurisdictions, is in a significant position to take on the national challenge of advancing the child protection agenda across Australia.

7.32 The Committee also considers that the Commonwealth should establish a national commissioner for children and young people. The purpose of the commissioner would be to set the agenda to achieve the framework for a comprehensive national child protection system.

7.33 The Committee does not envisage the commission directing the reform agenda in specific areas but rather to bring together all jurisdictions – the Commonwealth and States and Territories – so that they may identify the areas where greater cooperation is required, greater consistency is needed and where greater sharing of research can be achieved. The Committee considers that some issues for the agenda should include the need for uniformity of child protection laws, consistent definitions and common policy outcomes. There may also be a need to address ways to change the culture of child protection agencies and how they conduct their activities.

7.34 The Committee is all too aware that a national policy may result in a minimum set of standards. However, in recommending a national commissioner to advance an agenda, the Committee trusts that the best outcomes can be achieved in the shortest possible time without constraining the activities of those States and Territories which are embarking on innovative child protection approaches that meet their particular needs and circumstances.

7.35 The Committee considers that we are at a significant point where many jurisdictions have identified problems and shortcomings in their child protection systems and are addressing them. This great impetus within the States and Territories to commit to and implement change needs to be harnessed and enhanced to ensure that there is a common approach, greater efficiencies and effectiveness within the child protection system.

7.36 Child protection will always be required: there are a myriad of causes of child abuse and neglect and any single solution to such contributory factors is not possible. Early intervention, intensive family support and programs to show at-risk families, regardless of their circumstances, situation or coping mechanisms, that help can be available to assist them are also required to reduce the alarmingly high numbers of Australian children who are entering the child protection system with significant, complex and long-term needs.

7.37 The Committee considers that genuine improvements for Australian children in need of care and protection can be achieved under the leadership of the Commonwealth and the commitment of all stakeholders.

**Recommendation 17**

**7.38 The Commonwealth establish a national commissioner for children and young people to drive a national reform agenda for child protection. In doing so, the national commission should**

- **bring together all stakeholders, including the States and Territories, child protection professionals and researchers and peak organisations, to establish an agenda for change including the identification of key areas of concern;**
- **encourage the development of innovative models within the child protection system; and**
- **encourage State and Territory Governments to work toward harmonising child protection legislation, including agreement on common definitions.**

**Recommendation 18**

**7.39 That the Commonwealth engage the Productivity Commission to undertake an evaluation of out-of-home care to better determine the real costs to the community of out-of-home care.**

Senator Gavin Marshall  
Chair

March 2005