

**“Young people transitioning from out-of-home care”
(Leaving Care), Submission by Associate Professor
Philip Mendes (Monash University) to Senate
Community Affairs References Committee Inquiry into
“out of home care”, October 2014**

Please find below my submission to this Inquiry which is based on a number of public talks I have given over the past year.

I also want to register my formal concern that Leaving Care policy and practice is not specifically listed as one of the 10 Terms of Reference for this inquiry. The provision of legislation, policy and practice supporting young people transitioning from out-of-home care is a crucial component of any out of home care system. It should not be a simple add on or after thought funded with some left over crumbs. A failure to properly resource and coordinate leaving care programs means that a substantial percentage of earlier investment in out of home care will be wasted, and care leavers will be unfairly denied the same life chances as other young people.

Introduction

I’m going to begin with a basic philosophical point: If we as a community are going to give our government the power to coercively intervene in families where alleged significant abuse or neglect has occurred, then our government has both the moral and legal obligation to devote sufficient resources to ensure that the outcomes for those children are far better than if they had remained with their family of origin.

I have been undertaking research on young people transitioning from care in Australia for more than 15 years. We are currently completing three funded projects:

A) Young people transitioning from Out-of-Home Care in Victoria: Strengthening interagency collaboration, leaving care plans and post-care support services for dual clients of Child Protection and Youth Justice in partnership with seven NGOs. The final report of this three year study was launched by the Victorian Commissioner for Children and Young people, Bernie Geary, on September 25.

B) Young People with a Disability Leaving State Care: Issues, Challenges, and Directions in partnership with 11 NGOs. This two year study is due to be completed by the end of 2014.

C) An evaluation of the Berry Street Stand by Me pilot which is based on the UK Personal Adviser program. This two year study is due to be completed by mid 2015.

Further leaving care research projects are currently scheduled – pending confirmation of funding - on Indigenous young people leaving care, and the access of care leavers to higher education. I am also the Australian representative on the International Research Network on Transitions to Adulthood for Young People Leaving Public Care group (INTRAC), and recently guest edited with two other members of that group a special issue of *Australian Social Work Journal* on Young people transitioning from care.

So what I argue in this submission is based on significant long-term research and evidence.

1)What is leaving care? Leaving care is formally defined as the cessation of legal responsibility by the state for young people living in out-of-home care. In practice, however, leaving care is a major life event, and a process that involves transitioning from dependence on state accommodation and supports to self-sufficiency. Care leavers are not a homogeneous group, and have varied backgrounds and experiences in terms of the type and extent of abuse or neglect, the age they enter care, their cultural and ethnic backgrounds, their in-care experiences, their developmental stage and needs when exiting care, and the quantity and quality of supports available to them.

2) The leading UK researcher Mike Stein has broadly categorized care leavers into three categories. The first he terms the ‘moving-on group’. Young people in this group are likely to have experienced secure and stable placements, be highly resilient, welcome independence, and be able to make effective use of leaving and aftercare supports. The second group he terms ‘survivors’. They have experienced significant instability and discontinuity. Outcomes for this group tend to reflect the effectiveness of after care supports provided. The ‘strugglers’ are the third group. They are more likely to have had the most negative pre-care experiences, and are most likely to experience significant social and emotional deficits. After care support is

unlikely to alleviate these problems, but is still viewed as important by them. It is important to remember that outcomes for care leavers are fluid, and some may have poor initial transitions and fall into the survivor or struggler group, but later will be able as they mature (and with the availability of ongoing supports at 20 or 21 years old) to “move on” into the mainstream. We need to give them second or third chances just as ordinary parents in the community stick by their own children as they test limits and learn from their mistakes.

3) Only about 3100 young people nationally and just over 850 young people in Victoria aged 15-17 years leave care each year. That means this is a relatively small social problem which can be effectively addressed by policy and practice reform. Some do very well and have achieved prominence in sporting, political and public life. But too many are reliant on Australia’s income security, health and welfare, homeless, criminal justice and other crisis intervention systems.

4) The reasons for their disadvantage are very simple. Firstly, many come from highly disadvantaged families characterised by poverty, relationship breakdown, substance abuse, violence, disability and mental illness. Many care leavers have experienced and are still recovering from considerable maltreatment (abuse and/or neglect of various forms) prior to entering care. Secondly, some young people have experienced inadequacies in state care including poor quality caregivers, and constant shifts of placement, carers, schools and workers. Thirdly, many care leavers can call on little, if any, direct family support or other community networks to ease their involvement into independent living.

5) In addition to these major disadvantages, many young people currently experience an abrupt end at 16-18 years of age to the formal support networks of state care. That is, the state as corporate parent fails to provide the ongoing financial, social and emotional support and nurturing offered by most families of origin. As a result, many care leavers face significant barriers to accessing the same educational, employment, housing and other development and transitional opportunities as other young Australians.

What policy and practice supports are currently available to these young people?

6) To give one example, the state of Victoria legislated via the *Children, Youth and Families Act 2005* for the provision of leaving care and after-care services for young people up to 21 years of age. The *Children, Youth and Families Act 2005* appears to oblige the government to assist care leavers with finances, housing, education and training, employment, legal advice, access to health and community services, and counselling and support depending on the assessed level of need, and to consider the specific needs of Aboriginal young people. However, Section 16(2) of the Act emphasises that these responsibilities “...do not create any right or entitlement enforceable at law”, suggesting that leaving care programs are in fact discretionary, and care leavers do not actually have any legal right to seek or demand support services from government.

7) To be sure, the government has established mentoring, post care support and flexible funding support for young people transitioning from care or post care in all eight regions, but too often these supports are discretionary and not mandatory. For example, there is no formal expectation that Victorian child protection services provide dedicated housing for the approximately 850 young people who transition from care each year. There remains a **massive gap** between out of home care and post-care funding.

8) According to the 2012 Cummins Child Protection Inquiry, Victoria spent \$90 million on residential care in 2009-10. In June 2011, 496 young people or 8.7 per cent of those living in OHC were in residential care. Overall they comprise 5.2 per cent of Australian OHC placements. The annual placement unit prices per child or young person ranged from \$152,000 to **220,000**. The most expensive is therapeutic residential care which averages \$65,000 more annually in Victoria, and \$112,000 annually more in NSW. Even if the young person is in home-based care, we are still talking a minimum of \$56,000 per annum. The overall expenditure on OHC appears to be \$372 million in Victoria, or \$2.1 billion nationwide.

9) Victoria currently provides approximately 11 million dollars a year (2013-14) to support care leavers including discrete Indigenous support and housing assistance programs. This sounds generous in principle, but in practice it is only a small amount of money to meet the needs of the more than 2000 young people aged 18-21 years who have left care in Victoria over the past three years (i.e. about five thousand dollars per care leaver per year). The only rationale for this sudden and massive drop in spending is

that the young person leaving care has reached a **random chronological age** of 18 years.

10) Yet very few young people transitioning from care are developmentally ready to live independently at 18 years of age, and most of their non-care peers can expect to receive support well beyond this age. The reduction in support may result in the young person becoming homeless or involved in offending or long-term reliant on income security payments, and mean that the earlier massive expenditure of \$2.1 billion per annum is completely **wasted**. If I was the Finance Minister I would not regard this sudden cut-off as a great investment given that a few years more spending would result in massive savings in housing, criminal justice, mental health etc. down the track. The required level of spending should proportionately cover three out of 21 years to reflect the real needs of those aged 18-21 years, and hence would be approximately 14 per cent of total OHC funding or about **\$53 million** in Victoria alone. That is **five times** the current level of spending.

11) In contrast to existing policy, a social investment model would aim to promote the social inclusion of care leavers in mainstream social, economic and communal life. We argue in favor of early intervention supports and programs that will assist care leavers to overcome their early disadvantages, and access the same opportunities as other young Australians. We don't want to see care leavers assisted only when they fall into crisis, and it may be too late to reverse their past traumatic experiences. As numerous **cost-benefit analysis** studies show (e.g. Raman, S., Inder, B., & Forbes, C. (2005). *Investing for Success: The economics of supporting young people leaving care*. Melbourne: Centre for Excellence in Child and Family Welfare, and Celia Hannon, Claudia Wood & Louise Bazalgette (2010). *In Loco Parentis*. Demos. London), greater social investment in care leavers in the short to medium term is likely to prove both socially and economically productive by reducing the degree of dependency and government costs in the longer term.

Leaving Care Model: A Normative Commitment

12) The international research, summarized by Mike Stein argues that three key reforms are required to improve outcomes for care leavers:

A) Improving the quality of care; as positive in-care experiences involving a secure attachment with a supportive carer are essential for overcoming

damaging pre-care experiences of abuse or neglect. But to use a football analogy we can't just measure children's progress at the age of 15 or 16 years and then stop there because if we do it is a bit like a football team which plays one half of a grand final, but fails to play the last half which actually decides the outcome.

B) Ensuring a more gradual and flexible transition from care that reflects maturity and developmental needs rather than just chronological age. Care leavers cannot reasonably be expected without family assistance to attain instant adulthood. It is not possible for them to successfully attain independent housing, leave school, move into further education, training or employment, and in some cases become a parent, all at the same time. Rather these tasks need to be undertaken sequentially. As reflected in the 'focal model of adolescence', they need to be given the same psychological opportunity and space as all young people to progressively explore a range of interpersonal and identity issues well into their twenties. This also means being given second or third chances when necessary.

C) Providing more specialised after-care supports that incorporate messages from life course theory about the diversity of transition experiences. The research evidence suggests that effective after-care interventions can facilitate 'turning points' that enable young people to overcome the adverse emotional impact of earlier traumatic experiences. For example, this might involve forming improved relationships with family members, becoming a parent, or ceasing substance abuse.

Housing

13) One of the toughest challenges facing care leavers is securing safe, secure and affordable accommodation which is a crucial component in the transition from care to independent living, and also closely linked to positive outcomes in health, social connections, education and employment. Numerous reports and studies have found a high correlation between state care and later housing instability, transience and homelessness. For example, McDowall (2009, *Create Report Card 2009, Transitioning from Care: Tracking Progress*. Sydney: Create Foundation) reported that more than one third of the 196 care leavers surveyed nationally had at least one experience of homelessness in their first year of independence.

What are the key contributing factors to poor housing outcomes?

14) The high mobility of many young people while in care is closely associated with housing instability after care. Other contributing factors are the unplanned and unprepared nature of many departures from state care, and unsuccessful attempts at reunification with family of origin. The absence of sufficient personal and social skills such as shopping, cooking, and budgeting required to live independently have also been identified as issues that contribute to the poor housing outcomes of many care leavers.

15) Similarly, experiences of loneliness and social isolation, involvement in offending or substance abuse, mental health and emotional and behavioral problems, physical or intellectual disability, minimal education and poor employment opportunities are also linked to poor housing outcomes. In addition care leavers often experience relationship breakdowns with partners or friends, exposure to violence or harassment, eviction, poor quality accommodation or living in an unsafe area, and the lack of an option to 'return home' or 'backtrack' if the initial independent living arrangements do not work out.

16) A lack of affordable accommodation also influences the housing choices that are available when young people leave care. With few housing opportunities available to them, Australian care leavers are often forced to rely on inappropriate supported accommodation and assistance programs (Supported Accommodation Assistance Program) that were actually designed as short-term transitional housing programs, for those who are already homeless or escaping from domestic violence. Although Victoria has developed specialist leaving care housing support programs, most of these programs are not currently funded to assist care leavers past the age of 18 years. In short, because of a lack of dedicated housing, many care leavers transition directly from state out-of-home care into homelessness.

17) **Particular groups of care leavers** are likely to be **most vulnerable** to homelessness. They include those who leave care at a younger age, those who transition from residential care, those who have a disability, those involved in crime and offending, and those who have a range of mental health or substance use issues. These young people tend to have been excluded from education, experienced trauma as a result of abuse and neglect, and have few positive social or family connections.

Towards better Housing outcomes

18) Proposed solutions incorporate a range of structural assistance and relationship supports. UK research suggests the importance of ongoing “floating” practical and personal support from workers to establish and sustain stable accommodation. Particular emphasis is placed on providing a flexible range of accommodation options to meet differing needs including supported, transitional or independent accommodation in either public or private dwellings. Available forms of accommodation include: local authority and housing association tenancies, supported lodgings with former foster carers via the ‘Staying Put’ pilot schemes, training flats, voluntary sector schemes, private accommodation, reunification with family or relatives, and foyer accommodation linked to training and employment.

19) Financial assistance to access housing is important. Australian authors recommend that public housing be made available on a priority basis to care leavers, establishing separate transitional units available only for care leavers, providing a **housing subsidy** to ensure care leavers pay no more than 25 per cent of their income on housing, and offering assistance with the rental bond and establishment costs for setting up including the purchase of essentials such as bed, bedding, furniture, and a refrigerator and washing machine.

20) Given that 95 per cent of the Australian children in care reside in home-based care, one available option would be to provide continuing financial support to maintain these placements similar to the Staying Put model in the UK program which enables young people to stay with foster carers beyond the age of 18 years. Where this is not possible, care leavers should preferably be offered specific accommodation designed to meet their needs. A good example of such a model is provided by St Luke’s Anglicare in rural Victoria which offers care leavers access to secure and safe housing via a flexible range of housing options including subsidized rental properties and a boarder provider program.

Summary of Limitations of current Leaving Care System

- Post-care supports for young people 18 years and over are discretionary, not mandatory;
- Many care leavers are not developmentally ready at 18 years to live independently;
- There is no guarantee of housing support so that many care leavers exit directly into homelessness, and others endure ongoing housing instability.

21) In my opinion, three structural initiatives would add to the capacity of our system to meet the needs of all care leavers. The first would be the introduction of the **Corporate Parenting philosophy** which underpins the UK model of support.

22) This concept refers to the responsibility of state authorities to introduce policies, structures and roles that actively compensate children and young people in care for their traumatic pre-care experiences, and offer them the **same ongoing nurturing and support as typically experienced by their peers who are not in care** in order to maximize their ambitions and achievements. It emphasizes a shared responsibility between different departments such as education, health, and child welfare. This means in practice providing them with the best possible placement experiences in terms of stability and supportive relationships until their care order ends, and then continuing to take responsibility for their welfare until they are at least 21 years old. The term 'corporate' refers to the fact that organisations are involved in parenting children and young people in care, and the need to ensure that structures are in place to support the individual carers who parent within that system.

23) Secondly, I would like to see the introduction of a **national leaving care framework** similar to that of the UK which could be actioned via the existing national framework for protecting Australia's children. A national framework would arguably address a number of key weaknesses of the existing Australian system such as the wide variation in policy and legislation between the states and territories and even within individual jurisdictions, and the absence of support for young people who shift from one jurisdiction to another.

24) It would also improve opportunities for national benchmarking, and place pressure on poorer services to improve their standards via the introduction of a Guidance and Regulations document that would clarify the obligations of all service providers to care leavers. It is also evident from the UK experience as reflected in the introduction of the Children (Leaving Care) Act 2000 that national legislation is likely to increase the profile of leaving care, and drive improved resourcing and higher quality of service provision.

25) Thirdly, we need to establish a **National Data Base** similar to that of the UK Department for Education freely accessible on the internet which would allow us to monitor the progress of care leavers till at least 21 years; measure outcomes in key areas such as education, employment, health, housing, parenthood, substance use, social connections, and involvement in crime; and analyse differences in the effectiveness of various states and territories and NGO policies and programs.

26) In summary, care authorities should aim to approximate the ongoing and holistic support that responsible parents in the community typically provide to their children after they leave home till at least 25 years. Providing adequate supports for care leavers in Australia is relatively cheap given the small number of care leavers in any one year, and will provide substantial social and economic gains for both the young people concerned and Australian society more generally.

FURTHER RECOMMENDED READING

Johnson G., Natalier, K., Mendes, P., Liddiard, M., Thoresen, S., Hollows, A., & Bailey, N. (2010). *Pathways from out-of-home care*. Australian Housing and Urban Research Institute, Melbourne, www.ahuri.edu.au/publications/download/30540_fr.

Mendes, Philip and Meade, Sue (2010) *From Dependence to Independence: Examining the support needs and pathways of young people leaving state care in rural Victoria*. Monash University Department of Social Work, Melbourne.

Mendes, Philip; Johnson, Guy and Moslehuddin, Badal (2011) *Young People leaving state out-of-home care: a research-based study of Australian policy and practice*. Australian Scholarly Publishing. Melbourne.

Philip Mendes, Pamela Snow and Susan Baidawi (2013) “Young people transitioning from out-of-home care: a critical analysis of leaving care policy, legislation and housing support in the Australian state of Victoria”, *Child Abuse Review*, DOI: 10.1002/CAR.2302.

Susan Baidawi, Philip Mendes and Bernadette Saunders “Indigenous young people leaving out of home care in Victoria”, *Indigenous Law Bulletin*, 8(7), 2013, pp.24-27.

Mendes, Philip (2014) “Using Research to inform policy and practice reform for young people transitioning from out-of-home care”, *ABC Religion and Ethics online*, 14 February.

Philip Mendes, Pamela Snow and Susan Baidawi (2014) “The views of service providers on the challenges facing young people also involved in the youth justice system transitioning from out-of-home care” *Journal of Policy Practice*, 13 (4), 239-257.

Guy Johnson and Philip Mendes (2014) “Taking control and ‘moving on’: How young people turn around problematic transitions from out-of-home care”, *Social Work and Society*, 12(1).

Susan Baidawi, Philip Mendes and Pamela Snow (2014) “Setting them up to fail: system responses to dual order child protection and youth justice clients”, *Alternative Law Journal*, 39(1), pp.31-35.

Philip Mendes and Pamela Snow (2014) “The needs and experiences of Young People with a Disability Transitioning from out-of-home care: The views of practitioners in Victoria, Australia”, Children and Youth Services Review, 36, pp.115-123.

Philip Mendes, Pamela Snow and Susan Baidawi (2014) “Young people transitioning from out-of-home care in Victoria: Strengthening support services for dual clients of child protection and youth justice”, Australian Social Work, 67(1), 6-23.

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