

“Young people transitioning from out-of-home care” Address by Philip Mendes (Monash University) to Anglicare Northern Territory, 24 May 2017)

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. It does not at the age of 18 years suddenly become somebody else’s responsibility.

I have been undertaking research on young people transitioning from care in Australia for more than 17 years. We are currently completing three funded projects:

- 1) “Transitions for young people with complex needs involved in out of home care, youth justice and/or disability services” in partnership with colleagues from University of NSW and QLD – ARC Linkage grant funded for \$392,000 from 2016-18.
- 2) Evaluation of Salvation Army Continuing Care Program, \$45,000 from 2016-18.
- 3) Evaluation of Berry Street Victoria Stand by Me pilot program based on UK Personal Advisers Model for Young people transitioning from out-of-home care pilot project, 2013-2016. Final report soon to be completed.

We have just completed a study of Indigenous young people leaving care in Victoria which I will talk about in more detail later, and hope to shortly undertake a national scoping study of Indigenous leaving care needs and support services in partnership with SNAICC. I am also the Australian representative on the International Research Network on Transitions to Adulthood for Young People Leaving Public Care group (INTRAC), and in 2014 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 talk about today 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 at no later than 18 years of age. 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 3200 young people nationally 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. For example, Priva
CV and many other politicians, journalists, and sports stars. 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 Victorian 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 750 young people who transition from care each year. There remains a **massive gap** between out of home care and post-care funding. 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.

8) 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 nationally per annum on OHC 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 equate to the average of \$27,833 spent per annum on young people in care in Victoria. That is at least **five times** the current level of spending.

9) The annual number of care leavers in the Northern Territory is approximately 80 young people aged 15-17 years according to the AIHW figures for 2014-15. The vast majority would appear to be Indigenous given that they comprise nearly 90 per cent of the OHC population in the NT. The NT Care and Protection of Children Act 2007 provides for post-care support till 25 years for those who were in care for a continuous period of at least 6 months including financial assistance and support with accommodation, education or training, employment, legal, health and counselling services. But as with Victoria, this assistance is discretionary.

10) I understand that the Moving On program offer case management support to care leavers aged 16-25 years throughout the NT including assistance with accommodation, brokerage, access to health and legal services, support for education, training and employment, and general information and referrals. I would be interested to hear more about the services and funding for this program, and whether workers feel it is effective in meeting the needs of the care leaver cohort including the likely concern of many Indigenous care leavers to reconnect with their family and community. I also note that more than half the homeless people in the NT are under the age of 25 years – approximately 4,000 people – and wonder if many of these young people have an OHC background.

11) In contrast to the existing policies in every state and territory, 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; Celia Hannon, Claudia Wood & Louise Bazalgette (2010). *In Loco Parentis*. Demos. London, and the recently released report by **Deloitte Access Economics** as part of Anglicare's Home Stretch campaign), 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.

12) So why have our governments failed to act? In the book introduction, we talk about a number of possible factors. One is that children in care still seem to be stigmatized (a bit like illegitimate children used to be) as unworthy of the same supports as their non-care peers. Another factor is the budgetary cost, but as the Anglicare Home Stretch campaigns cost-benefit analysis clearly shows, greater investment in care leavers in the short to medium term will reduce government costs in the longer term by much greater levels. Just a few years more spending will result in massive savings in housing, criminal justice, mental health etc. down the track.

Perhaps the key barrier to policy reform is that child protection and out-of-home care continues to be driven by a crisis intervention approach focused on rescuing disadvantaged children from abuse or neglect by bad families. This model arguably places less emphasis on promoting the aspirations and long-term well-being of those who are rescued. But in my opinion, our government has both a moral and legal obligation to devote sufficient resources to ensure that children and young people in and leaving care have optimal opportunities. Guardianship of their welfare does not at the age of 18 years suddenly become somebody else's responsibility.

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.

D) In summary, the outcomes for care leavers reflect the connection between two key factors: one is their **Individual Agency or resilience** (within a social context), and the second being the availability of positive relationships via what we call **Social Capital** through professional and informal support networks.

13) Latest Study: Indigenous young people leaving care in Victoria

Our latest study examined the experiences of Indigenous young people leaving care in Victoria in partnership with six agencies including the Victorian Aboriginal Child Care Association (VACCA), and was funded by the Lord Mayors Charitable Foundation. Although the service structures in Victoria and the NT are quite different, I think some of the findings will still be relevant.

Data collection occurred in two phases. Eight focus groups and one individual interview were initially undertaken with a total of 36 staff of partner agencies and other child and family organisations (both Indigenous and non-Indigenous) delivering Victorian out-of-home care, leaving care or post-care services. These were followed by individual interviews with two Indigenous care leavers who each provided in-depth accounts of their journeys during and since transitioning from out-of-home care.

- 1) The **findings** identified various systemic matters impacting on Indigenous care leavers, including issues identifying Indigenous status, complex relationships between Indigenous and non-Indigenous services, concerns around inadequate referral pathways to Aboriginal Community Controlled Organisations (ACCOs), and limited funding for Indigenous-specific programs and supports. In particular, funding for completion of Cultural Support Planning and, just as importantly for resources to implement plans, was identified as a **key barrier** for cultural connectedness of Indigenous adolescents in care.
- 2) The study found that Indigenous young people face **the same** complex and compressed transitions as other young people leaving care, with additional attention required to address cultural needs. An unanticipated finding of the study was that many Indigenous care leavers adopt **caregiving roles** in the leaving care and post-care periods, not only for their own children but in some cases for younger siblings, and extended family. Cultural expectations regarding sharing of finances and other material resources (e.g. housing) may add further stressors during the transition from care. Conversely, **cultural connectedness** was also seen to support resilience, identity development, social connectedness and material sufficiency among Indigenous care leavers. Negotiating these potential benefits and challenges of cultural connection in the post-care period may be one

of the more difficult aspects of leaving care for this group of young people. The potential value of **family work** for this group of care leavers was thus widely supported by the key stakeholders interviewed.

- 3) The study also found that many Indigenous young people either absconded from care or were discharged from care prior to being eligible for leaving care services. Anecdotal evidence from both Indigenous and non-Indigenous services suggested that many re-engaged in the **post-care period** seeking assistance and support. Earlier leaving care planning (e.g. commencing from age 14) and lowering the age-threshold for leaving care eligibility were also identified as useful strategies for supporting Indigenous adolescents in the transition to adulthood. This finding was reinforced by the voices of the young people who were involved in the study. Future research could ascertain whether the data supports the suggestion that Indigenous young people may miss out on leaving care supports for various reasons, but may be accessing (or attempting to access) post-care supports at higher rates.
- 4) There are two policy recommendations from the Report which I think are worth highlighting here:
 - a) Adequate resources should be made available to create and action well-considered and well-informed **Cultural Support Plans** for all Indigenous young people leaving OHC. These plans should be taken into consideration in the provision of leaving care services to Indigenous young people.
 - b) State and Territory authorities ought to consider funding Aboriginal Community Controlled Organisations, on a **proportionate basis**, to meet the cultural and other needs of the large number of Indigenous young people in and leaving OHC.

14) 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.
- Too many programs within and beyond OHC focus on preparing for independence, rather than for ongoing support or interdependence.

15) 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.

16) 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.

17) 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.

18) 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.

19) 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.

20) So how do we progress towards extending care – properly backed up by serious funding – beyond 18 years? Personally, I would like to see the philanthropic sector fund a public Independent inquiry into leaving care in each jurisdiction. There would be a prominent chair preferably from outside the welfare sector, and groups of young people leaving care, foster carers, service providers and other key stakeholders would be invited to give evidence. The print and broadcast media would be invited to participate as would representatives of all political parties, and corporate and professional groups (e.g. lawyers, social workers and others).

21) In summary, there is **overwhelming evidence** that state and territory governments need to do more to improve the life chances of care leavers. Good policy **intentions** need to be backed up by **serious funding** for ongoing support services. 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.

22) As a final point, I still think we spend too much time listening to academics like myself and service providers, rather than promoting the voice of care leavers themselves. So my suggestion is as follows: every care leaver should be interviewed about their experiences good, bad or in-between when they are about to graduate from care, and their views – de-identified and only with their permission – placed on a relevant government or NGO website.

And the media should be given access by the government to a selection of these young people every year as a means of ensuring that the out of home care and leaving care system is accountable and effectively meeting the needs of service users. Thank you

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