

Policy Paper

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Young people transitioning from out-of-home care to adulthood

Review of policy and program
approaches in Australia and
overseas

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Background

Young people who are transitioning from out-of-home care (OOHC) are among the most vulnerable, disadvantaged and traumatised group. UnitingCare Children Young People and Families (UnitingCare CYPF) works with in our programs.

Young people leaving care or who have left care are over-represented in the statistics on homelessness, early school leaving and contact with the criminal justice system. They are also more likely to have children at an early age and are at greater risk of having their own child taken into care.

This paper reviews Australian and international policies and programs that are relevant to improving outcomes for young people who are transitioning from OOHC to adulthood. Information on any evaluation evidence of the effectiveness of the policy and programs is outlined where this is available.

The main purpose of the paper is to inform UnitingCare CYPF's advocacy on government policies on leaving care planning and provision of aftercare services. Having a solid base of information about policy frameworks at the national level and in other state/territory jurisdictions will enable the organisation to advocate more effectively on this issue at both national and state levels.

The paper will also be useful in informing the development of good practice approaches and program development internally within UnitingCare CYPF. For example, the paper includes information on housing and accommodation support models for young people transitioning from OOHC which are being used in other Australian states and territories.

The paper begins by reviewing the research evidence on how young people fare after leaving care and what makes a difference in improving outcomes. It then outlines legislative and policy frameworks and key initiatives being used in each Australian state and territory. The paper also includes an overview of recent developments in the United Kingdom and the United States. It concludes by drawing out implications for policy and practice development. This includes a six point plan to improve outcomes for young people who are transitioning from OOHC to adulthood in NSW, with immediate through to longer-term action.

2. What happens to young people leaving care?

Negative experiences before coming into care, in-care, and after leaving care all have cumulative effects on young people's ability to successfully transition to adulthood.¹ International research has consistently shown that young people leaving care are at high risk of social exclusion, poverty and poor outcomes in later life.²

Research shows that that young people leaving care in Australia are more likely to:

- have poor education including early school leaving
- be unemployed, underemployed and earning lower wages
- be homeless or living in unstable housing arrangements
- have had children at a young age
- be involved in the criminal justice system
- have physical health, mental health and substance abuse problems
- lack informal social support from family and friends.³

For example, the 2009 Create Foundation (Create) survey, found that:

- 35% of the young people leaving care were homeless in the first year of leaving care
- 46% of young men and 22% of young women with a care experience had been involved in the juvenile justice system
- 65% of young people did not complete year 12
- 29% were unemployed (compared to the national average of 9.75%)
- 28% were already parents themselves.⁴

¹ Moselhuddin, B., 2012, 'Transitioning from the state care system: the impacts of in-care experiences on the post-care outcomes for young people leaving state care', *Developing Practice*, no 33, Spring, pp 36-41.

² Stein, M. and Munro, E., 2008, *Young people's transitions from care to adulthood, international research and practice*, Jessica Kingsly Publishers, London and Philadelphia.

³ Mendes, P., Johnson, G., and Modlehuddin, B., 2011, Effectively preparing young people to transition from out-of-home care, an examination of three recent Australian studies.

⁴ McDowall, J., 2009, *Create Report Card 2009, transitioning from care: tracking progress*, Create Foundation, www.create.org.au/files/file/ReportCard-2009.pdf

Some care leavers experience a 'cluster' of negative outcomes including substance abuse, mental health issues, unstable housing, periods of unemployment and dependence on welfare benefits, and offending.⁵

Young people who are at particular risk of poor outcomes include those who have had multiple placements while in care and those who leave care at a younger age.⁶ Young people who grow up in care may have difficulty in maintaining relationships and have challenging behaviours linked to their childhood experiences of abuse and trauma and/or mental health issues. Our aftercare staff report that it is these young people who are more likely to miss out of appropriate preparation and planning prior to 'leaving care'.

There are also a number of groups of care leavers who are at particular risk of poor outcomes and who need more support, including Aboriginal young people, care leavers with a disability, young parents and unaccompanied minors.⁷

⁵ Stein, M., 2006, 'Research review: young people leaving care' , *Child and Family Social Work*, 11 (3), p273,

⁶ Cashmore, J. and Paxton, M., *Longitudinal Study of Wards Leaving Care: four to five years on*, Report of research commissioned by the NSW Department of Community Services

⁷ Mendes, P., 2008, op cit.

⁷ Raman, S., Inder, B. and Forbes, C., 2005, *Investing for success, the economics of supporting young people leaving care*, Centre for Excellence in Child and Family Welfare.

3. Improving outcomes for young people leaving OOHC

As Wade and Munro identify, how young people fare after leaving care is not predetermined by their past experiences, and '*there is considerable scope at the leaving care stage to provide young people turning points and fresh opportunities for change*'.⁸

International research consistently identifies four key reforms that are needed to improve outcomes for care leavers:

1. improving the quality of care and placement stability
2. enabling a more gradual and flexible transition from care
3. good preparation and planning
4. continued access to aftercare support.⁹

Improving the quality of care and placement stability

Research in Australia and overseas consistently identifies stability in care, a sense of emotional security, and continuity of support beyond care as key factors in supporting a smooth and successful transition.¹⁰¹¹

While stability in care by itself is important, Cashmore and Paxton¹² note that it is how the young person experiences stability that is critical in how well they do after being in care. Young people who fare best as adults have at least one lasting and significant relationship with one or two of the families with whom they had lived.

⁸ Wade, J. and Munro, E., 'United Kingdom', in Stein, M. and Munro, E.,(eds), 2008, *Young people's transitions from care to adulthood, international research and practice*, Jessica Kingsley Publishers, London and Philadelphia, p219.

⁹ Stein M. and Munro E., 2008, op cit.

¹⁰ Cashmore, C. and Paxton, M., 2007, op cit. Social Policy and Research Centre.

¹¹ Stein, M., 2012, *Young People Leaving Care, Supporting pathways to adulthood*, Jessica Kingsley Publishers, London and Philadelphia.

¹¹ Raman, S.et al, 2005,op cit.

¹² Cashmore et al, 2007, op cit.

As Tilbury and Osmond note, when living arrangements are stable, children and young people can also experience continuity in peer networks, community activities, school and service providers.¹³

This highlights the importance of working with young people to build their relationships and social support system across all phases – while they are in care, during the transition process, and after they have ‘left care.’

Enabling a more gradual and flexible transition from care

Currently, many young people who have grown up in care in Australia experience a rapid and abrupt end to formal support from the child protection system between the age of 16 and 18.

Young people leaving care need to manage multiple transitions – moving to independent housing, finishing school, finding work or further study and becoming financially independent – in a shorter time, at a younger age and with fewer resources than their peers.¹⁴ For many care leavers there is an expectation of instant adulthood on leaving formal care.

There is an international consensus among researchers and practitioners that the transition process needs to be much more gradual and flexible, based on the levels of maturity and the needs of the young person rather than simply age.¹⁵ As Mendes identifies, ‘*without family assistance, care leavers cannot reasonably be expected to attain instant adulthood.*’¹⁶ Young people need to be given opportunities and space to focus on and deal with these changes over time.¹⁷

There is a strong association between the age at which young people leave care and how they fare in later life. Young people who leave care at an early age have a higher instance of substance abuse, homelessness,

¹³ Tilbury, C., & Osmond, J., 2006, cited in Crane, P., Kaur, J. and Burton, J., 2012, *Homelessness and leaving care: the experiences of young adults in Queensland and Victoria, and implications for practice*, Queensland University of Technology.

¹⁴ Johnson, G., Natalier, K., Bailey, N., Kunnen, N., Liddiard, M., Mendes, P., and Hollows, E., 2009, *Improving outcomes for young people leaving state out of home care*, AHURI positioning paper no 117, Australian Housing and Urban Research Institute, RMIT Research Centre.

¹⁵ Mendes et al, 2011, op cit.

¹⁶ Mendes, 2008, op cit.

¹⁷ Stein, M., 2012, op cit.

unemployment and poor educational outcomes.¹⁸ Conversely, young people who stay in care longer, particularly past the age of 18, experience smoother transitions and are more likely to continue their education and have stable housing.¹⁹

Allowing young people to remain in care longer is consistent with recent research on brain development which shows that critical parts of the brain required for effective decision-making are not fully developed until the mid-twenties.²⁰ The pre-frontal cortex, which is involved with social interaction and self-awareness and checks risk-taking behaviour, is the part of the brain that changes most during adolescence. And research tells us that brain development of children who have suffered trauma is delayed.²¹ The approach to 'leaving care' in Australia rushes young people to independence at a time where they often lack the maturity, experience and the ability to make good decisions.²²

Good preparation and planning

There is a strong association between good preparation and planning in the transition process and positive post-care experiences.²³

Effective preparation is particularly important for young people with emotional and behavioural difficulties, those who have limited family and community support, and those with a disability.²⁴

Effective transition planning includes the development of an individual plan which actively involves the young person in decision-making. Transition plans need to be based on a comprehensive assessment of individual needs. Progress in meeting the goals should also be regularly reviewed and

¹⁸Wade, J. and Dixon, J., 2006, 'Making a home, finding a job: investigating early housing and employment outcomes for young people leaving care', *Child and family social work*, 11(3), pp 199-208.

¹⁹ Raman et al, 2005, op cit.

²⁰ Bava, S. and Tapert, S., 2010, 'Adolescent brain development and the risk for alcohol and other drug problems', *Neuropsychology review*.

²¹ Gordon, 2010, cited in Gonzalez, R., Cameron, C., and Klendo, L., 'The therapeutic model of care: an attachment and trauma informed approach to transitional planning', *developing practice*, 32, Autumn.

²² Gaetz, S. and Scott, F., 2012, *Live, Learn, Grow: Supporting transitions to adulthood for homeless youth, a framework for the foyer in Canada*, The homelessness hub report series, report no 10.

²³ Mendes, P., Johnson, G., and Modlehuiddin, B., 2011, Effectively preparing young people to transition from out-of-home care, an examination of three recent Australian studies

²⁴ Mendes, P. Johnson, G., and Moslehuddin, B., 2011, *Young people leaving state out-of-home care, Australian policy and practice*, Australian Scholarly Publishing, North Melbourne.

monitored. Planning must be proactive in predicting needs that may arise (given the individual's experiences in care) rather than just addressing immediate concerns.²⁵

The need for therapeutic support should be considered and provided to young people where required during the preparation phase to address issues such as unresolved anger, grief and loss, and trauma.²⁶

The preparation phase should have a focus on promoting the resilience of young people by providing opportunities for planning, problem solving and learning new skills.²⁷ Preparation needs to be holistic and place equal importance on building practical, emotional and interpersonal skills, which should be taught gradually over time. This should include a focus on facilitating social networks and relationships.²⁸ Emotional and relationship issues tend to be a neglected aspect of preparation and planning for the transition.²⁹

Foster and kinship carers should receive strong training and support to assist young people to prepare for the transition from care.³⁰ This was a key recommendation of the Wood Special Commission of Inquiry into Child Protection in NSW.³¹

Continued access to aftercare support

There has been little research on the effectiveness of aftercare programs or the features of programs that are most likely to contribute to improved outcomes. In particular, there have been few evaluations of aftercare support programs in Australia.

However, evaluations in the UK and US indicate that aftercare programs do lead to improved outcomes including housing, education and employment,

²⁵ Create Foundation, 2009, Create Report Card 2009, transitioning from care: tracking progress, www.create.org.au/files/file/ReportCard-2009.pdf

²⁶ Department of Families, Housing, Community Services and Indigenous Affairs, 2010, *Transitioning from out of home care to independence*.

²⁷ Stein, M., 2012, op cit.; Daining, C. and DePanfilis, D., 2007, op cit.

²⁸ Stein, M., 2012, op cit.

²⁹ Stein, M., 2005, Resilience and young people leaving care Overcoming the odds, Joseph Rountree Foundation, <http://eprints.whiterose.ac.uk/73176/1/Document.pdf>

³⁰ Ibid.

³¹ Wood, J., 2008, *Report of the Special Commission of Inquiry into Child Protection Services in NSW*, Vol 3.

health, improved social connections, and a decrease in long-term use of services.³²

Research points to the following factors as important in effective service delivery in the aftercare phase:

- individualised assessments, goal setting and planning³³
- an integrated and holistic approach with support tailored to the individual needs of the young person.³⁴ These services are best provided as part of a cohesive program rather than in isolation from each other.³⁵
- strong cross-agency linkages, including a focus on ensuring that the young person has stable and secure housing, and linkages to specialist support to address mental health and problematic drug and alcohol use³⁶
- capacity to provide proactive contact and outreach to young people who are transitioning from OOHC, rather than expecting young people to navigate the service system and ask for help or waiting until a crisis occurs.³⁷

Special attention should be given to young people who have experienced disrupted placements while in care to minimise instability after leaving care including monitoring their housing situation.³⁸

Economic research in Victoria found that the costs of supporting a young adult who has been in care are extremely high compared to the costs of providing a modest suite of integrated support for care leavers at the time they transition from OOHC.³⁹ The 2005 study estimated that for a typical group of 450 young people who leave care in Victoria each year (who had been in care for at least two years), the direct cost to the State resulting from these poor outcomes

³² Daining, C. and DePanfilis, D., 2007, Resilience of youth in transition from out-of-home care to adulthood, *Children and youth services review*, 29, pp 1158-1178; Johnson, G. et al, 2009, op cit.; Stein, M., 2012, op cit.

³³ Westwood Spice, 2013, *NSW Homelessness Action Plan Evaluation, Final report for project 2.22 Young people leaving care support service – North Coast*.

³⁴ Hannon, C., Wood, C. and Bazalgette, L., 2010, *In locos parentis*, Demos, London, www.demos.co.uk/files/In_Loco_Parentis_-_web.pdf?1277484312

³⁵ Raman S. et al, 2005, op cit.

³⁶ Mendes, P., 2008, op cit.; Crane, P. et al, 2013, op cit.

³⁷ Crane, P. et al, op cit.

³⁸ McDowall, J., 2008, op cit.

³⁹ Raman, S. et al, 2005, op cit.

was \$738,741 per young person leaving care. The report provides a clear rationale for governments to invest in support for young people transitioning to adulthood. As the authors conclude,

...act now as a prudent economist would, spend a little now to save a lot in the future. The costs of doing nothing is detrimental to young people, society and the economy at large.⁴⁰

3.1 Improving support for young parents

The relatively high proportion of young women in care or who have just left care who become parents in their teenage years is a consistent finding in studies conducted in Australia and internationally. A study conducted by Cashmore and Paxton in NSW in 2006 found that nearly a third of the young women were pregnant or had a child within 12 months of leaving care.⁴¹

Young women who have been in care are at greater risk of coming to the attention of child protection authorities and of having their own child taken into care.

A recent review by the NSW Ombudsman of leaving care found that of the seven young mothers in the review group, three had their children removed from their care before their own care order expired. In only one of the seven cases did the leaving care plan adequately consider early childhood education and care and other supports.⁴²

Similarly, a study of 60 care leavers in Victoria found that 17 (28%) became a parent either in care or soon after leaving care.⁴³ More than half of the children of the 17 parents in the survey group were in care under orders.

Holistic support programs are needed to support young women who become young mothers to prevent the intergenerational cycle of children coming into care. Young women who are pregnant, and young mothers, need help with emotional and practical issues including financial help with the expenses of caring for a new baby, help with parenting skills, stable housing, and social

⁴⁰ Ibid, p2.

⁴¹ Cashmore, J. and Paxton, M., 2007, *Longitudinal Study of Wards Leaving Care: four to five years on*, Report of research commissioned by the NSW Department of Community Services,

⁴² NSW Ombudsman, 2013, *The continuing need to better support young people leaving care, Report under Section 13 of the Community Services (Complaints, Reviews and Monitoring Act) 1993.*

⁴³ Raman et al, 2005 op cit., p11.

support. Young fathers should also be encouraged to participate in the parenting process. Support should specifically focus on providing young parents with the skills and resources that will prevent their own children being placed in care.⁴⁴

Providing opportunities for young people to experience a more gradual and flexible transition process is also particularly relevant to young parents. Young mothers who are receiving crucial support from foster carers that is enabling them to successfully care for their child should not be expected to leave when they turn 18.⁴⁵

Researchers in the US have also found that a strong relationship between young people and caring adults is critical in helping young people avoid teenage pregnancy and other risky behaviours.⁴⁶ This reinforces the importance of helping young people in care to develop enduring connections with caring adults.

⁴⁴ Mendes P., 2009, 'Improving outcomes for teenage pregnancy and early parenthood for young people in out-of-home care, a review of the literature', *Youth Studies Australia*, 28 (4).

⁴⁵ Ibid.

⁴⁶ Dworsky, A. and Courtney, E., 2010, op cit.

4. Policy frameworks at the national level

This section of the paper outlines key policies and programs relevant to the transition from OOHC to adulthood at the national level.

4.1 The National Framework for Protecting Australia's Children

'Transitioning to independence' was identified as a national priority under the first three-year action plan (2009-2012) of the National Framework for Protecting Australia's Children 2009 – 2020 (the National Framework).

However, it is unclear what actions NSW undertook to meet its commitments under the National Framework apart from existing reforms under Keep Them Safe. In contrast, some other state/territory governments developed specific plans which identified how they would meet and report on the priorities identified in the National Framework.

The Second Action Plan (2012-2015) is intended to build on and strengthen delivery of six significant National Priorities from the First Action Plan including 'Transitioning to Independence'.⁴⁷ It should be noted, however, that following the election of the Coalition Government in September 2013, it is still uncertain whether the Government is committed to the continuation of the National Framework in its current form.

Young people transitioning from out-of-home care: a nationally consistent approach to planning

Under the First Action Plan for the National Framework, all governments agreed to a nationally consistent approach to planning and supporting an effective transition from out-of-home care.⁴⁸ The nationally consistent approach has been developed to align with the National Standards for Out-of-

⁴⁷ Department of Families, Housing, Community Services and Indigenous Affairs, 2011, *Transitioning from out-of-home care to independence: a nationally consistent approach to planning*, www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/transitioning-from-out-of-home-care-to-independence-a-nationally-consistent-approach-to-planning-2011

⁴⁸ Department of Families, Housing, Community Services and Indigenous Affairs, 2011, *Transitioning from out-of-home care to independence: a nationally consistent approach to planning*, www.fahcsia.gov.au/our-responsibilities/families-and-children/publications-articles/transitioning-from-out-of-home-care-to-independence-a-nationally-consistent-approach-to-planning-2011

Home Care, also a priority project under the National Framework (see below).

Research evidence shows that better outcomes for young people are more likely to be achieved when the process of transition to independence is a well-supported and gradual one. The nationally consistent approach is represented as a continuum involving three overlapping phases:

- preparation phase
- transition phase
- aftercare phase.

Under the nationally consistent approach, planning is to commence no later than age 15 and continue up to age 25 where the young person needs or desires ongoing assistance. Consistent with research evidence on good practice, the process is intended to be flexible, based on the level of maturity and skill development of young people, rather than simply their age. It is supported by flexible plans, monitoring of progress, and regular review to update planning in response to individual needs and changing circumstances.

Notably, the focus of the transition phase is on supporting the young person to achieve *interdependence* from their carers and the OOHC system as a precursor to independence.

The focus of the approach is on the young person as central and empowered to be an active and informed participant. It covers the core elements that need to be considered for each young person across the life domains of:

- housing/accommodation
- health care
- education and training, employment or other suitable activity
- financial security
- social relationships and support networks
- life skills
- identity and culture
- legal matters.

As outlined in this review, several states, including Western Australia and Victoria, have implemented good practice approaches for transition planning and aftercare which align with the three-phase model set out in the nationally consistent approach to planning.

4.2 The National Standards for Out-of-Home Care

The Australian Government introduced National Standards for Out-of-Home Care in December 2010 to drive improvements in the quality of care provided to children and young people.

The standards include a requirement that all young people have a transition from care plan commencing at age 15.⁴⁹ The intent of this standard is that young people transitioning to independence have practical help to prepare for the future. A transition from care plan is to include details of support to access affordable housing, health services, education and training, and employment and income support and is to be reviewed regularly.

Community and Disability Services Ministers have agreed to a schedule of national measurement and reporting arrangements for the National Standards for Out-of-home Care. Measures will be progressively introduced so that by 2015, there will be 22 measures reported against the full set of National Standards. The key measures for Standard 13 are:

- the proportion of young people aged 15 years and over who have a current leaving care plan.
- the proportion of young people who, at the time of exit from out-of-home care, report they are receiving adequate assistance to prepare for adult life.

Public reporting on the National Standards is through the National Framework for Protecting Australia's Children Annual Report to COAG. At 30 June 2012, an estimated 77 per cent of young people aged 15 years and over had a current and approved leaving care plan. However, this estimate was based on data from Victoria, Queensland and Western Australia only.⁵⁰

⁴⁹ See www.fahcsia.gov.au/our-responsibilities/families-and-children/publications-articles/an-outline-of-national-standards-for-out-of-home-care-2011?HTML

⁵⁰ Department of Families, Housing, Community Services and Indigenous Affairs, 2013, *Annual Report to the Council of Australian Governments, 2011-2012, Protecting Children is Everyone's Business, National Framework for Protecting Australia's Children 2009-2020*. www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/protecting-children-is-everyones-business/protecting-children-is-everyone-s-business-national-framework-for-protecting-australia-s-children-2009-2020-annual-report-2011-12

4.4 The National Partnership Agreement on Homelessness

Under the National Partnership Agreement on Homelessness (NPAH), state and territory governments committed to implement a policy of 'no exits into homelessness' from statutory, custodial care and hospital, mental health and drug and alcohol services for those at risk of homelessness.⁵¹ Under this strategy, young people leaving child protection and juvenile justice systems were identified as a priority.

To support the implementation of the National Approach, the former Federal Government allocated \$1.2 billion of new funding in conjunction with \$4.9 billion from State and Territory governments for homelessness and housing programs for 2008-2013.

As outlined in this review, NPAH funding has enabled the development of new initiatives which provide accommodation with support for young people transitioning from OOHC across most states and territories. However, with the current NPAH about to finish at the end of June 2014, the continuation of these initiatives is uncertain.

4.4 Transition to Independent Living Allowance

The Transition to Independent Living Allowance (TILA) is an Australian Government payment of up to \$1500 per person to assist young people leaving care to meet some of the costs associated with the transition to 'independent living'.

The TILA program commenced in 2003 and was initially targeted at young people leaving statutory care. In 2005, the target group was broadened to include young people in informal kinship care arrangements and juvenile detention.

Further changes were made in 2009 which reduced the eligibility age to 20 and required young people to claim TILA within 24 months of leaving care. UnitingCare CYPF was very concerned about the impact of this change and made a number of representations to the Commonwealth to reverse it.

⁵¹ See www.fahcsia.gov.au/our-responsibilities/housing-support/programs-services/homelessness/national-partnership-agreement-on-homelessness

As a result of combined sector advocacy, the Government commissioned a review of TILA in 2011. UnitingCare CYPF participated in consultations and advocated for the 2009 changes to be reversed. After the consultations concluded, we continued to make representations to the Government on TILA as the findings were not released nor any decision made.

On 12 August 2013, the former Government announced changes to TILA which came into effect on 1 January 2014. These changes included removing the time limit to access TILA and raising the age limit back to 25. This is a positive change which UnitingCare CYPF supported.

However, young people in informal care no longer have access to TILA. This includes young people in kinship care; informal OOHC, juvenile justice and specialist homelessness services. This change means a significant number of vulnerable and disadvantaged young people who would previously have had access to the payment now lose access to this support.

There are also some changes to the process for payment of TILA. Previously, TILA has been paid in a lump sum. Under the new guidelines, TILA can be received as a single payment or in up to six instalments.⁵² The timing of TILA is to be agreed by the young person and the case worker, and align with the goals outlined in the young person's transition to independence plan.⁵³

Also, payment of TILA was previously managed by an NGO in each state/territory. The Federal Government has indicated that the payment process will now be handled by the Department of Human Services (the Department of Social Services has responsibility for TILA).

The new process was meant to be operational from 1 January this year. However, at the time of writing this report, there are major unresolved issues regarding the payment process. The Federal Department of Social Security needs to enter into arrangements with each state government agency that has responsibility for the OOHC system. DSS and FACS have not reached

⁵² Department of Social Services, 2014, *Transition to Independent Living (TILA) Program Guidelines*, www.dss.gov.au/our-responsibilities/families-and-children/benefits-payments/transition-to-independent-living-allowance-tila/transition-to-independent-living-allowance-tila-program-guidelines

⁵³ Department of Social Services, 2014, *Transition to Independent Living (TILA) Program Guidelines*, www.dss.gov.au/our-responsibilities/families-and-children/benefits-payments/transition-to-independent-living-allowance-tila/transition-to-independent-living-allowance-tila-program-guidelines

agreement on the payment process as FACS felt that the process DSS was wanting would be convoluted and take too long for the money to reach the young person. In the interim young people are not able to apply for or access to TILA to support their transition from OOHC. The Social Justice Unit is continuing to monitor this issue and will consider advocacy strategies if the issue is not resolved shortly.

There will be an evaluation of the new TILA process after 12 months.

5. Policy frameworks at state/territory level

5.1 NSW

Legislative and policy provisions

According to data from the Australian Institute of Health and Welfare, 1,199 young people living in NSW, aged 15 to 17 were discharged from OOHC in 2011-12.⁵⁴

Section 165 of the *Children and Young Persons (Care and Protection) Act* 1998 provides the Minister with discretion to provide assistance to children or young people aged 15 or above who leave OOHC until they reach 25. The Minister also has discretion to provide assistance to care leavers who are aged over 25.

Under the Act, designated agencies with supervisory responsibility for a child or young person in OOHC have responsibilities to prepare the young person in their care for leaving OOHC.⁵⁵ The Act requires designated agencies to prepare and implement a plan, in consultation with the young person, before the young person leaves OOHC.

The Ministerial Guidelines on the provision of assistance after leaving out-of-home care⁵⁶ also state that the designated agency responsible for supervising a young person's last placement (where that placement was longer than 12 months) should offer follow-up to the young care leaver at regular intervals in the years following his or her exit from care.

The Guidelines state that planning should occur at least 12 months before leaving care and the young person should be involved in the planning process. For young people with disabilities in care, a referral should be made to the NSW Department of Ageing, Disability and Home Care when they turn

⁵⁴ Australian Institute of Health and Welfare, 2012, *Child Protection Australia 2011-2012*, Child Welfare Series 55, Australian Government, Canberra, p 77.

⁵⁵ *Children and Young Persons (Care and Protection Act) 1998*, www.austlii.edu.au/au/legis/nsw/consol_act/caypapa1998442

⁵⁶ NSW Government, 2008, *Guidelines on the provision of assistance after leaving out-of-home care*, www.community.nsw.gov.au/docswr/_assets/main/documents/oohc_ministerial_guidelines.pdf

15, or two years before expiry of the order. However, both the NSW Standards for Statutory Out-of-Home Care (2010)⁵⁷ and the Community Services' practice guidelines (2011)⁵⁸ state that leaving care planning should begin for all young people in care when the young person turns 15.

However, a Create survey and two reviews by the NSW Ombudsman of leaving care arrangements have all found a wide gap between policy and practice in leaving care planning and implementation.

The 2011 Create survey found large state and territory differences in leaving care planning, with NSW and Tasmania performing particularly poorly.⁵⁹ Fewer young people in these jurisdictions had leaving care plans and those that did have plans had low levels of confidence in the plans being useful.

This echoed the findings of a review of leaving care arrangements conducted by the NSW Ombudsman in 2009. The review found that most of the young people in the sample group left statutory care without an endorsed leaving care plan. The review also found that the Ministerial Guidelines on aftercare assistance are not being implemented consistently.⁶⁰

In August 2013, the NSW Ombudsman published a report on a follow-up review which looked at a group of 90 young people who left care in the last quarter of 2011.⁶¹ The review found that there had been no significant improvement in leaving care practice since 2009. As in 2009, a large majority (78%) of the group left care without an endorsed plan. Without this endorsement, a young person is unable to access financial support to assist them in their transition to independence at the time they leave care.

⁵⁷ www.kidsguardian.nsw.gov.au/accreditation/nsw-out-of-home-care-standards

⁵⁸ McDowall, J., 2011, *Transitioning from care in Australia, an evaluation of CREATE's What's the Plan campaign*, Create Foundation, www.create.org.au/files/file/CREATE_ReportCard2011webR211.pdf ,

⁶⁰ NSW Ombudsman, 2010, Final report, Review by the NSW Ombudsman of the planning and support provided by Community Services to a group of young people leaving statutory care, www.ombo.nsw.gov.au/__data/assets/pdf_file/0011/3305/Review-by-the-Ombudsman-of-planning-and-support-provided-by-Community-Services.pdf

⁶¹ NSW Ombudsman, 2013, *The continuing need to better support young people leaving care, Report under section 13 of the Community services (Complaints, Reviews and Monitoring Act 1993)*, www.ombo.nsw.gov.au/__data/assets/pdf_file/0017/10880/The-continuing-need-to-better-support-young-people-leaving-care-web.pdf

The 90 care leavers in the Ombudsman's review group included 10 in non-government organisation placements. Of these 10, two young people left care without a plan. The remaining eight young people left care with a plan but none was endorsed by Community Services. The Ombudsman assessed planning and support as inadequate for six care leavers in NGO placements, including a case where liaison and information exchange between the NGO, Community Services and Juvenile Justice appeared to be inadequate.

The review identified particular concerns about the adequacy of planning including:

- delays in assessing victim's compensation claims
- lack of consultation with other key agencies, in particular a failure to work with Juvenile Justice to develop plans for young people in custody
- a high proportion of Aboriginal young people leaving care without adequate planning, including in relation to cultural identity
- a failure to address the specific needs of high risk young people, including, for example, plans for young parents which did not consider their need for support in parenting.

Under the Ministerial Guidelines, financial support after leaving care must be based on assessed need, consistent with the leaving care and approved by a Regional Director of Community Services. The NSW Ombudsman reviews in 2009 and 2011 both identified significant problems with Community Services' processes for approving financial assistance to care leavers in a timely fashion.

Our staff also report that accessing financial support for young people from Community Services to support implementation of leaving care plans often requires intensive advocacy even where the Department has previously approved leaving care plans. The process for making submissions to Community Services for contingency funding is cumbersome and time consuming. Representatives of other aftercare programs attending the ACWA Leaving care/Aftercare working Group report similar concerns and identify that success in obtaining financial support often depends on the approach taken by the Community Service Centre and by individual case managers or case workers.

Our aftercare staff have also raised concerns that young people are not eligible for financial support if they were aged 15 or over when they came into care.⁶²

Key initiatives

Funding of specialist aftercare services

In 1996, NSW became the first state to introduce state-wide services for care leavers.⁶³ This funding was provided in response to the findings of the 1997 Wood Royal Commission report into Police Corruption and a longitudinal study by Cashmore and Paxton which both highlighted the poor outcomes of young people who are transitioning from OOHC.

As well as providing aftercare support, the programs have a consultative role in supporting OOHC agencies and FACS to develop leaving care plans with young people. This also provides an opportunity for the workers to build rapport with the young person and assess their needs for aftercare support.

In the last decade, we have seen the numbers of children and young people in care continue to grow. In this time, there have been only small increases to funding for aftercare services since their establishment, which fall far short of matching the increased number of young people in OOHC over the same time period.

There are also geographical gaps in the provision of specialist aftercare services particularly in regional and rural areas of the state. In the review of support for young people who are leaving care, the NSW Ombudsman commented that,

... it is noteworthy that there is no funded specialist aftercare service operating in the State's Western region, where there are disproportionate numbers of Indigenous people.

The Ombudsman also noted that a number of young people with significant needs were not referred to an aftercare service.

⁶² See Family and Community Services, 2009, Financial support for children and young people in OOHC, policy and guidelines, www.community.nsw.gov.au/docswr/_assets/main/lib100044/financial_support_cyp_oohc.pdf

⁶³ Mendes, P. et al, 2011, op cit, p 61.

These services are funded by Community Services under 'OOHC non-placement services' funding. Community Services has been conducting a review of these services, but the outcomes of this review is still unknown.

The 2012-2013 Department of Family and Community Services annual report indicates that the Department trialled an alternative approach to provision of services to young people leaving OOHC through the *Stepping Out Starting Off* project.⁶⁴ The project was funded under the NPAH until the end of December 2013. The program was delivered by five NGOs and trialled individualised funding packages for 140 young people leaving statutory care in the Hunter, Northern and Western regions. The model seeks to respond to the individual needs of each individual care leaver with flexible and timely access to funding and services. The focus is on participation in education, training and employment and ensuring young people exit care into sustainable housing. An evaluation of the trial is currently being completed. Depending on the findings of the evaluation, the model used in the trial is likely to be influential in FACS consideration of future funding of aftercare support.

Leaving Care Program for young people with disabilities

The Leaving Care program is operated by Ageing, Disability and Home Care, (ADHC) and provides support to young people with a disability aged 15 to 25 to transition from care to live in the community as young adults. In 2012-13, 501 young people accessed the program.⁶⁵ Over the three years to 2015-2016, it is anticipated that there will be a further 350 places in the program, reflecting the Government's commitment under Stronger Together 2.

The program uses a holistic and flexible person-centred approach. It has a particular focus on reducing the incidence of young people with a disability who are homeless or at risk of becoming homeless, or are involved in or at risk of becoming involved in the criminal justice system.⁶⁶

⁶⁴ Department of Family and Community Services, 2013, *Family and Community Services Annual Report 2013*, www.facs.nsw.gov.au/__data/assets/file/0010/279037/3005_FACS_AR_2012-13_WEB_FACS_R.pdf

⁶⁵ Family and Community Services, *Annual Report 2012-2013*.

⁶⁶ Family and Community Services, 2013, *Leaving care guidelines*, version 1.1, NSW Government, www.adhc.nsw.gov.au/__data/assets/file/0005/228317/Leaving_Care_Program_Guidelines_Version_1_1_Feb_2013.pdf

Individual, portable funding is allocated to each young person which moves with them as their support needs change, within and between regions.

Young people using the program can choose from different accommodation options including: remaining with a foster carer, living in a group home, or living in the community in private rental or social housing, with a range of supports, such as personal care and case management.

The program also has a focus on building social connections and participation in community activities. This also includes access to a mentor to help them to develop skills and confidence.

Housing support

A priority under the NSW Homelessness Action Plan is to transition and maintain people exiting statutory care, correctional or health facilities into appropriate long-term accommodation. The plan states that young people leaving statutory care or juvenile justice centres will be discharged under a policy of '*no exits into homelessness.*'⁶⁷

Young People Leaving Care Support Service

The Young People Leaving Care Support Service operates across the NSW North Coast (Mid North Coast and Far North Coast) and provides case management support to young people who have previously been in OOHC and who are at risk of homelessness. The project is funded under the NPAH and is part of the NSW Homelessness Action Plan. It is run by the SWITCH consortium and the lead agency is the Northern Rivers Social Development Council. It works in tandem with a second project funded under HAP for young people exiting juvenile justice centres.

The project provides case management support for young people who are transitioning from care aged 16 to 25 years in two streams:

- early intervention
- case management.

The project has a strong outreach focus, with caseworkers out-posted with other youth services across the region. The duration of support is 12 months

⁶⁷ NSW Government, circa 2009, *A way home,; reducing homelessness in NSW, NSW homelessness action plan 2009-2014*, p16, www.housing.nsw.gov.au/NR/rdonlyres/070B5937-55E1-4948-A98F-ABB9774EB420/0/NSWHomelessnessActionPlan.pdf

with the option to extend this if needed. The service model is organised around three broad stages:

- stage one is focused on stabilising accommodation and developing individual case plans
- stage two is focused on implementing the case plan and engagement with education, training and employment, as well as sustaining tenancies and developing skills for independent living
- stage three consolidates gains and allows for transition to mainstream supports.

The evaluation of the pilot project found that there were positive outcomes for young people including: sustained tenancies; completion of leaving care plans for young people who had previously disengaged from Community Services; support for young parents and women who are pregnant; improved engagement with education, training or employment for some young people; and self-reported improvements in quality of life and hope for the future. However, these findings were largely based on qualitative, descriptive data only.⁶⁸

The evaluation identifies that one of the strengths of the program was its effectiveness for Aboriginal young people. Of the 59 clients assisted during the two-year pilot phase, 29 were Aboriginal (45%). Program staffing included the use of Aboriginal trainees who graduated into 'junior' casework roles.

The evaluation found that key success factors for the project included:

- extensive service networking and collaborative approach
- strong caseworker engagement with young people including prompt follow-up of clients and a flexible and proactive approach.
- support duration of 12 months which is longer than many other programs (for example, ACE works within a timeframe of up to six months). This enables consolidation of skills learnt, stabilisation of housing and other complex issues, and time to recover from any setbacks.

⁶⁸ WestWood Spice, 2013, Final evaluation report for project 2.22, young people leaving care support service – north coast, www.housing.nsw.gov.au/NR/rdonlyres/99A0DB8A-B56F-475A-B6A5-DAC57D49141B/0/YoungPeopleLeavingCareNorthCoast.pdf

It is notable that a key challenge identified by the project was the lack of suitable, affordable accommodation for young people. This was exacerbated by the low levels of income support available to young people. While the project '*made great strides*' in ameliorating factors such as real estate prejudice and strengthened young people's skills in sustaining tenancy, '*the fact remains that there are insufficient properties to meet demand*'.⁶⁹

Also many young people were referred to the program within weeks of their due date for leaving care and already in housing crisis. Often no support had been provided by their OOHC provider to identify and obtain housing. This limited opportunities for early intervention.

A second project funded under the NPAH, *Assisting Aboriginal Young People Leaving Care*, operates in five local government areas on the South Coast of NSW. The project is delivered by the Illawarra Aboriginal Corporation. engages with clients at an early stage, to provide generalist case management support, coordinate appropriate accommodation, mentoring, links to school, education, employment, skills development, reconnection to kin where appropriate and access to broader services.

As noted previously with the current NPAH about to finish at the end of June 2014, the continuation of these initiatives is uncertain.

OOHC Supported Independent Living Program

The OOHC Supported Independent Living Program provides an integrated accommodation and support program that is designed to assist the transition from care to independent living, through provision of public or private rental accommodation, case management and support services for up to 24 months. The target group is young people aged 16 to 18 who are in statutory care and who are:

- unable to continue living with foster carers or return home
- leaving out-of-home care to live independently or who have left and out of home care placement but who require support to successfully transition to independence; and
- have been assessed as having the capacity to live independently after a period of support.

⁶⁹ Ibid, p 7.

The program is provided by NGOs such as Marist Youth Services, Mercy Family Services and Anglicare. The guidelines specify three semi-independent accommodation models –supported tenancies (most intensive support), lead tenant households, and supported shared housing (least intensive support).

Support services include independent living skills training, education, training and employment assistance, support to build social networks and peer mentoring support, and linking to health and counselling services.

The caseworker also retains responsibility for effectively managing and implementing the young person’s aftercare plan after the young person has exited the program.⁷⁰

5.2 ACT

Legislative and policy provisions

In December 2011, the ACT *Children and Young People Act 2008*⁷¹ was amended to include specific provisions regarding transitioning from out-of-home care to adulthood. The Act provides that aftercare services and support can be provided to young people up to the age of 25. However, provision of this assistance remains discretionary and the Director-General is not required to fund any of the assistance needed.

The Act provides that the Director-General must prepare a transition plan for a young person in OOHC who is at least 15 years old and that the Director-General ‘*must take reasonable steps to ensure that the plan is implemented.*’

The Community Services Directorate is currently reviewing challenges facing the ACT’s OOHC system to inform the development of a five year OOHC strategy. The Issues Paper identifies transitions from formal OOHC as one of 10 key issues to be addressed in the strategy.⁷² A review of international

⁷⁰ See

www.community.nsw.gov.au/docswr/_assets/main/documents/oohc_supported_independent_living.pdf

⁷¹ ACT Government, *Children and Young People Act 2008*, www.legislation.act.gov.au/a/2008-19/current/pdf/2008-19.pdf

⁷² ACT Government, *Children and Young People Act 2008*, www.legislation.act.gov.au/a/2008-19/current/pdf/2008-19.pdf

⁷² Community Services Directorate, ACT Government, circa 2013, *Out of Home Care Strategy Issues Paper*, www.communityservices.act.gov.au/__data/assets/pdf_file/0010/488260/Out-of-Home-Care-Strategy-Issues-Paper.pdf

evidence has been conducted to inform the development of the OOHC strategy. Notably, the review recommends that the ACT Government extend care to the age of 21. This should include a range of options including foster care, kinship care, lead tenant or other supervised living arrangements.⁷³

Key initiatives

The Office for Children, Youth and Family Support has developed protocols with a number of key government and non-government agencies to ensure priority access to services for young people who are in care or who have been in care. Protocols have been developed with Centrelink, the ACT Departments of Health and Education and Training, ACT Housing and Community Services, Canberra Institute of Technology, the Junction Youth Health Service, and Headspace ACT.

As required by the changes to the legislation, over the past two years, the Government has extended services for young people transitioning from OOHC beyond the age of 18 up to 25 years.⁷⁴ The Government allocated \$2.07 million over four years in the 2011-12 Budget to fund the Youth Support and Transition Team. It is a specialised team which works alongside the caseworkers, to provide support until the age of 25. They are involved in transition planning for young people from when they are 15 and this includes case conferences when the young person is 16 and 17. The service aims to provide a one-stop-shop where young people can drop-in to access information, supports and assistance such as mentoring, counselling and access to the young person's personal records. The approach also recognises that planning processes need to facilitate a 'whole of system' or integrated response to the needs of these young people to support an effective transition.

Housing/accommodation support

Housing ACT also provides specialist Youth Housing Managers to support young people aged 16 to 25 years who are transitioning from OOHC and/or justice settings into public and community housing. Young people who transition into public housing receive ongoing support from the Youth Housing

⁷³ Schlonsky, A., Kertesz, M., Macvean, M., Petrovic, Z., Devine, B., Falkiner, J., D'Esposito, F, Mildon, R., 2013, *Evidence review: analysis of the evidence for Out-of-Home Care Final Report*, Parenting Research Centre and the University of Melbourne, Commissioned by the Community Services Directorate of the ACT Government.

⁷⁴ Department of Families, Housing, Community Services and Indigenous Affairs, 2012, op cit.

Manager to sustain their tenancy, and engage in education and employment opportunities.

5.3 Western Australia

Legislative and policy provisions

Under the Western Australian *Children and Community Services Act 2004*⁷⁵ Act 2004, the Department of Child Protection has a clear statutory obligation to provide appropriate leaving and aftercare services to young people who are transitioning or have left the CEO's care to independent living. Specifically, the Department must ensure that all young people leaving the CEO's care are provided with social services appropriate to their care plan. This includes ensuring that the young person is provided with services to assist them to: obtain accommodation; undertake education and training; obtain employment; obtain legal advice; and to access counselling and health services. Young people leaving care are eligible to receive this support until they reach 25 years of age.

The revised *Leaving Care Policy*⁷⁶ and the Department for Child Protection's *Planning and Procedure Requirements for Leaving Care & Aftercare*⁷⁷ focus on:

- improving the preparation and planning for leaving care
- ensuring that young people's transition from care is well organised and gradual
- providing appropriate support for young people after leaving care.

The Leaving Care Policy specifies that planning for leaving care should begin when a young person reaches 15 years of age. For a young person who enters care after the age of 15 years, it should begin immediately.

⁷⁵ Western Australian Government, 2004, *Children and Community Services Act 2004*, Part 4, Division 6, [www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:4803P/\\$FILE/Children%20and%20Community%20Services%20Act%202004%20-%20\[00-00-03\].pdf?OpenElement](http://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:4803P/$FILE/Children%20and%20Community%20Services%20Act%202004%20-%20[00-00-03].pdf?OpenElement)

⁷⁶ Department for Child Protection, 2011, *Leaving Care Policy*, Government of Western Australia, www.dcp.wa.gov.au/Resources/Documents/Policies%20and%20Frameworks/LeavingCarePolicy2011.pdf

⁷⁷ Department of Child Protection, 2011, *Planning & Procedure Requirements, Leaving Care and Aftercare*, www.unitingcommunities.org/homelink

Leaving and aftercare service model

Western Australia uses a three phased model of leaving care, with key tasks to be undertaken in each phase: preparation; transition to independence; and aftercare (this aligns with the three phases in the Nationally Consistent Approach to Planning).⁷⁸

The Department's *Planning and Procedure Requirements for Leaving and Aftercare* sets out the key areas that need to be addressed by case workers across each phase and as the young person reaches the age of 15, 16, 17 and 18.⁷⁹

The Department for Child Protection funds three Leaving Care Services to provide preparation for leaving and aftercare support services. These services assist young people throughout the transition from care, and can start to work with them from 16 years of age in metropolitan areas, and 14 years of age in country areas, and until they turn 25. Young people can enter or re-enter the program at any stage. The service model is based on the three stage model of preparation for independence.

Key initiatives

The 2010-11 Annual Report to COAG on the National Framework for Protecting Australia's Children 2009-2020⁸⁰ identifies that the Western Australia Department for Child Protection implemented the following initiatives to improve transitions for young people as they leave care:

- increased funding for individualised funding packages to support young people leaving care
- funded a program to provide young women and young mothers leaving child protection services with suitable transitional accommodation (see

⁷⁸ Department of Families, Housing, Community Services and Indigenous Affairs, 2012a, *Supporting young people transitioning from out-of-home care to independence in Australia: good practice in 2011/12*, www.fahcsia.gov.au/our-responsibilities/families-and-children/publications-articles/supporting-young-people-transitioning-from-out-of-home-care-to-independence-in-australia-good-practice-in-2011/12-2012

⁷⁹ See

www.dcp.wa.gov.au/ChildrenInCare/Documents/LeavingCarePlanningAndProcessMap.pdf

⁸⁰ Department of Families, Housing, Community Services and Indigenous Affairs, 2012b, *Annual Report to the Council of Australian Governments, 2010-2011, Protecting Children is Everyone's Business, National Framework for Protecting Australia's Children 2009-2020*

below). In addition, the foyer service for young people will allocate dedicated units for young people leaving care.

- completed a review of its policy and practice for supporting young people preparing to leave care and those who have already left care. Work is continuing on strengthening collaborative practice between the Department, carers and partner agencies.

Rapid Response in Western Australia is a cross-government framework and action plan that prioritises services to children and young people in care. Through the *Rapid Response* initiative, several partnerships have been developed to support young people in their transition from care to independence:

- An agreement with the Department of Housing that enables all young people in care to register from 15 years of age on the priority Housing Needs Register.
- Waiver of fees for TAFE courses to encourage young people leaving care to participate in further education.

The Department for Child Protection also provides funds, where necessary, to support all young people leaving care to obtain a driver's license.

Housing and accommodation support

The Parkerville Children and Youth Care's Young Women's Program, funded through the NPAH, provides independent living options and living skills development to assist young women, including young mothers, leaving child protection services. This program includes living skills training, education programs, mediation, family and parenting support, employment, training and counselling.

5.4 Victoria

Legislative and policy provisions

Section 16 (1) of the Victorian *Children Youth and Families Act 2005* appears to oblige the Government to provide services that support young people up to 21 years, to make the transition to independent living.⁸¹ This may include providing assistance with: information, 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.

However, section 16(2) of the Act states that these responsibilities '*do not create any right or entitlement enforceable at law*'. As Mendes et al point out, this suggests that leaving care programs are discretionary, and care leavers do not actually have any legal right to receive support services.⁸²

Nonetheless, as outlined below, the Victorian Government has invested significant funding to strengthen supports for young people leaving care, particularly in the areas of education and housing/accommodation support.

The Victorian practice framework for transition planning for leaving provides guidance to care providers and case managers on transition planning, review and recording processes.⁸³ The approach set out in the practice framework aligns with the nationally consistent approach to planning and is based on the three phases of transition: preparation, transition, post-care support. It emphasises that transition planning should be inclusive of young people, their family and significant others. The process should be well-coordinated and tailored to the individual needs of the young person.

⁸¹ State Government Victoria, 2005, *Children Youth and Families Act 2005*, [www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08af/15A4CD9FB84C7196CA2570D00022769A/\\$FILE/05-096a.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08af/15A4CD9FB84C7196CA2570D00022769A/$FILE/05-096a.pdf)

⁸² Mendes et al , 2011, op cit., p 61.

⁸³ Victorian Government, 2012, *Care and transition planning for leaving care; Victorian Practice Framework*, www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/care-and-transition-planning-for-leaving-care-framework

Key initiatives

Education

The 2010-11 Annual Report to COAG on the *National Framework for Protecting Australia's Children 2009-2020*⁸⁴ identifies that the Victorian Government committed an additional \$16.9 million over four years to improve education support for young people leaving care.

The Government recently established the *Springboard* program to assist young people leaving residential care to access education and employment. It provides intensive support to young people aged 16-21 leaving residential care or who have recently left care. Twelve community-based organisations have been funded across the State to deliver the program.⁸⁵ To ensure linkages with mainstream employment agencies, the program is being delivered by NGOs that are providers of the Commonwealth's Government Youth Connections program.

The Springboard service delivery model includes:

- assessment, planning and service provision that is holistic, flexible, individually tailored and responsive to the young people's needs, choices and circumstances
- flexible outreach to assist young people to engage, or re-engage, in education, training and/or employment and prepare them for long-term sustainable employment
- strong links with the Department of Human Services, residential out-of-home care providers, post-care support information and referral services and other relevant services
- a culturally competent service that is responsive to the needs of Aboriginal young people and those from diverse cultural backgrounds.

⁸⁴Department of Families, Housing, Community Services and Indigenous Affairs, 2012b, *Annual Report to the Council of Australian Governments, 2010-2011, Protecting Children is Everyone's Business, National Framework for Protecting Australia's Children 2009-2020*, www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/protecting-children-is-everyones-business/protecting-children-is-everyone-s-business-national-framework-for-protecting-australia-s-children-2009-2020-annual-report-2010-11

⁸⁵ See www.dhs.vic.gov.au/about-the-department/plans,-programs-and-projects/programs/youth-specific/springboard-intensive-education-and-employment

Springboard providers are also funded to help with education expenses, such as equipment, transport and individual tuition.⁸⁶

The Victorian Government also provides 'zero-fee' training places for young people living in out-of-home care or who are aged 21 or under who have recently transitioned from care.⁸⁷

Housing and accommodation support

The Office of Housing funds *Young People Leaving Care Housing and Support Initiatives* (YPLCH&SI) across all of the eight Department of Human Service regions, including an Aboriginal specific initiative managed by the Victorian Aboriginal Child Care Agency. These initiatives assist young people aged 16 to 21 years who are at risk of homelessness (for example, they may have limited community connections) and are assessed as being able to move to sustainable independent living within two years.

The initiatives provide:

- input into the case planning and assessment of young people 12 months before they leave care
- case managed support to young people for up to two years (12 months pre and post-exit), including: assisting young people to develop life skills; accessing housing and accommodation options; links into community supports and employment; education and training options
- access to transitional housing properties specially allocated to the leaving care initiative as well as general transitional housing stock.

The 2010-11 Annual Report to COAG on the National Framework for Protecting Australia's Children 2009-2020⁸⁸ identifies that the Victorian Government has also taken the following action to implement a policy of 'no exits into homelessness' from statutory care:

- two-new foyer-like models, with 'in-house' education, training and employment supports, are being trialled in Ballarat and Warrnambool. At that time, three more were planned for the Melbourne area.

⁸⁶ State Government Victoria, 2012, Research and support to help young care-leavers, Media release, 2 October 2012, www.premier.vic.gov.au/media-centre/media-releases/5016-research-and-support-to-help-young-care-leavers.html

⁸⁷ State Government of Victoria, 2012, *Victoria's Vulnerable Children, a shared responsibility, Directions Paper*,

www.dhs.vic.gov.au/___data/assets/pdf_file/0005/709439/directions_paper_may_2012.pdf

⁸⁸ Department of Families, Housing, Community Services and Indigenous Affairs, 2012, op cit.

- funded Melbourne City Mission to operate a centralised Leaving Care Helpline.

Leaving Care Cluster Housing Model

In 2011, MacKillop Family Services began operation of the pilot Leaving Care Cluster Housing and Support Model in the southern region of Melbourne. The model is targeted to young people aged 16-18 who no longer need the highly structured models of residential care, or home based care, and yet still need support to live semi-independently. It provides an incremental, staged pathway to independent living.⁸⁹

Cluster housing consists of a small number of homes on a single site, with various levels of on-site and off-site support depending on the level of needs of the residents. The advantages of the model for young people transitioning from care is that it provides a home-like environment with support to learn a range of independent living skills, in preparation for leaving care. The model also allows young people with higher needs to live with a lead tenant on the cluster site.

The housing has been purchased by the Department of Human Services for the purpose of the pilot. It comprises four houses on a single site, and accommodates young people as follows:

- House one - one young person preparing to leave care and one lead tenant
- House two – two young people preparing to leave care and one tenant
- House three – one young person living alone, transitioning from care

The young people living alone are also able to go to the lead tenant for support but are expected to be able to sustain their accommodation using off-site and outreach support. Each young person has a 'care team' comprising key support staff. In addition to a case manager, and depending on the young person's needs, the care team may include a drug and alcohol worker, youth justice worker and/or other support staff. Young people also receive assistance to explore a range of housing options and support to re-establish relationships with family.

⁸⁹ Craig, C., Halfpenny, N., and Stockley, C., 2012 'Incremental transitions from care: the cluster housing model', *developing practice*, no 33, Spring.

The model also has some capacity for the continuation of accommodation and support for some young people to remain after the expiry of their custody order or guardianship order at age 18.

MacKillop is measuring outcomes for the young people using a framework from the UK which was specifically designed for use with young people experiencing, or at risk of, homelessness (the 'Outcomes Star'). The framework is also a useful tool for young people to monitor and plan for change in their lives, as it is completed by the young person with support from a case worker.

Aboriginal young people leaving care

The Victorian Government is developing a state-wide initiative to provide culturally appropriate support for Aboriginal young people aged 16 to 21 years of age who are transitioning from out-of-home care. Department of Human Services regions are working with local Aboriginal Community Controlled Organisations on developing models of support that best suit local communities.⁹⁰ Culturally appropriate support will be provided to Aboriginal young people aged 16 to 21, including both transition support and post-care assistance. Notably, eligibility will include Aboriginal young people who are in formal kinship care (and in exceptional circumstances informal kinship care) and those who are or have been on long-term guardianship orders.

Leaving Care Mentoring

The *Leaving Care Mentoring Program* matches a young person with a volunteer mentor who provides personal support. The young people also receive access to outings and activities to enhance community connectedness. Eligibility includes young people who are in care aged 15 or over and those who have left care up to the age of 21.

Other NGO initiatives

A number of Victorian non-government services have also independently established their own leaving care programs often without government funding.

⁹⁰ Human Services, *Transitioning from Out-of-home care: support for Aboriginal young people*, www.dhs.vic.gov.au/about-the-department/documents-and-resources/research,-data-and-statistics/transitioning-from-out-of-home-care-support-for-aboriginal-young-people-model

St Luke's Anglicare

In 2003 St Luke's Anglicare established a holistic leaving and aftercare support service for young people aged 16 to 21 in the Loddon Campaspe region. The program provides: case management and support; links to housing; transition units for independent living; living skills education; links to education, training or employment; family support and practical support.

The St Luke's model places a particularly strong emphasis on providing secure and safe housing as a key component of their service. St Luke's has facilitated access to a number of housing options including transitional units, public housing, private rental, private board arrangements, and head-leased properties. According to Mendes, the service has been particularly effective in providing care leavers with a successful transition into secure housing. As a result, the service was able to gain ongoing funding from the Victorian Department of Human Services and the Office of Housing.⁹¹

The program also works in partnership with Whitelion's mentoring program to link young people with community mentors who provide support to access training and employment. They also promote participation in social and recreational activities.

Berry St

The *Stand by Me* pilot program is an intensive case management support program for young people transitioning from OOHC which has been adapted from the UK Personal Advisor model (see section 6.1).⁹² The program has incorporated the key element of the Personal Adviser role which is to establish strong personal relationships over time, from in care to leaving care. While the UK model is a universal program, Stand by Me targets young people with complex behaviours and high support needs who are at risk of homelessness.⁹³

⁹¹ Mendes, P., 2012, 'Examining the health and mental health care needs and experiences of a group of young people transitioning from out of home care in rural Victoria', *Communities, Children and Families Australia*, 6:1.

⁹² Mendes P., 2014, *Leaving Care, or left alone? How not to fail young people transitioning from out-of-home care*, ABC Religion and Ethics, 13 February, www.abc.net.au/religion/articles/2014/02/13/3944328.htm

⁹³ Mendes, P. and Meade, S., Berry St Stand By Me literature review, draft, Social inclusion and social policy unit, Monash University, www.academia.edu/4771238/BERRY_STREET_STAND_BY_ME_LITERATURE_REVIEW_BY_PHILIP_MENDES_AND_SUE_MEADE_Social_Inclusion_and_Social_Policy_Research_Unit_Monash_University_-_DRAFT_ONLY

The program uses an early intervention approach by engaging with the young person whilst they are still in care and then continues to work with them more intensively post care. It emphasises assistance with gaining accommodation, building living skills and development of sustainable social and community connections.

Philip Mendes at Monash University is currently completing the interim evaluation. Early findings highlight the value of establishing ongoing and consistent relationship support to care leavers from 16 to 21 years, maintaining links with education and training, promoting positive contact with family members and establishing suitable accommodation options (in Victoria aftercare support is only provided to young people until the age of 21).⁹⁴

5.5 South Australia

Legislative and policy provisions

The South Australia *Children's Protection Act 1993* states that the Minister should 'endeavour' to,

assist in the provision of, services to assist persons who, as children, have been under the guardianship or in the custody of the Minister, to prepare for transition to adulthood.⁹⁵

The South Australian Standards of Alternate Care specify that planning for young people leaving care will occur for each young person from 15 years and '*gain clarity and intensity*' as the young person approaches 18 years and/or their planned exit from care.⁹⁶

⁹⁴ Mendes, P., 2014, op cit.

⁹⁵ South Australia *Children's Protection Act 1993*, Division 1, p11.

⁹⁶ Department for Families and Communities, 2008, *Standards of Alternative Care in South Australia, Government of South Australia*, www.sa.gov.au/upload/franchise/Community%20support/Carers/Foster%20care/StdsofAltCareBooklet.pdf

Key initiatives

Rapid Response

The South Australian *Rapid Response Framework* was developed in 2007 to provide a whole-of-government service response for children and young people in out-of-home care and post-care to 25 years.⁹⁷ *Rapid Response* is underpinned by a set of principles which include a commitment to *priority access to services* to ensure children and young people under guardianship receive relevant supports and services, such as housing, education and training and healthcare.

Rapid Response includes a focus on provision of transition planning from care, including post-guardianship support. Recently, there has been emphasis on strengthening service responses for care leavers to access further training and education.⁹⁸ In August 2012, the South Australian Government announced that all people from the age of 16 years who were formerly or are currently under guardianship of the Minister, will be eligible for a full fee waiver for all subsidised courses which attract a course fee. This removes the former 25 year cut-off age. It recognises that many people who have been in the care system take years to decide what career path to take or to achieve the personal skills, confidence or stable life circumstances to enable them to commit to further study. TAFE SA has also implemented a sub-quota which means that in competitive courses (where there are more applicants than places), 5% of places are quarantined for young people under Guardianship. Automatic entry is available in non-competitive courses.

Under Rapid Response, the Department of Education and Community Services will also ensure that each young person has access to an appropriately skilled career advisor to support informed decision-making. This will be documented in the young person's education plan.

The *Rapid Response Framework* requires annual reporting from partner agencies across government and includes capacity for continuous improvement through monitoring and evaluation by the Across Government Guardianship Steering Committee. The Committee includes representation

⁹⁷ Minister for Families and Communities, 2005, *Rapid Response, whole of government services for children and young people under the guardianship of the Minister*, Government of South Australia, www.decd.sa.gov.au/docs/documents/1/RapidResponseFramework.pdf

⁹⁸ Department of Families, Housing, Community Services and Indigenous Affairs, 2012, op cit.

from all relevant government agencies and the Guardian for Children and Young People.

Youth Support Teams

South Australia's *Youth Support Teams* operate within Families SA. Youth workers from *Youth Support Teams* engage with young people from the age of 15 and liaise with their allocated case manager throughout the young person's transitioning process. The youth worker provides support and practical assistance to assist the young person to gain the knowledge and skills needed to live independently. *Youth Support Teams* offer TAFE accredited tenancy and life skills training and work with young people up to the age of 25 years if required.

Health

The South Australian Health Department's Second Story Youth Service provides health assessments to young people under Guardianship. The aim is that young people have a review of their health at a time when they are planning for their transition out of care and are encouraged to engage with a youth health service they can access until they turn 26.⁹⁹ The South Australia Dental Agreement procedures also include priority of access for young people after they leave care.

Housing and accommodation support

The 2010-11 Annual Report to COAG on the *National Framework for Protecting Australia's Children 2009-2020* identifies that the Department for Families and Communities held a Sustainable Housing Workshop to discuss good practice, understand operational models and to identify joint strategies to support young people in their transitions from care into sustainable housing.¹⁰⁰ The outcomes from the workshop will be used to guide future reforms. This will include the development of protocols between Families SA, Housing SA and Disability SA on the provision of services for young people with a disability leaving care.

Muggy's Youth Accommodation Service, provided by the Salvation Army, provides medium to long-term accommodation and intensive support to young

⁹⁹ Create Foundation, 2009, Create Report Card 2009, op cit.

¹⁰⁰ Department of Families, Housing, Community Services and Indigenous Affairs, 2012, *Annual Report to the Council of Australian Governments, 2010-2011, Protecting Children is Everyone's Business, National Framework for Protecting Australia's Children 2009-2020*.

people aged 16 to 18 to support them in their transition to independence. Support is offered 24/7 and accommodation options range from congregate care to individual housing in the community. The program supports young people to develop independent living skills and to access educational or vocational programs.

Young people with a disability

Additional placement options and support services have been put in place for children with disabilities. These include the Uniting Communities Homelink service, which provides foster care for children and young people with intellectual disabilities with low to moderate needs, and has the capacity to provide ongoing family-based care post-care. Under Uniting Communities SA Home Link model, the referring agency maintains responsibility for the ongoing case management of the person; Uniting Communities SA recruits and supports carers who are contracted to provide quality home-based accommodation and care.¹⁰¹ For young people aged 18 years or older, the person pays a board and lodging fee which contributes towards use of their room, food and household utilities.

Eligibility of young people on long-term guardianship orders for aftercare support

In South Australia, young people subject to 'Other Person Guardianship' orders are eligible for aftercare services if they were under a Care and Protection Order for at least six months prior to changing to an other person guardianship arrangement, including formal kinship care (other person guardianship orders are similar to the proposed long-term guardianship orders in NSW).¹⁰²

¹⁰¹ See www.unitingcommunities.org/homelink

¹⁰² This information was obtained through communication with representatives of Families South Australia.

5.6 Queensland

Legislative and policy provisions

The *Queensland Child Protection Act 1999* includes only a general reference to provision of support to care leavers. Section 75 of the Act states that, ‘as far as practicable, the chief executive officer must ensure the child or person is provided with help in the transition from being a child in care to independence.’¹⁰³

In relation to young people on long-term guardianship orders, generally, the obligations of the Chief Executive are fully assumed by the long-term guardian once the young person leaves care. However, in unforeseen circumstances, where a young person is no longer living with or being supported by the guardian, the young person is eligible for transition from care casework and financial support after they turn 18.¹⁰⁴

The 2013 Queensland Child Protection Commission of Inquiry found that there are major gaps in transition planning and in the provision of post-care support.¹⁰⁵ There is also confusion over how long post-care support should last after a child leaves care.

The report suggests that ‘if the overall aim of reducing demand on the system, and ultimately reducing the number of children coming into out-of-home care, is achieved, the Child Safety officers will have more time to dedicate to planning for young people’s transition.’

The Commission recommended that:

- the Government develop a coordinated program of post-care support for young people until at least the age of 21, including priority access to government services in the areas of education, health, disability services, housing and employment services
- the Department of Communities, Child Safety and Disability Services fund non-government agencies to provide each young person leaving

¹⁰³ See www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf

¹⁰⁴ Policy statement, Transitioning from care into adulthood,

¹⁰⁵ Queensland Child Protection of Inquiry, 2013, *Taking Responsibility: a roadmap for Queensland Child Protection*,

care with a continuum of transition-from-care services, including transition planning and post-care case management and support.

Key initiatives

Housing and accommodation support

The 2010-2011 Annual Report to COAG on the National Child Protection Framework identifies that the Department of Communities is implementing the *Youth Housing and Reintegration Service (YHARS)* and *Aftercare Service*, through the Commonwealth *National Partnership Agreement on Homelessness*.¹⁰⁶ YHARS assists young people who are homeless or at risk of becoming homeless by providing support and access to a range of accommodation options. The target group includes young people who:

- have exited from care after being subject to a child protection order (who are 18 to 20 years old), or
- are transitioning from the care of the state.¹⁰⁷

Support services include:

- *Family and community living support* - improving social relationships, developing independent living skills, accessing appropriate services
- *Tenancy support* - facilitating access to housing options and assisting young people to maintain their tenancies
- *Learning and employment support* - linking young people with employment, training and education services.

YHARS has access to a range of accommodation options within each of the six service locations, for young people with low, moderate and high support needs.

Aftercare brokerage funds of up to \$3,500 per individual are available to support eligible young people across the state. Aftercare brokerage funds can be accessed through the YHARS providers but is not limited to the YHARS service locations and is available state wide to eligible young people who have exited from care and are aged between 18 and 20 years. When a young

¹⁰⁶ Department of Families, Housing, Community Services and Indigenous Affairs, 2012b, op cit.

¹⁰⁷ See www.communities.qld.gov.au/communityservices/youth/support-services-for-young-people/youth-housing-and-reintegration-service-yhars-and-after-care#more-information

person does not live close to one of the services, YHARS will negotiate with an appropriate local service to provide support to the young person.

Support for young people with disabilities who are transitioning from OOHC

The *Evolve Transition Officer* program is funded under COAG NPAH (\$6 million over four years). Funding is targeted towards providing a continuum of care to young people with disabilities who are turning 18 and transitioning from the care of the state to community-based living and independent adult life. The transition officers service regions across the state. They work with young people with disabilities once they turn 15 to plan their transition from care, and continue to work with them post care, until they are in stable and safe placements. Transition officers work with young people to develop independent living skills, explore employment opportunities, provide assistance with behaviour support, and facilitate ongoing support that is appropriate to the young person's needs.

5.7 Northern Territory

Legislative and policy provisions

The *Northern Territory Care and Protection of Children Act 2007*¹⁰⁸ specifies that the CEO must modify the case plan when the young person is about to leave care to identify the needs of the young person including living arrangements (sections 70 and 71).

Under section 86 of the Act, the CEO must ensure a young person who has left care is provided with 'child-related' services and other services the CEO 'considers appropriate'. These services may include: accommodation; education or training; employment; legal services; health services; and/or counselling services. Young people are entitled to this assistance up to the age of 25.

The transition from care policy has been reviewed with input from Create to meet the National Standards for OOHC and recommendations made by the Northern Territory Government Board of Inquiry into the child protection

¹⁰⁸ Northern Territory of Australia, *Care and Protection of Children Act*, As in force at 1 July 2012, [http://notes.nt.gov.au/dcm/legislat/legislat.nsf/2afcb7bfe1e1348e6925705a001697fb/184d2595c19aed6b69257a2e007d9ec5/\\$FILE/Repc093.pdf](http://notes.nt.gov.au/dcm/legislat/legislat.nsf/2afcb7bfe1e1348e6925705a001697fb/184d2595c19aed6b69257a2e007d9ec5/$FILE/Repc093.pdf)

system. The Department of Children and Family's policy now includes provision of support in relation to:

- education and training, including payment of tertiary fees, purchase of textbooks, relocation expenses to attend training or an educational facility, and driving lessons
- employment, including the purchase of uniforms, tools required for a position, safety equipment and relocation expenses.¹⁰⁹

Key initiatives

In 2010, the Northern Territory Government Board of Inquiry into the child protection system identified that the experiences of young people leaving care in the Territory could be enhanced through proactive planning by the Department of Children and Families and aftercare support, preferably provided by an NGO.¹¹⁰ In 2011, Anglicare NT was awarded a contract to provide an aftercare and brokerage service to young people transitioning from care. *Moving On* is a territory-wide service, which provides integrated assistance with accommodation, education and training, employment, legal, health and counselling services.

The Department of Children and Families has incorporated leaving care planning into core training for all staff. The Department is providing this training in partnership with Create and Anglicare NT.

5.8 Tasmania

Legislative and policy provisions

The *Planning for Leaving Care and Aftercare Support Policy*¹¹¹ specifies that planning should commence once a young person turns 15 and continue through annual case and care reviews until the care leaver turns 25.

However, the Tasmanian Commissioner for Children has recently issued a report which raises concern about the '*uncertain road*' many young people

¹⁰⁹ Department of Children and Families, 2011, *Annual Report, 2011-2021*, p114.

¹¹⁰ Northern Territory Government, 2012, *Child Protection Reform Progress Report*, vol 2, p12.

¹¹¹ Department of Health and Human Services, 2010, *Planning for Leaving Care and Aftercare Support*, 2009, www.fostercare.tas.gov.au/__data/assets/pdf_file/0003/38928/Planning_for_Leaving_Care_and_After_Care_Support.pdf

face when they leave state care.¹¹² As at 30 June 2012, only 20% of 15-18 year old care leavers had leaving care plans.

Key initiatives

Housing/accommodation support

In Tasmania, there are several programs which aim to ensure that young assist young people transitioning from out-of-home care do not exit into homelessness.

The *Young People Leaving Care Transition Program* is a joint initiative of Housing Tasmania and Children and Youth Services in Northern Tasmania to assist care leavers seeking accommodation. The program offers young care leavers an additional level of support and preferential access to public housing.¹¹³ The Program:

- identifies, at age 17, those young people likely to need assistance with affordable accommodation on leaving care
- requires participants to commit to a tripartite agreement between Housing Tasmania; the tenant and a support organisation for 12 months to secure a public housing property.

During the first six months leading up to their discharge from care (at age 18) the young person is supported by their Child Protection Worker. During the second period support is transferred to a suitable external support agency identified by Children and Youth Services and the young person.

The young person is assessed for the type of support and the life skills they need to develop to enable them to succeed in independent accommodation. A relationship has been formed with Create, which provides the young people with the life skills training.

An initial evaluation of the pilot program found that although there had only been a small number of participants at that stage, all of the eight young people remained housed and only two had minor tenancy issues.

¹¹² Commissioner for Children Tasmania, 2012, *An uncertain road ahead – young people leaving care in Tasmania*, Issues Paper No 3.

¹¹³ Housing Strategy, Housing Tasmania, Department of Health and Human Services, 2010, 'Young People Leaving Care Transition Program', *PARITY*, 24 (10), p36.

The *Moving On* program was developed to improve support for young people who are transitioning from out-of-home care to independent living. The program is run under a partnership between Kennerley Children's Homes Inc., Centacare and the Department of Health and Human Services (DHHS).¹¹⁴ It uses a lead tenant model and provides interim accommodation and mentoring for young people aged 16-25 who are leaving care. It focuses on building their life skills as they move to independence. DHHS provides a case worker for the program, who works with the lead tenant and also assists with education, employment, and with finding alternative accommodation when the client is ready for total independence. The aim is for the client group to be moved to independent accommodation within six to twelve months.

The *KEYS and STAYS* Program for young adults is designed to address the risk of homelessness of young people in transition points in their lives, such as leaving out-of-home care or youth justice detention. The KEYS service (managed by Colony 47) is the accommodation component, which provides property and tenancy management. The STAY component (managed by Centacare in partnership with the Red Cross) provides intensive specialist support for up to two years, including case management, advocacy, financial counselling and referral.¹¹⁵

¹¹⁴ Commissioner for Children Tasmania, 2012, op cit.

¹¹⁵ Ibid.

6. International approaches

This section reviews legislative and policy responses in the United Kingdom and United States. Both countries have both moved much further than Australia in providing legislative and policy responses to meet the needs of young people who are transitioning from care.

6.1 United Kingdom

In the United Kingdom (UK), policies and programs for care leavers are underpinned by the concept of ‘corporate parenting’. Legislation and guidance is designed to,

ensure care leavers are given the same level of care and support that their peers would expect from a reasonable parent and that they are provided with the opportunities and chances needed to help them move successfully to adulthood.¹¹⁶

The concept of corporate parenting also emphasises cross-government responsibility to ensure that young people are supported to make the best possible transition from care.

Since the 1980s, there has been rapid policy development and a shift from ‘permissive’ legislation to strong legal duties. This recognised the need for ‘catch-up support’ and social investment in children, particularly vulnerable children, as citizens of the future.¹¹⁷

The *Children (Leaving Care) Act* 2000 introduced new requirements on local authorities to plan for looked after children so that they have the support they need as they transition to adulthood. The Act extended the expected age of leaving care from 16 to 18 and requires local authorities to provide advice and support to care leavers up to the age of 21, and to 24 years for those still in education and training. The intention of the Act was to delay the transition from care until young people feel ready and to ensure they receive more effective support once they have left.

¹¹⁶ Department of Education and skills, 2005, *The Children Act 1989 Guidance and Regulations, Vol 3: Planning transitions to adulthood*, <http://media.education.gov.uk/assets/files/pdf/p/dfc-00554-2010.pdf>

¹¹⁷ Munro, E., 2013, *Transitions from care to adulthood: English research, policy and practice*, presentation to Create Foundation forum, 27 November 2013.

Key provisions of the Act are:

- local authorities are required to develop a comprehensive 'Pathway Plan' at the age of 16, which clearly sets out the actions that need to be taken by the responsible authority, the carer, the young person, and other identified parties for the young person to make a successful transition from care
- each young person should have a Personal Advisor until they are 21 who coordinates provision of support to meet the needs of the young person. The Personal Advisor must visit the young person at no less than the set minimum intervals.
- the local authority must provide financial support to assist the young person with education and housing expenses.

The *Children and Young Persons Act 2008* extended the duties of local authorities in planning for and supporting young people in the transition to adulthood. The key requirements are:

- looked after children must not move from a regulated placement such as foster care or children's homes to an unregulated setting without a formal review to confirm that they are ready for this move and that the setting will meet their needs.
- care leavers under the age of 25 who wish to take up a program of education or training have an entitlement to resume support from a personal advisor appointed by the local authority previously responsible for providing their leaving care support.
- if a former looked after child pursues higher education in accordance with their Pathway Plan, the local authorities must pay a higher education bursary.

Most recently, changes to the law which passed through Parliament in March 2014 give young people in England the right to continue to live with their foster carers until they are 21 (with financial support), if that is what they want.¹¹⁸

This reform builds on the success of a pilot program 'Staying Put', which was trialled in 11 English local authorities since 2008. The evaluation found that the pilot program provided a framework which maximised the likelihood of

¹¹⁸ See www.gov.uk/government/news/landmark-children-and-families-act-2014-gains-royal-assent

young people making successful transitions to independence and reduced the risk of young people's circumstances worsening. Young people who stayed on with foster carers were twice as likely to be in full-time education at 19 as those who did not.¹¹⁹ Those who did not stay put were more likely to experience housing instability after they left care.

While the legislative reform is a major step forward at this stage it is limited to young people in foster care and does not apply to those who are living in residential care.

Eligibility of young people on special guardianship orders for leaving care support

In the UK, young people who were looked after immediately before becoming subject to a special guardianship order, including young people in formal kinship care arrangements, qualify for advice and assistance including support for employment, education and training.¹²⁰ Guidance on the *Children's Act* specifies that the nature of the advice and assistance should be the same as for any other young person who has left care.¹²¹

Housing and accommodation support

The *Care Leavers (England) Regulations* 2010 stipulate that when young people leave their final care placement the local authority must ensure that their new home is suitable for their needs and appropriate to their wider plans and aspirations, for example, located near their education or work.¹²²

The Government also introduced a new *Homelessness Act* in 2002 which requires local housing authorities to develop a strategy to prevent homelessness by accommodating and providing support to young people at risk. The Act stipulates that priority be given to care leavers.

¹¹⁹ Munro, E., Lushey, C., National Care Advisory Service, Makell-Graham, D., Ward, H. and Holmes, L, 2012, *Evaluation of the Staying Put: 18 Plus Family Placement Programme: Final Report*, Department for Education, UK, www.gov.uk/government/publications/evaluation-of-the-staying-put-18-plus-family-placement-programme-final-report

¹²⁰ National Care Advisory Service, 2007, *Policy Briefing Special Guardianship Orders and Leaving Care Services*, <http://resources.leavingcare.org/uploads/b829da606438c23d12291906d99ca998.pdf>.

¹²¹ Department of Education and skills, 2005, op cit.

¹²² Ibid.

In the UK, there is emphasis on providing a flexible range of accommodation options to meet differing needs, including, supported, transitional or independent accommodation in either public or private dwellings. Outreach support is also available for those who are living in independent accommodation.¹²³

The Barnardo's Leaving Care Project Northern Ireland, for example, provides a range of accommodation and support services across two trust areas in Northern Ireland to young people who are leaving the care system.¹²⁴

Accommodation comprises two units in different geographical areas, each with five or six self-contained flats, and three houses in the community, each catering for two people sharing. The project also provides a 'floating' or outreach support service to up to four young adults who are leaving the project accommodation and moving into their own tenancies.

Levels of support vary in each location, with a higher level of staffing and an overnight staff presence in the units. There is no overnight staff in the houses; however, the project has a 24/7 on call service.

Former residents can receive 'aftercare' from the project including casual contact, volunteer 'befriending', outings and crisis support.

As a condition of placement, all residents must enter into agreements with the project to work on their needs. An initial assessment helps the young people and the project to decide what accommodation would be most suitable and what outcomes the care leaver wants to achieve. Progress is reviewed regularly during the stay and on leaving, to identify any areas requiring continued work which the 'aftercare' workers can help with when they visit former residents.

The service is based on a resilience model (see section 7.2), which aims to build young people's resilience by ensuring a safe home, promoting good attachments through relationships with the project workers, and encouraging their interests and talents. Maintaining routines and attendance at school, work or training is also a priority to maintain consistent, stable, reliable life styles.

¹²³ Mendes, P., 2008, op cit.

¹²⁴ Hannon, C et al, 2010, op cit.

Impacts of strong legal duties on outcomes for young people leaving care

The move to stronger legislative duties has led to significant improvements in some areas, including assessment and leaving care planning and consistency of post-care contact. There is now greater involvement of other agencies to address young people's needs with a shift from informal inter-agency links to more formal agreements (for example with housing, health and education).¹²⁵ The proportion of young people continuing their education beyond the age of 16 has increased, and there has been a reduction in the numbers not in education, training or employment.¹²⁶

However, there are still considerable variations across and between local authorities in implementing and funding the requirements of the Act.¹²⁷ As Emily Munro notes, the extension of statutory duties in the UK has not been backed up with sufficient resources.¹²⁸ The new requirements of the *Children and Young Persons Act 2008* came into force in 2011 at the same time as the Coalition Government was making cuts to services. The number of young people in and leaving care has increased but budgets have remained static or decreased resulting in rising case loads.

6.2 United States

In the United States, recent policy and legislative reform has focused on extending foster care services beyond the age of 18.

The Midwest evaluation of the Adult Functioning of Former Foster Youth, a longitudinal study of young people in Illinois, Iowa and Wisconsin, compared the outcomes of young people who were still in care at age 19 with those who had already left care. Young people who remained in care for an additional year were more than twice as likely to be continuing their education.¹²⁹ They

¹²⁵ Wade, J. and Munro, E., in Stein, M. and Munro, E., (eds), 2008, op cit.

¹²⁶ Stein, M., 2012, op cit.

¹²⁷ Ibid.

¹²⁸ Munro, E., 2013, op cit.

¹²⁹ Peters, C, Dworsky, A., Courtney, M., and Pollack, H., 2009, *Extending foster care to age 21: weighing the costs to Government against the benefits of youth*, Chapin Hall Issues Brief, University of Chicago.

were also more likely to delay pregnancy.¹³⁰ Remaining in care was also associated with a decreased risk of economic hardship and criminal justice system involvement.¹³¹ Conversely, those who left care at age 18 were 2.7 times more likely to have been homeless¹³² The researchers conclude that if states adopt a policy of allowing young people to remain in foster care until they turn 21, the potential benefits to young people and to society will more than offset the costs to government.¹³³

This research provided the impetus for significant legislative and policy changes. The *Fostering Connections to Success and Increasing Adoptions Act* 2008 gives states the option of allowing eligible young people to remain 'in care' until the age of 21. It allows states to claim federal reimbursement for the costs of providing foster care to eligible young people until the age of 21. Young people can be living in a foster home, residential setting or living semi-independently. The legislation emphasises the importance of positive adult connections and support for young people in early adulthood.

However, the extension of funding support only applies if young people are engaged in school, vocational training, or employment or have a medical condition that prevents such activity.

As in Australia, there is a large disparity in the US in the level of support states provide to young people who have left care. Some states have waived tuition fees for young people who grew up in care who attend state colleges or universities, and at least one state (Illinois) has created a wage subsidy for young people under 21 who have aged out of foster care.¹³⁴

As some parts of the legislation did not come into effect until 2011 it is too early to assess its impact.

¹³⁰ Dworsky, A. and Courtney, M., 2010, 'The risk of teenage pregnancy among transitioning foster youth: Implications for extending state care beyond age', *Children and Youth Services Review*, 32, pp 1351-1356. [18www.musallamusf.com/resources/science.pdf](http://www.musallamusf.com/resources/science.pdf)

¹³¹ I Courtney, M., Dworsky, A., Gretchen, R., Keller, T., and Havlicek, J., 2005, *Midwest evaluation of the adult functioning of former foster youth: outcomes at age 19*, Chapin Hall, University of Chicago, www.chapinhall.org/sites/default/files/ChapinHallDocument_4.pdf

¹³² Ibid.

¹³³ Peters et al, 2009, op cit.

¹³⁴ Courtney M , 'United States', in Stein, M. and Munro, E. (eds), 2008, op cit.

7. Conclusion

Young people who are transitioning from OOHC are at high risk of social exclusion, poverty and poor outcomes in later life. In part, this is due to the early and sudden nature of the transition process, poor preparation and planning, and lack of support after they have left care.

7.1 Implications for policy development

In comparing legislative and policy frameworks, it is clear that the UK and US have progressed much further than Australia in addressing the needs of young people who are transitioning from care. Both countries have moved towards extending care to the age of 21, although this option is still not available for all young people who have grown up in care.

In the UK, there has also been a shift from discretionary legislation to strong legal duties. In contrast, in most Australian jurisdictions including NSW, the provision of aftercare support remains discretionary.¹³⁵

From this review, it is also clear that NSW has lagged behind most other Australian states and territories in its attention to, and level of investment in, policy and programs for young people transitioning from OOHC to adulthood.

As one of our OOHC caseworkers has said (speaking about the OOHC system generally), *'It's like we do the best possible job we can til they are 18, and we don't finish the job.'*

This issue is not new. The 2008 *Special Commission of Inquiry into Child Protection in NSW* found that young people leaving care are one of the most vulnerable groups in our society, but do not always receive the support they need to settle their lives and find accommodation and employment.¹³⁶

Reviews by Create and the NSW Ombudsman have also highlighted poor performance by the NSW Government in planning and support for young people in the transition process.

¹³⁵ Western Australia is the only Australian state where there appears to be a clear statutory obligation to provide aftercare support

¹³⁶ Wood, J., 2008, op cit.

Young people leaving care require a well-thought out service system to address their high level of needs. Without increased investment in leaving and aftercare support we are at risk of perpetuating the inter-generational cycles of disadvantage.

Conversely, by providing good support to young people as they transition from care we can reduce their progression into prolonged use of high cost services. As Create argues, '*A relatively small investment now will save a huge social and economic cost in the future.*'¹³⁷

A sustained, whole-of-government approach is needed to improve outcomes for young people transitioning from OOHC to adulthood, with immediate through to longer-term actions, including six key measures:

1. Give young people the option to remain in OOHC until they are 21
2. Develop a consistent and effective framework for leaving care planning
3. Provide priority access to universal government services
4. Increase investment in specialist aftercare support services, including a focus on young parents
5. Increase availability of accommodation options which meet the needs of young people transitioning from OOHC
6. Strengthen processes for data collection, monitoring and evaluation.

1. Give young people the option to stay in OOHC longer, up to the age of 21

It is now increasingly common for young people to live at home with their parents, or remain financially dependent on them, beyond the school years, and often up to the mid-twenties. They also have the security of knowing they have a 'safety net' to return to if things do not work out when they leave home.¹³⁸

In contrast, young people who have grown up in care experience a rapid end to formal support that is not only sudden but which takes place much earlier in their lives. We also know that we have as not as yet reduced the poor experiences that some children and young people have experienced in care,

¹³⁷ McDowall, J., 2008, *Report card, transitioning from care*, Create Foundation.

¹³⁸ Johnson, G., Natalier, K., Mendes, P., Liddiard, M. Thoresen, S., HOLows, A. and Bailey, N., 2010, Pathways from out-of-home care, AJURI Research and Policy Bulletin, Issue 131, http://healthsciences.curtin.edu.au/local/docs/AHURI_Final_Report_No147_Pathways_from_out_of_home_care1.pdf

including multiple placements and difficulty in accessing a full suite of services to support them to manage experiences of trauma and abuse.

Young people growing up in care are more vulnerable and have less support and resources than other young people. Yet, government policies in Australia are framed around the expectation that all young people leave care at the age of 18, regardless of their personal readiness, and become instantly independent.

When it comes to 'leaving care', age does matter.¹³⁹ Research in the US and the UK shows that young people who remain in care later generally have better outcomes. They are more likely to continue their education, gain employment and have stable housing. Young women are also less likely to become pregnant at an early age.

While there may be additional costs in implementing the proposal, this would be off-set by longer-term savings. The US research indicates that the benefits of allowing young people to stay in care past the age of 18 will more than offset the costs.

It is important that all young people who have grown up in care have the opportunity for more gradual and extended transitions from care. This means there will need to be range of options available including extended foster and kinship care placements and semi-independent living arrangements.

It is also essential that young people who have left care have the opportunity to re-enter care if they are struggling to cope. Research shows that young people who leave care at an early age often regret this decision.¹⁴⁰

As the Jim Casey Foundation advocates in the US, it is not good enough to simply extend care to the age of 21. We need to do it right. Extended care options need to be appropriate to the developmental needs of young adults, and recognise that they are legally adults.¹⁴¹

The decision to stay in care would be optional depending on the wishes of the young person. It is important that young people feel that they have a choice to

¹³⁹ Gaetz, S. and Scott, F., 2012, op cit.

¹⁴⁰ Hannon, C. et 2010, op cit.

¹⁴¹ Jim Casey Youth Opportunities Initiative, circa 2013, Foster Care to 21: doing it right, Issue Brief 1.

leave when they feel ready rather than feeling forced to leave or 'chucked out' at 16 or 17. This will also require a shift in the expectation of carers and workers that young people should move on. While the decision would rest with the young person, caseworkers can be proactive in encouraging young people to remain in care longer as now occurs in the UK (both before the young person turns 18 and after).

Not all young people want to remain in care longer, irrespective of what professionals believe to be in their best interests. It is important that an appropriate suite of support is available to meet the needs of those who opt to make the transition from formal care before they reach legal adulthood, particularly given that these young people may be most vulnerable and have the most complex needs.¹⁴²

2. Develop a consistent and effective framework for leaving care planning

Too many young people in NSW are leaving OOHC without adequate preparation and planning.

The 2011 NSW Ombudsman report on leaving care arrangements emphasises that Community Services needs to develop a uniform system across the OOHC sector which:

- flags to caseworkers that planning should start at age 15, and
- allows for monitoring of key milestones in preparation and endorsement of leaving care plans (see further discussion of monitoring processes below).

It is also critical that the system includes a consistent process which provides for authorisation of financial supports in an equitable and timely way. Without this authorisation, leaving care plans cannot be implemented effectively.

The NSW Government is currently undertaking a long-term program to transfer children and young people in OOHC to the NGO sector. It is therefore critical that the development of the framework for leaving care planning involves strong consultation with NGO sector as well as the Children's Guardian. This should include consultation with Aboriginal organisations on the specific needs of Aboriginal children and young people.

¹⁴² Munro, E. et al, 2010, op cit.

UnitingCare CYPF is currently developing a good practice framework for leaving care planning which will include a system of alerts for caseworkers about developmentally appropriate tasks from the age of 15. There is an opportunity for UnitingCare CYPF to work with Community Services and the ACWA leaving care/aftercare working group to lead the development of a common framework for leaving care planning in NSW.

3. Provide priority access to universal government services

Mechanisms need to be developed in NSW to ensure that universal services are more responsive to and give priority to young people who have left formal care.

It is notable that the 2008 *Special Commission of Inquiry into Child Protection Services in NSW* emphasised the need for an interagency approach to improve outcomes for young people transitioning from OOHC, including priority access to a range of Government services¹⁴³

Young people who have been in the care of the state need to have priority of access to government services because they are more vulnerable as a result of their experiences and do not have family and other supports that others their age generally have available to them.¹⁴⁴

This should include:

- preferential access to priority social housing – all young people leaving care should be able to register automatically for priority housing from age 15, as occurs in Western Australia
- assistance with meeting the costs of education and training, including fee waivers for care leavers enrolling in TAFE courses; young people who have grown up in care should also be given 'second and third chances' to resume their education regardless of their age.
- priority access to health services, including support in addressing mental health issues. A health check should also occur for all young people prior to leaving care, as currently occurs in South Australia.

¹⁴³ Wood, J., 2008, *Special Commission of Inquiry into Child Protection Services in NSW*, p 845.

¹⁴⁴ Cashmore, J. and Paxton, M., 2008, op cit.

Care leavers who are pregnant and young mothers also need to be given priority to access supported home visiting programs and early education and care.

4. Increase investment in specialist aftercare support services, including a focus on young parents

In the last decade, we have seen the numbers of children and young people in care continue to grow. However, while there has been a massive expansion in the state OOHC budget, there has been no matching growth in funding to support young people once they have 'left' care. A significant injection of funding is now needed to ensure that services are able to respond effectively to the numbers of young people who are transitioning from OOHC. Increased investment is also needed to address the gaps in these services in regional and remote areas of the state.

The model for aftercare services should include a strong focus on providing support to young parents.

Stronger promotion of specialist aftercare services is also vital to increase awareness of their role.

5. Increase availability of accommodation options which meet the needs of young people transitioning from OOHC

Accessing and maintaining appropriate accommodation is one of the most challenging tasks confronting young people who are transitioning from OOHC. Our staff report that assisting young people to gain stable housing is very difficult and involves a very high level of advocacy, financial and practical support.

A study by the Australian Housing and Research Institute (AHURI) found that many young people struggle to find and maintain appropriate housing when they leave care resulting in chronic housing instability and homelessness.¹⁴⁵ Many young people are exiting care into inappropriate accommodation including refuges and boarding houses. Others are forced to accept housing in areas where they have few connections and that are far removed from transport and employment opportunities.

¹⁴⁵ Johnson, G. et al 2010, op cit.

Young people who are transitioning from OOHC face particular problems in entering and remaining in the private rental market. They have few financial resources to draw on and are often discriminated against because of their age and lack of rental history.¹⁴⁶

Housing and accommodation support is a critical aspect in assisting young people leaving formal care to make a smooth transition. Our staff report that until people have stable and secure accommodation it is very difficult to work with them on other issues.

This is supported by research which shows that having safe, secure and affordable accommodation provides a stable base to make progress in other areas, particularly education and employment.¹⁴⁷ A study conducted in Victoria found that young people who had stable accommodation at the time of leaving care were three times more likely to be employed.¹⁴⁸ Research by the University of York also found that good housing was the factor most closely associated with good mental health outcomes among care leavers.¹⁴⁹

Strategies to improve housing outcomes require planned investment in an appropriate range of supported and independent accommodation options to meet differing needs.¹⁵⁰ As outlined previously, this should include formal partnerships and protocols with public and social housing providers.

While different accommodation options are important, the expectation that young people are ready to move to independent living at such a young age is often unrealistic. Transitional or supported housing can provide care leavers with an important 'middle way' between care and complete independence particularly for those least prepared for independent living due to their age, care experiences, life skills or emotional or mental health.¹⁵¹

These care leavers are less likely to be able to maintain an independent tenancy and so are more at risk of unstable accommodation and homelessness. 'Housing plus support' models recognise that many young

¹⁴⁶ Ibid.

¹⁴⁷ Ibid

¹⁴⁸ Raman, S. et al, op cit.

¹⁴⁹ Dixon J, Wade, J. Byford, S. Weatherly H, & Lee, J., 2004, *Young People Leaving Care: A Study of Outcomes and Costs* P2 York University. Available at www.york.ac.uk/inst/swrdu/Publications/yp-leaving-care-summary.pdf

¹⁵⁰ Ibid.

¹⁵¹ Hannon, C. et al, 2010, op cit.

people who are transitioning from OOHC have few positive relationships and rely on professional support to deal with any difficulties or crisis they encounter. This approach also enables young people to move to greater independence at their own pace and in a more gradual way.

To address the issue of affordability, AHURI has advocated for the development of a Secure Tenancy Guarantee Scheme which provides universal coverage to care leavers to the age of 25 years old, capped at 25% the proportion of income paid to housing costs, and is available regardless of tenure.¹⁵²

6. Strengthen processes for data collection, monitoring and evaluation

A key issue identified in this review is the need to strengthen processes for data collection and monitoring of support provided and outcome measures for young people transitioning from OOHC. As Mendes et al identify, generally, across most state and territory jurisdictions there is little monitoring of outcomes for care leavers.¹⁵³

The Department of Family and Community Services should develop a mechanism for collecting and reporting data on leaving care and aftercare in line with the recommendation of the NSW Ombudsman.¹⁵⁴ The development of the system should involve close consultation with the NGO sector and the Children's Guardian.

The monitoring framework should include:

- collection of local, regional and state-wide aggregated data on commencement, completion and endorsement of leaving care plans
- support provided and outcome measures for young people who have left care.¹⁵⁵

The outcome measures should include data on the number of children being removed from young parents in care or who have been in care.

¹⁵² Johnson, G., 2010, op cit.

¹⁵³ Ibid.

¹⁵⁴ NSW Ombudsman, 2013, op cit.

¹⁵⁵ Mendes et al, op cit.

It is notable, that in the UK, the Department for Education maintains a national database which measures the outcomes for care leavers on a range of measures including education, training and employment and accommodation. The database enables the Government and the community to assess progress being made in improving outcomes for care leavers over time. It also provides a mechanism to compare the performance of local authorities.¹⁵⁶

Similarly, in the United States, the *Foster Care Independence Act 1999*, places strong emphasis on data collection, outcome monitoring and program evaluation. States are required to provide data on support provided and to measure outcomes across six domains: self-sufficiency; homelessness; educational attainment; positive connections with adults; high-risk behaviour; and access to health insurance.¹⁵⁷

As outlined in this review, there is also a major gap in evaluation studies of aftercare programs in Australia. This highlights the need for investment in research in this area by both National and state/territory governments.

7.2 Implications for practice

Research indicates that there is a strong parallel between the characteristics of resilient young people and the factors that lead to positive outcomes in the transition from care. Indeed, Raman et al suggest that, '*The factors that promote positive outcomes for young people leaving care, do so because they promote positive resilience in the young person.*'

Similarly, Stein has suggested a framework for promoting resilience for young people across the life course for young people living in and transitioning from care. The framework identifies factors which promote resilience across three phases: living in care; transition; and care to adulthood.¹⁵⁸

A resilience framework has strong relevance for practice and program development to support young people who are transitioning from OOHC to adulthood.

Firstly, a focus on building lasting relationships and informal social support networks is critical during the transition process, both before leaving formal

¹⁵⁶ See www.crin.org/docs/care%20leavers%20data%20pack%20final%2029%20oct.pdf

¹⁵⁷ See www.acf.hhs.gov/programs/cb/resource/about-nytd?page=all

¹⁵⁸ Stein, M., 2012, op cit.

care and after. AHURI found that many of the young people in their study had neither maintained a relationship with their birth family nor on-going connections with foster carers.¹⁵⁹ Those young people who had a more volatile journey after leaving care were socially isolated and lacked reliable, supportive relationships with people they could turn to for help with difficulties in their lives. Young people should be assisted to renegotiate relationships with family members, maintain connections with past foster carers and residential workers, and develop informal support networks and friendships including a mentor or advocate.¹⁶⁰

Providing opportunities for planning, problem solving and gaining new skills is also important in promoting the resilience of young people both in the transition phase and after they have left formal care.

Research also points to the importance of providing strong training and support to foster and kinship carers to assist young people to prepare for the transition from care.

Although there has been limited research on the features of aftercare programs which lead to improved outcomes, research points to the importance of an integrated and holistic approach with support tailored to the individual needs of the young person. Individualised assessments, goal setting and planning are critical.

Capacity to provide proactive contact and outreach to young people who are transitioning is also important, rather than expecting young people to navigate the service system and ask for help. One way to achieve this is by ensuring that there are strong links between workers in specialist aftercare support services and OOHC agencies. This should include involvement in the development of leaving care plans particularly for young people identified as being at high risk of poor outcomes after leaving care. Special attention should be given to young people who have experienced disrupted placements while in care to minimise instability after leaving care including monitoring their housing situation.¹⁶¹

¹⁵⁹ Johnson, G. et al, 2010, op cit.

¹⁶⁰ Mendes et al, 2008, op cit.

¹⁶¹ McDowall, J., 2008, op cit.