

***WACOSS Supplementary Submission
to Senate Inquiry into Social Security
and Veterans' Entitlements Legislation
Amendment (Schooling Requirements)
Bill 2008***



wacoss

Western Australian
Council of Social Service Inc

*Ways to make
a difference*

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INTRODUCTION

The Western Australian Council of Social Service (WACOSS) is the peak body of the community service sector across Western Australia. Since 1956, WACOSS has been developing and strengthening the non-government community services sector's capacity to assist all Western Australians.

With over 300 members, WACOSS has strong relationships with the social services sector and seeks to represent their interests, and those of the disadvantaged individuals and families they assist at a service level. Given this relationship, WACOSS is in a unique position to comment on issues in our society that socially impact upon disadvantaged members of the community.

In assessing the *Social Security and Veterans Entitlements Legislation Amendment (Schooling Requirements) Bill 2008*, (the Bill) WACOSS draws upon our experience in the sector; the comments and feedback provided by our members and stakeholders; and our own research.

This follow up submission will provide further detail, following questions asked of us at the October 9 2008 Senate Hearing, on the effect the proposed strategy may have on Western Australian children and families who are vulnerable and experiencing disadvantage, with a specific focus on Aboriginal children and young carers and children of parents with a mental illness, our understanding of the Bill in practice, consultation, the monitoring and evaluation process, supports required in schools and the community, and the capacity of the community services sector.

THE BILL IN PRACTICE

The Bill has been designed to provide states and territories with an additional tool to help combat poor attendance and non-enrolment and that the proposed Bill will underpin the 'Improving School Enrolment and Attendance through Welfare Reform Measure' (SEAM), a trial to develop an evidence base around whether a welfare conditionality approach will improve school enrolment and attendance amongst the children of welfare recipients¹.

SEAM is based on the assumption that the threat of /or actual payment suspension will ensure that the children of welfare recipients are enrolled in, and regularly attending school. It is unclear at what stage unexplained absences become a truancy issue and many questions around the operation of SEAM remain.

Will a 'non-attendance number' be decreed by the Minister, or a figure decided upon by individual schools and principals or by Centrelink?

Will all schools within the trial area be given guidelines and protocols to follow or will everything not explicitly stated within the proposed Bill be left to the discretion of individual schools and Centrelink workers?

¹ Submission by Department of Education, Employment and Workplace Relations (DEEWR) in consultation with the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) to the Inquiry into the Social Security and Veterans' Entitlements Legislation Amendment (Schooling Requirements) Bill 2008.

What training will be provided to workers within Centrelink and schools to make judgments that may severely impact on children and families?

The Submission by Department of Education, Employment and Workplace Relations (DEEWR) in consultation with the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) to the Bill, suggests that parents in receipt of a welfare payment must provide evidence to Centrelink that their child is enrolled at a school and that if Centrelink becomes aware of a non-attendance issue a Centrelink social worker will liaise with the family and the school to address these attendance issues.

After engagement with social workers, parents who do not comply and have no reasonable excuse or special circumstance for failing to do so will be subject to payment suspension of 100 percent of their benefit, with the exclusion of the Family Tax Benefit which is regarded as a 'safety net'.

While parent's payments will be restored if they commit to 'engaging' with the school and/or enrolling their child, they can be suspended again if they have not complied within a specific timeframe². It is important that greater clarity and direction is provided around what constitutes 'engagement.'

Given the uncertainty about how these concepts of engagement and unwillingness will be applied or interpreted, it is possible that penalties will be applied severely and inconsistently.

WACOSS understands that income support will be restored and fully back paid as soon as parents comply and reengage with the school, provided this occurs within a 13 week period. Parents will face cancellation of their income support payment in cases where their payment has been suspended for more than 13 weeks and their 'unwillingness' to engage with Centrelink or their child's school to remedy enrolment or attendance issues has been established. Once again, it is important that greater clarity and direction is provided around what constitutes 'unwillingness.'

WACOSS is concerned that financial breaches will impact on families who have already been identified as vulnerable. Also of concern is the fact that it is not necessary for the 13 week suspension to be continuous to incur a payment cancellation.

The legislation gives Centrelink the ability to direct back payments to specific expenses or to make back payments available to families by instalment. It is unclear who makes that decision; is it at the families' request, on the advice of the Centrelink social worker or a financial counsellor, or any of the former? What role will NGO's play? How will they be engaged in the process?

WACOSS has been unable to identify what happens between providing Centrelink with proof of enrolment and identifying the need for parents to engage with a Centrelink social worker. Will Centrelink provide schools with a list of families who are receiving welfare benefits with the requirement that teachers and school principals report attendance or non-attendance of those particular students or will schools provide

² Ibid

Centrelink with attendance data of all students, whether their families are receiving income support or not?

PROCESS & EVALUATION

In July 2000 the Commonwealth Department of Education Training and Youth Affairs commissioned an investigation into how to improve school attendance among Aboriginal students. *Better Practice in School Attendance, Improving the School Attendance of Indigenous Students* made a number of recommendations in relation to improving attendance and engagement of Aboriginal students. It also states that further research, data collection and analysis is needed, at a school level and at a systemic level.

At the school level, it is suggested that schools recognising the problem of relatively low levels of attendance among Indigenous students undertake action research designed to evaluate the impact of school procedures and practices formulated through sustained consultations with members of the school community – teachers, students and parents – on actual school attendance. This would require a careful monitoring of attendance levels and precise documenting of agreed steps to influence attendance rates. To this end, it is suggested that an instructional package be developed for schools to describe how action research of this kind can be undertaken effectively.

At the systemic level, it is suggested that projects be funded through DETYA to undertake methodologically sophisticated investigations to address key issues relating to Indigenous school attendance rates. These would typically be longitudinal in design and, where appropriate, make use of 'control schools', pre and post-test assessments of relevant variables and multivariate statistical techniques to establish cause/effect relationships.

In addition, to widen the research basis, it is proposed that complementary qualitative approaches be used, for example using direct observational methods. These questions are suggested for consideration:

1. Whether specific instructional methods employed to raise levels of English language and literacy skills among Indigenous students could also result in improved levels of school attendance?
2. What school-based factors differentiate between schools in comparable geographical locations with widely differing Indigenous attendance rates?
3. Whether well-designed behaviour management policies can have positive effects on school attendance?
4. What effects on Indigenous attendance rates can be produced by the in-servicing of teachers in culturally sensitive and appropriate approaches to teaching and relating to Indigenous students in schools?
5. How does prior attendance at pre-schools affect attendance levels of Indigenous students at school?³

³ Ibid

While the report did not include a recommendation that the Government trials a welfare reform and income suspension model to address truancy and non-attendance issues, it does highlight the importance of a comprehensive approach to such trials to ensure the validity of evidence, before cause and effect can be established. Without a complete process for operation, monitoring and evaluation of SEAM it will not be possible to determine whether the approach is an appropriate way of addressing truancy. Neither the bill itself nor the Departmental Submission outlines a process for the monitoring and evaluation of the impacts and outcomes of the trial.

PRIVACY AND INFORMATION SHARING

The Bill provides for the sharing of information between schools, education departments, portfolio departments and Centrelink⁴.

The Bill's Explanatory Memorandum states that the Bill also allows for the sharing of information between schools and that the information shared is not solely for the purpose of ensuring children are enrolled at and attending school but also for decisions outside the scope of the Bill such as to '*determine infrastructure or resourcing requirements*'⁵

Details about the nature of family income support levels is sensitive information and WACOSS is concerned with the privacy implications of how this information may be used and potential impacts on children and families, and on teacher/student relationships.

There is a risk of teachers being less tolerant of absences from a child from a family in receipt of welfare payments than from other children in the classroom, or of a school refusing enrolment of a child due to a history of truancy and the potential additional administrative burdens involved.

WACOSS considers that there needs to be greater clarity regarding information sharing parameters and protections.

CONSULTATION

Consultation provides an opportunity for governments and government agencies to gain an enhanced understanding of issues. Armed with this understanding they can then ensure that just, equitable and effective policies, procedures and services are developed.

Best practice consultation goes beyond the simple provision of information and a call for comment, which appears to have been lacking in this process. It involves the development of a consultation policy and accompanying guidelines, the implementation of a consultation framework to ensure consistency and transparency in all consultation processes and an effective review process. Best practice consultation also ensures that consultation is meaningful, that it takes place early on in the development stage, that

⁴ Social Security and Veteran's Entitlements Legislation Amendment (Schooling Requirements) Bill 2008. Explanatory Memorandum.

⁵ Ibid

adequate response time is provided and respondents are confident that their expertise is valued and that they can influence decisions. It is important that outcomes of the consultation be made public with an account of submissions and comments received and reasons for decisions made⁶.

Back in 2000 when *Better Practice in School Attendance, Improving the School Attendance of Indigenous Students* was commissioned it was clear that much more work needed to be done to identify that nature and scope of the truancy problem. To our knowledge, that work has not been done and yet Government is proposing a punitive approach to truancy, one that targets vulnerable and disadvantaged groups without appropriate research or consultation.

The majority of agencies who gave evidence on October 9 2008 had received little to none formal information about the trial and had been made aware of the existence of this Bill through the media and informal discussions. To date WACOSS has not received any formal written information or requests for input and information sharing from either Centrelink or FaHCSIA or the Department of Education and Training. Neither have our members been briefed on what this may mean for them and their clients.

Given the potential impact of this Bill, on children, families, schools and the NGO sector , WACOSS suggest that it would have been appropriate to consult with key stakeholders in Western Australia prior to the development of this Bill, and that it will be important to engage more closely prior to the commencement of SEAM in 2009.

LANGUAGE

WACOSS is concerned by the use of language that can be easily manipulated and subject to interpretation within the Bill, such as “reasonable excuse,” “special circumstances,” and “reasonable steps”.

It is important that the Bill and any accompanying regulations and guidelines are clear when prescribing obligations and requirements and that unclear or non-prescriptive language be removed and replaced with clear direction. Where discretion is required or desired, it is important to outline at who’s discretion these decisions will be made.

Improving clarity and definition around language must be done in consultation with key stakeholders, including the NGO sector, so that everyone engaged in the various levels of operation of SEAM clearly understand it.

ABORIGINAL FAMILIES AND CHILDREN

WACOSS has commented that the measures in this bill are likely to disproportionately impact on Aboriginal and Culturally and Linguistically Diverse families given that the proportion of Aboriginal people living in the Cannington district is higher than the general Perth metropolitan region and that *‘absenteeism among Indigenous students is markedly higher than among non-Indigenous students’*⁷ Whilst we agree that more needs to be done to improve the educational outcomes of Aboriginal and non-Aboriginal students we

⁶ Working Together: Involving Community and Stakeholders in Decision-Making (2006), WA Office of Citizens and Civics

⁷ Bourke et al. *Better Practice in School Attendance Improving the School Attendance of Indigenous Students*. July 2000.

know that a number of studies and reports have been carried out on this issue and we are not aware of any that have recommended this approach.

As we identified in our first submission family situations can contribute to reasons why a child is refusing to attend school. However, *Better Practice in School Attendance, Improving the School Attendance of Indigenous Students* finds that the school environment and curriculum also has a significant influence on school attendance. This measure does not address underlying causes of truancy, whether they stem from an unsupportive home environment or an unsupportive school environment.

WACOSS acknowledges the intent behind the Bill and agrees that education is fundamental to closing the gap.

Evidence given by Mr. Dennis Eggington in Perth on October 9 2008 articulated that “education is such a vital tool for our people that any kind of punitive measure, taking into account that historical context and the special place that Aboriginal people have in general legislation is not going to get the outcomes that are required. If it is just attendance, it is not going to do that, but it is not going to be able to develop a love of learning that lots of our people have not had an opportunity to do because their parents have not and their grandparents have not”⁸

It is imperative that education be a rewarding and supportive experience for children and families, not something you do, or are forced into out of fear that you and your family will be without income support.

CHILDREN AND YOUNG PEOPLE AS CARERS

In our previous submission WACOSS alerted the Committee to the fact that children and young people as carers and children of parents with a mental illness (COPMI) are another group that might be affected by the proposed Bill.

In 2007 Carers WA hosted a State Young Carers Roundtable in Perth. The forum, attended by 66 delegates from Government, the community services sector and local councils, provided an opportunity for delegates to discuss programs, share ideas, identify issues and develop recommendations to help guide policy makers and practitioners. *Hopping off the Roundabout, supporting young carers in Western Australia*, the report that came out of that forum identifies that although there are at least 40,000 young carers in WA only a small number have been identified by formal services. Many choose not to be identified because they fear being removed from their family, being bullied at school, feeling unsafe to disclose, losing privacy and what the consequences might be for the ones they are caring for⁹.

The Report identifies that many young carers found it difficult to attend classes and participate in school, for those young carers fearful of disclosing their caring role these absences could be frequent and unexplained.

⁸ Commonwealth of Australia. Proof Committee Hansard. Senate Standing Committee on Community Affairs. Social Security and Veteran's Entitlements Legislation Amendment (Schooling Requirements) Bill 2008 Perth

⁹ Carers WA Hopping off the Roundabout, Supporting Young Carers in Western Australia A report of the findings from the Young Carers Roundtable 2007.

The Children of Parents with a Mental Illness (COPMI) WA Project, a collaborative interagency systemic change project that aims to improve the health and wellbeing of children with a parent with a mental illness, has identified that it is likely that children of parents with a mental illness, whether they are taking on a caring role or not, will have their school attendance compromised¹⁰.

Issues that may influence attendance for these children include:

- Children may be reluctant to attend school if they have concerns about how well the parent is doing- may feel 'safer' to stay home and care for parent
- Parent may be reluctant to let children go to school if feeling 'unsafe' about themselves, they may feel safer if children with them at home
- Homework tasks and focus on class work may be compromised when a parent is unwell.
- Children may have homework time disrupted by additional caring responsibilities for the parent and or younger siblings when a parent is unwell.
- If children are behind in their school work and their parents are unable to provide the attention and time to support them because of their physical or mental illness this group of children may seek to avoid school and homework and assessment tasks. Alternatively they may become the 'withdrawn' or the 'disruptive' in the classroom and their behaviour perceived to be 'the child with the bad attitude.

The way in which a school responds to these children and families will be crucial in achieving better attendance and creating a situation where a parent will make a 'reasonable' effort to 'engage'.

As with the issues surrounding Aboriginal engagement within schools these are complex problems that cannot be solved, and may be exacerbated by the threat of suspending and withdrawing welfare.

By holding children responsible for continuation of their families' income, this Bill runs the risk of further 'parentification' of children and young people who have already assumed adult caring and responsibility roles before they are emotionally or developmentally ready.

While understanding of Mental Health in the community remains poor and services designed to assist children, young people and their families remain under-resourced it seems punitive in the extreme to further punish families by withdrawing payments when what is required is additional resources to support families, children and young people to manage the adverse impacts of mental illness and support their recovery journey.

ENSURING SUPPORTIVE SCHOOLS AND COMMUNITIES

This Bill places the responsibility for truancy squarely at the feet of children and families despite research showing that there are a range of reasons for truancy and poor

¹⁰ Children of Parents with Mental Illness WA (COPMI) <http://www.ruah.com.au/page/COPMI>

attendance. Part of the responsibility for the education of children lies with the quality of support made available through the school environment and wider community. The Government also has responsibility here, to ensure that parents can give their children the best possible chance.

The Western Australian Department of Education's 1997-2000 Aboriginal Education Operational Plan highlighted the complexity of the problem in the following paragraph, found in a Flinders University article on Indigenous truancy.

The issues which contribute to and impact upon this situation are long-standing and complex. Social, cultural, environmental, economic and health factors all contribute to Aboriginal students being alienated and not achieving in the schooling process. The lack of a supportive school environment, the transience or mobility of families, poor self-motivation, racism, harassment, peer pressure, poverty, lack of support structures from home, the undervaluing of education by the community, homelessness, substance abuse, pregnancy, alienation from families and poor health can all be attributed to Aboriginal students not achieving in our school system¹¹.

The following table, also from the 1997-2000 Aboriginal Education Operational Plan details factors and statistics given by service providers in the Midland Region for alienation of Aboriginal students from school and highlights, once again the complex nature of the issue¹².

Issues	Adolescents		Issues	Adolescents	
	Male	Female		Male	Female
Literacy Skills	11	10	Juvenile Justice	4	3
Racism	5	4	Unemployment	1	1
Family problems	10	11	Irregular attendance	9	9
Disabilities	3	3	School suspension	8	6
Behaviour management	6	4	School curriculum	3	3
Pregnancy	0	6	Health Issues	7	7
Substance abuse	8	7	Transience	7	8

Government has a responsibility to address those issues that we also know are affecting truancy and must provide adequate funding to ensure that systems and institutions are resourced to address many of the issues illustrated above.

Unless the failure of health and education systems to respond to the needs of Aboriginal children and young carers are addressed, there is unlikely to be a sustained change to the educational outcomes of vulnerable and disadvantaged children.

¹¹Indigenous Truancy <http://ehlt.flinders.edu.au/education/DLiT/2005/truancy/Pages/indig.htm>

¹²Ibid

THE CAPACITY OF THE COMMUNITY SERVICES SECTOR

As mentioned in our previous submission WACOSS is concerned that this Bill will impact upon the non-government community services sector, which delivers critically important support services in areas such as emergency support, health, disability, employment and training, aged and community care, family support, children and youth services, drug and alcohol assistance, indigenous affairs, support for culturally and linguistically diverse people and housing.

Centrecare, Communicare, Ngala, UnitingCare West, Anglicare, all major providers of services to disadvantaged and vulnerable members of the community, have gone on record as saying they are currently working beyond capacity without additional funding would be unable to respond to the increased demand for services that this measure would bring¹³.

Without additional funding to existing services and significant investment in new services the community services sector will be unable to cope with providing the extra services that will be needed to assist families to comply with the requirements of the Bill, or an increase in demand for help and emergency relief from families who have had their payments suspended.

Does the Government expect the NGO sector to provide these services? Will there be an investment of additional funding for the community services sector to assist them to respond to this Bill, and also to the Compulsory Income Management for Child Protection measure?

CONNECTION WITH CIM TRIALS AND DCP NEGLECT POLICY

Also being trialled in the Cannington district is Compulsory Income Management for Child Protection, whereby the Department for Child Protection have been given the authority to instruct Centrelink to quarantine a 70% of income support and family assistance payments for necessities such as food, clothing and shelter in cases where neglect has been identified.

Concerning to WACOSS is that the DCP Policy on Neglect states;

Educational neglect relates to permitted chronic truancy, failure to enroll and inattention to special educational needs. This can lead to cognitive, language and communication delays. However referrals are not **usually** accepted by the Department where educational neglect is the only concern. Consistent with the *School Education Act 1999*, schools are responsible for addressing non- attendance issues with families¹⁴.

There is much confusion within the community as to whether some families will be impacted on by both trials.

Will repeated failure to comply with this Bill and suspension or cancellation of an income

¹³ Commonwealth of Australia. Proof Committee Hansard. Senate Standing Committee on Community Affairs. Social Security and Veteran's Entitlements Legislation Amendment (Schooling Requirements) Bill 2008 Perth

¹⁴ Western Australian Department for Child Protection Policy on Neglect

support payment will be a trigger for the Department for Child Protection to get involved on the basis of Neglect?