

Submission to:

Senate Community Affairs
Committee

Inquiry into Social Security
and Veterans' Entitlements
Legislation Amendment
(Schooling Requirements) Bill
2008

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This submission draws on a forthcoming conference paper by Sally Cowling titled '*Suspending Welfare Payments to Promote School Attendance: Strange Logic, Unlikely Outcomes and a Better Way*' to be presented at the National Conference on Unemployment.

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1. Introduction

UnitingCare Burnside (Burnside) welcomes the opportunity to make a submission to the Senate Community Affairs Committee's inquiry into the Social Security and Veterans' Entitlements Legislation Amendment (Schooling Requirements) Bill 2008.

We support the Federal Government's recognition of the importance of education to support future life outcomes of children growing up in Australia. However, the proposed measures, contained within the Social Security and Veterans' Entitlements Legislation Amendment (Schooling Requirements) Bill 2008, are unlikely to foster positive and long-term engagement of children and young people with education and learning.

The proposed amendments to the Social Security and Veterans' Entitlements Legislation Amendment (Schooling Requirements) Bill 2008, if passed by the Senate, enable the suspension of income support payments to parents whose children are not enrolled or not regularly attending school. And in cases of ongoing non-compliance, the legislation also contains provisions to cancel a family's income support payments. The legislation is underpinned by the assumption that sanctions are the only effective measure to guarantee that certain families will meet their parental responsibilities to enrol their children at school and ensure their ongoing attendance from Kindergarten through to Year 12.

However, evidence from trials in Australia and programs in the United Kingdom and United States indicates that sanctions are not an effective method of changing parents' behaviour and attitudes towards school attendance. Measures that build family awareness of the importance of education; foster parental engagement with children's learning early in a child's life; create relevant and responsive education programs in schools; and address underlying causes of disengagement from school such as poverty, social exclusion and locational disadvantage are more likely to have long-term success.

2. About UnitingCare Burnside

Burnside is a member of the Children, Young People and Families service group of UnitingCare NSW.ACT and part of the Uniting Church in Australia. Burnside is a leading child and family organisation in New South Wales, with over 5,000 services users in metropolitan, regional and rural communities. Our purpose is to provide innovative and quality programs and advocacy to break the cycle of disadvantage that affects vulnerable children, young people and families.

3. Education is the key to breaking cycles of disadvantage

Burnside is strongly committed to the importance of education as a pathway out of disadvantage. Our programs have a strong focus on building awareness within families of the importance of education and, in particular, supporting children and young people to remain engaged with education. We

recognise that positive engagement with learning and development opportunities will be most effective if they start in early in a child's life.

Principles that underpin ongoing positive engagement with education include:

- increasing parents' understanding of the importance of education, and their confidence and skills in supporting their children in the home learning environment, early childhood education and care and at school
- increasing access to early childhood education and care to support children's learning and development, particularly if they are growing up in disadvantaged families and/or communities
- supporting children and families through key transitions such as moving from early childhood education and care to starting formal schooling, moving from primary to high school, and the transition from junior years to the (non-compulsory) senior years of high school
- increasing the capacity and willingness of schools to provide flexible learning opportunities and education pathways that build on strengths of students and are responsive to the changing needs and circumstances of children and young people, particularly from disadvantaged families and/or communities.

4. Key concerns about the effectiveness of the proposed measures

While Burnside supports the Federal Government's focus on improving school enrolments and attendance, we question whether the measures outlined in the Social Security and Veterans' Entitlements Legislation Amendment (Schooling Requirements) Bill 2008 will achieve the Government's desired goal of increasing overall school attendance.

Our concerns with the effectiveness of the proposed measures relate to:

- the stigma these measures are likely to create for families
- the additional stresses these measures impose on parents and the potential for negative impacts on parents' relationships with their children, the local school and welfare agencies
- the lack of evidence from trials in Australia and programs implemented overseas that sanctions do make a difference to school attendance patterns
- the shift of the role of schools from fostering educational engagement to 'reviewing' and 'monitoring' parents in receipt of welfare
- the misdirection of significant financial and human resources to review and monitor families' compliance with welfare requirements rather than focusing on measures to address the underlying factors of non-attendance at school such as poverty, social exclusion and lack of a connection between school and lived experience of children and young people.

4.1 Legislation unfairly targets families in receipt of income support

The government has acknowledged that there is no clear data on how many school-age children are not attending school (Parliament of Australia 2008, p.4). Without this baseline data, it is difficult to determine the extent of the problem of school non-attendance - and the extent to which it is concentrated among children whose parents are in receipt of income support payments - and the nature of the multiple contributing factors that may underpin this.

Burnside is concerned that this legislation assumes that non-enrolment and non-attendance of school children is a problem that rests solely with families who are in receipt of income support. By targeting a specific cohort of families - those in receipt of either the Age Pension, Disability Support Pension and Parenting Payment and benefit and allowance payments such as Newstart Allowance, Sickness Allowance, Parenting Payment Partnered, Youth Allowance and Austudy - the legislation has the potential to stigmatise an already vulnerable group. We note that this legislation will not apply to the broader Australian community – that is families who are in receipt of income supplement payments such as Family Tax Benefit Part A, Family Tax Benefit Part B and Child Care Benefit.

The Government has referred to the suspension and/or cancellation of a family's income support payments as a measure of 'last resort' and it acknowledges that there may be a number of legitimate reasons for children not attending school. To ensure that potentially harsh provisions within the proposed legislation are not 'misused' or 'misapplied', the Government has said that the legislation will rely on yet-to-be-developed guidelines. These will define what are 'reasonable excuses' for non-compliance and 'special circumstances' which make the cessation of payments inappropriate. The legislation will also include discretionary powers to determine the application and duration of penalties.

Burnside is concerned that guidelines and discretionary powers of government agencies are not sufficient to protect welfare recipients against the potentially harsh effects of the legislation. Our case study (below) shows that there is also the potential for the legislation to have unintended and negative consequence for children and their families and make it less likely that agencies can work constructively with families to help them resolve underlying issues. This approach is unlikely to foster the positive relations to promote school/educational engagement over the longer term.

There is also the potential for significant confusion, stress and frustration for families who may be caught up in overlapping jurisdictional responsibilities between States (which already have a role in ensuring school enrolment and attendance) and the Commonwealth (which is proposing to take a role solely in relation to families in receipt of income support).

The effectiveness of discretionary provisions (once specified) to waive the imposition of payment suspensions assumes that families are well informed about suspension rules and able to verify claims that they have a reasonable

excuse or confront special circumstances. These conditions did not hold in a major study on welfare sanctions in California which found that clients were not informed about sanction rules and were frequently unaware that sanctions had been imposed (Hasenfield *et al.*, 2004). This is despite the provision of case work and counselling by local welfare officers which appears to be similar to the interventions of Centrelink social workers in the School Enrolment and Attendance Measure (SEAM) pilot.

It is clear that significant resources will be required, not simply to develop the guidelines in consultation with state and territory governments but also to administer and make determinations regarding the legitimacy of 'reasons' that may be provided by families that have been identified as 'non-compliant'. Burnside questions whether this is an appropriate use of resources and suggests that resources would be better directed to supporting families by increasing the access to services that support engagement with education and learning.

4.2 Insufficient evidence to show that withdrawing welfare payments will make a difference to school attendance

Evidence from Australia and overseas indicates that withdrawing welfare payments from parents does little to change parents' behaviour in relation to their children's school attendance. This is confirmed in the Bills Digest for the legislation (Australian Parliament 2008) which provides a useful overview of the evaluation of programs trialled and/or implemented both in Australia and overseas. The Bills Digest (2008, p. 5) states:

According to a US analysis of the research into effective truancy prevention and intervention, those approaches which have a 'solid research evidence for their effectiveness', are intensive ongoing interventions, involving well-defined attendance policies, parental engagement, family counselling, individualised plans, a team approach, trained school staff and ongoing evaluation.

The Bills Digest (2008, pp.5–6) also reports that research undertaken for the UK National Foundation for Educational Research found some support for prosecutions of parents whose children were not attending school as it increased parental awareness of their responsibilities and helped them realise the importance of school attendance. However, this success was limited and existed only among younger children and did little to change the attendance patterns of high school students.

With respect to Australian evidence of linking school attendance to eligibility or access to welfare payments, the Bills Digest examines the Halls Creek and Engaging Families Trial in Western Australia (Parliament of Australia 2008, pp 8-9). The results of the trial in Halls Creek does not provide any conclusive evidence of the effectiveness of the 'no school, no welfare' program. The original trial was suspended due to concerns about its illegality. The second trial, Engaging Families, was voluntary and, while it is arguable that it does not provide a useful comparison, it is worth noting that it 'saw no improvement in school attendance rates' (Parliament of Australia 2008, p. 9).

In addition to the research cited in the Bills Digest, a significant paper examining the effectiveness of seven programs in the United States which linked welfare cash assistance to satisfactory school attendance provides cautionary lessons for Australia. Campbell and Wright (2005) looked at seven programs which had been rigorously evaluated and classified the programs into two broad types. The first category relied primarily on sanctions (payment suspensions) or the threat of sanctions to achieve intended outcomes. These programs were found to have a negligible effect on school attendance. The second category used the threat of sanction as one tool in a broader treatment plan that could include intensive and individual case management and/or the provision of support services. While these programs achieved positive results, their impact was still very limited. The reported gains were most usually observed in the percentage of program participants who were enrolled in school rather than in improved rates of attendance and school completion (Campbell and Wright, 2005: 4).

The study identified a key program weakness as the lack of additional funds allocated to support case management services and family support provision. UnitingCare Burnside strongly encourages the Community Affairs Committee to explore how the \$17.6 million allocated to the School Enrolment and Attendance Measure (SEAM) will be spent, and the extent to which additional funds will be allocated to support services as opposed to the administration of compliance and monitoring activities.

Campbell and Wright recommended that US policy makers give serious consideration to whether the costs of maintaining a welfare school-attendance program are worth the marginal gains. We would argue that it is similarly important for Australian policy makers to grapple with this question and consider options for the more effective use of funds and the additional investment required to improve school attendance outcomes. The US study argues that while attendance monitoring can be a useful tool to trigger social service interventions, effective programs require “welfare agencies and schools to engage in results-oriented partnerships with parents and community organisations. Determining what kinds of programs and partnerships will be most effective requires a more sophisticated understanding of the factors which drive poor school attendance by a cohort of students in Australia.

International evidence suggests that an emphasis on the threat of payment suspension or cancellation as a means to improve school attendance is likely to have limited, if any, impact.

5. Key concerns about the impact and unintended consequences of the proposed measures on children and families

Case Study

Matt is 14 years of age and does not enjoy school. After advocacy from UnitingCare Burnside, Matt has been assessed to have a reading age of seven and his mathematics skills are well behind those of his peers. Because Matt struggles to achieve at school - he can't understand the work set for him - he does not want to attend school and over the last year he has begun to regularly truant. He is also suffering from the recent loss of his father who died tragically in the family home. He lives with his mother and his two sisters – one of whom is younger and one of whom is older than him.

The school, having now identified the extent of Matt's learning difficulties, has agreed to provide Matt with an individual learning plan and a teacher's aide. However, Matt is still angry and frustrated by his feelings of failure at school. Despite support and encouragement from his mother to attend school, he has continued to truant.

The school (based in NSW) has now issued a warning to Matt's mother that she will face a fine if Matt does not attend school. The threat of sanctions has placed additional pressures on the family. The family has few financial resources and the threat of court and fines is more than the family can bear. Tensions between Matt and his mother are increasing. Matt thinks that leaving home would prevent further conflict and hardship being brought upon the family.

Matt has few extended-family supports. If he leaves home he faces an uncertain future.

As detailed in the Bills Digest (2008, p.5) the NSW Government is taking stronger action to prosecute parents whose children truant from school. However, as the case study above demonstrates, there may be unintended and damaging consequences when punitive sanctions are applied to vulnerable families. In the case study outlined, the young person is currently at risk of, and may even become, homeless.

It is worth noting that the NSW Government said that it would only use its sanctions as a measure of last resort. However, it appears that the school has been keen to use the threat of fines to try to achieve compliance from the family. Regrettably, in this case study, alternative modes of education delivery have not been considered for the student. The student is now feeling compelled to leave home rather than bring further stress on his family.

Burnside is concerned that the proposed federal legislation does not give full consideration to the impact that removal of income support to families will have on children and young people. Many families who are potentially affected may have two or more children. Withholding and/or removing welfare benefits have the potential to threaten the well-being of all children living in the family.

A major United States study of the impact of welfare suspension on material hardship and the health of single mothers and their children produced troubling results. Reichman *et al.* (2005) found that mothers who are

sanctioned are at high risk for hunger, homelessness, utility shutoffs, inadequate medical care, material hardship, poor health and relying on families and friends for housing. Importantly, the associations of sanctioning with these effects persist after controlling for individual level risk factors and the mother's pre-sanctioning experience of the corresponding hardship. The study also notes that the hardships which derive from sanctioning are not borne by the family alone, with care and financial burdens also placed on extended family, friends and emergency relief services. The second reading speeches of the Minister and her Government colleagues do not indicate how they envisage that families will cope in the period when income support payments are suspended or in the event of payments being cancelled.

Most disturbingly, Paxson and Waldfogel (1999) found that tougher penalties for non-compliance with welfare rules in the United States are related to higher levels of substantiated cases of child maltreatment and physical abuse and neglect. Burnside is particularly concerned that the imposition of payment suspension or cancellation on families experiencing pronounced distress and dysfunction may lead to young people facing a higher risk of harm, homelessness or removal to out-of-home care when parents (correctly or incorrectly) attribute loss of income to decisions made by their child or adolescent.

6. Principles to underpin ongoing positive engagement with school

Burnside has a long history of supporting service users to engage with education. Our programs not only build awareness of the value of education but also enhance literacy and numeracy skills with children prior to starting school, school-aged children and young people. We work with vulnerable families, children and young people, many of whom may have had negative experiences of education and learning.

Success in creating ongoing engagement with education is greatest when schools, non-government agencies and families can work in partnership to develop responsive programs that are tailored to meet the needs of individual family units.

Parenting support and early childhood education have been shown to be critical factors in improving outcomes for education over the longer term. Studies from the longitudinal research project, *Effective Provision of Preschool Education (EPPE)*, show that the positive effects that high-quality preschool can have on later achievements at school regardless of family background.¹

¹ See the findings from the EPPE research project at <http://www.ioe.ac.uk/schools/ecpe/eppe/eppe/eppepdfs/RB%20Findings%20from%20Early%20Primary.pdf> accessed 14/10/08

In their book *Children of the Lucky Country?* (2005) Professors Fiona Stanley, Margot Prior and Sue Richardson stress the importance of providing tailored services in “ways that those needing them can trust”. Creating a trusting service environment (including schools) is critical to fostering social connection (as opposed to exclusion and stigma) and improving the conditions for healthy child development. It is also important that schools are places that foster relationships with all families and all families feel confident and comfortable to be part of the school community. That the proposed legislation has the potential to undermine positive relationships between schools, children and their families, is a major concern for Burnside.

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