

Submission to the Office of the Advocate for Children and Young People Special Inquiry into Children and Young People in Alternative Care Arrangements

“In some experiences I had cockroaches but I had friends in ACA and all had really dodgy experiences. Hotel utilities such as showers didn’t work so they had to go somewhere and find random places to shower.” (Young person, NSW) (CREATE Foundation, 2023)

“Because I have a stable home, I’m able to think about what opportunities I can explore, like I don’t have to leave school or worry about moving...” (Young person, NSW) (CREATE Foundation, 2022)

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About CREATE Foundation

The CREATE Foundation is the national consumer peak body for children and young people with an out-of-home care experience. We represent the voices of over 45,000 children and young people currently in care, and those who have transitioned from care, up to the age of 25. Our vision is that all children and young people with a care experience reach their full potential. Our mission is to create a better life for children and young people in care.

To do this we:

- **CONNECT** children and young people to each other, CREATE and their community to
- **EMPOWER** children and young people to build self-confidence, self-esteem, and skills that enable them to have a voice and be heard to
- **CHANGE** the care system, in consultation with children and young people, through advocacy to improve policies, practices and services and increase community awareness.


We achieve our mission by facilitating a variety of programs and services for children and young people with a statutory care experience and developing policy and research to advocate for a better care system.

Introduction

The CREATE Foundation welcomes the opportunity to provide feedback to the Office of the Advocate for Children and Young People (ACYP) Special Inquiry into Children and Young People in Alternative Care Arrangements. We share ACYP's concerns about reports of ongoing systemic issues that have contributed to the increasing use of Alternative Care Arrangements (ACAs) in New South Wales (NSW). Placement of children and young people in ACAs is not a new issue, with the first emergency house opening in 1943 in NSW (ACWA, 2019). However, in the 80 years since the first emergency house opened, the circumstances which give rise to the use of ACAs have not been adequately addressed. Increasing rates of the use of ACAs are compounded by the significant decrease in the number of carers in NSW in recent years. This trend is reflected in the decline from 17,960 carers on the NSW Carers Register in 2021-2022, down to 17,121 carers in 2022-23 (OCG, 2022; OCG, 2023). Research has also indicated that inadequate support provided to carers has resulted in some carers leaving the system (Australian Childhood Foundation, 2023). It is clear that there is a need for urgent reform to address increasing demand in the NSW child protection system to meet the needs of children and young people.

CREATE is especially concerned by reports suggesting that children entering the care system have been placed in ACAs including hotels, motels, caravan parks, serviced apartments, and other similar places, for between 3 and 470 days with the average amount of time spent estimated as being 118 days (Silmalis, 2023). Such reports have emerged despite the Department of Communities and Justice (DCJ) noting that ACAs are an emergency and temporary fee-for-service arrangement (DCJ, 2023). The Office of the Children's Guardian (2022) reported in 2021-2022 there were 542 occasions of alternative care provided to 372 children and young people in NSW; with two-thirds of ACAs lasting for less than 90 days. This highlights an increasing trend in the length of time children and young people are now spending in ACAs in NSW.

Further, there have also been some disturbing statistics released around authorities receiving multiple "risk of significant harm" reports about children in ACAs, including suggestions that 16 related to sexual abuse and 13 to physical abuse (Silmalis, 2023). These numbers highlight a significant concern in relation to removing children and young people from one unsafe environment and then placing them at risk of harm in a new environment. There is also increasing complexity of needs of children and young people in care, requiring therapeutic approaches, trauma-informed



practice and strong oversight systems to avoid children and young people experiencing further harm while in care (Australian Childhood Foundation, 2023).

In this context, CREATE's position on ACAs is that they are not a suitable model for children and young people entering out-of-home care. As noted in the NSW Therapeutic Care Framework (see NSW Government & ACWA, 2017), children and young people entering into out-of-home care are a vulnerable group with many having experienced trauma, abuse, neglect and/or have faced with other forms of severe adversity. In this context, there is a critical need to provide these children and young people with a stable and supportive environment in which they can begin to recover/heal from trauma. This requires the system to meet these children's developmental, relational and wellbeing needs. All children and young people entering care should be supported to reach their full potential. This includes developing a sense of security and stability within their placements, support to maintain positive physical and mental health, support to engage in education and/or employment, maintaining and building social, cultural and community connections, and being actively involved in decisions that affect their lives.

The Commission for Children and Young People (CCYP) Victoria has also investigated concerns around the use of hotels, motels, caravan parks, serviced apartments, and other similar settings in the Victorian context (known as 'contingency placements') through their systemic inquiry functions. CCYP Victoria found that such arrangements were the result of reactive placement decisions due to system pressures and inappropriately redirected extensive financial resources that could have been used to fund more appropriate therapeutic models of care for children and young people (CCYP, 2019).

CREATE's view is that all Australian governments should work towards transitioning away from the use of ACAs, especially as an entry point to out-of-home care, in favour of increased investment in early intervention programs and targeted, place-based recruitment drives to increase the number of foster carers entering the system. Investment should also be allocated to trial and scale alternative models of in-home care, including professionalised foster care, and innovative therapeutic interventions that provide evidence-based and trauma-informed supports for young people with complex needs.


CREATE's national survey *Out-of-Home Care in Australia: Children and young people's views after five years of National Standards* highlighted the key elements that children and young people viewed as contributing to good placements. These included positive and supportive carers, environments where they felt cared for and understood, placements that allowed for children and young people to see themselves as part of a family, as well as having their basic physical needs met (McDowall, 2018). Such observations were also raised in CREATE's consultation with children and young people in NSW on health and wellbeing. Young people spoke about the interplay between strong connections with their family (as defined by them, including biological and/or foster family members) and positive experiences related their wellbeing:

"[A happy life would be] the life that I am living right now basically, if that continues. I like the family that I'm with, I'd like to stay with them. The people I'm around, the things we do together." (Young person, NSW) (CREATE Foundation, 2020a)

"[A happy life would be] living near the beach near my family so I can still like drive down and visit them and have a happy and healthy family." (Young person, NSW) (CREATE Foundation, 2020a)

Young people in NSW also highlighted the impact that feeling safe and having a stable placement can have on their experiences of being happy:

"[Being in] a home that is well looked after and a home where you can have enough sleep and where you can enjoy yourself and do activities, like play board games and stuff like that. A home that keeps



you safe [is important for feeling healthy and well].” (Young person, NSW) (CREATE Foundation, 2020a)

Given these insights from young people, CREATE is concerned by the use of ACAs as an entry point for children and young people entering the care system in NSW and the impact that this may have on their ability to develop a sense of permanency, safety and stability while in care. In 2020, CREATE consulted young people in NSW on their views on safety, security, and participation in decision-making. Young people described feeling secure in terms of stability or permanency, which included having their needs met over time through enduring, positive, and supportive relationships:

“Feeling secure felt like a ‘normal home’. I could feel the love from my carers and see and feel the care they had for me. Knowing that they were on my team, ready to advocate for me and would help me overcome obstacles that would come up on my life journey. Knowing that I was not going to be ‘shipped off’ to the next home because they were done or sick of me.” (Young person, NSW) (CREATE Foundation, 2020b)

This reflects findings from a body of research that has explored the importance and value of consistent, reliable, strong, and lasting relationships for children and young people (Hurley, Lambert, Gross, Thompson & Farmer, 2017; Schofield, Larsson, & Ward, 2017). Young people also told us about what permanency meant to them:

“[Permanency is] not having to move around, not having to be scared if this placement is permanent or temporary. Feeling like you can unpack your bags and not having to live out of your bag.” (Young person, NSW) (CREATE Foundation, 2020b)

“Staying there for a while.” (Young person, NSW) (CREATE Foundation, 2020b)

“[Staying somewhere] for a long time, not short.” (Young person, NSW) (CREATE Foundation, 2020b)


“[Staying somewhere] forever.” (Young person, NSW) (CREATE Foundation, 2020b)

“Being able to stay past one birthday [at a placement].” (Young person, NSW) (CREATE Foundation, 2020b)

Young people’s comments highlight that placement instability and uncertain care environments can have detrimental effects on children and young people. Child Family Community Australia (Wright & Collings, 2021) has suggested that greater emphasis need to be placed on supporting children and young people to construct their own sense of permanency, which must include listening to young people’s concerns, including concerns about uncertain and time-limited care environments that impact their sense of security and belonging.

One young person told CREATE about their experiences while placed in ACAs in NSW. This feedback highlights that individual experiences differ considerably and while some young people may feel safe and have access to basic utilities, transport to continue attending school, and are geographically located in areas that facilitate engagement in activities outside of ACAs, others do not:

“Typically, [ACAs were] pretty good and well looked after. In some experiences I had cockroaches but I had friends in ACAs and all had really dodgy experiences. Hotel utilities such as showers didn’t work so they had to go somewhere and find random places to shower... I felt rather safe with staffed carers that alternated shifts. All were pretty good so felt safe and supported by them. Location of hotels were good... Experience is so dependent on the hotel you stay at and the agency and staff you get.” (Young person, NSW) (CREATE Foundation, 2023)



This young person perceived a level of inequity in relation whether young people's basic needs were being met while in ACAs. They also went on to discuss placement decisions and their lack of involvement in such processes:

“When I was in ACA it was at a difficult time of life so [my] mental health was in a vulnerable state. I was in a good care placement with my dad but was then removed and put into ACA. Staying in my situation before [with dad] instead of being removed and put in ACA would have been much better for mental health and wellbeing.” (Young person, NSW) (CREATE Foundation, 2023)


Lack of involvement in decision making processes serves as yet another mechanism that disempowers children and young people in out-of-home care. In CREATE's 2020 consultation with young people in NSW on their views on safety, security and participation in decision-making, 46% reported that they had no opportunity at all to have a say in where they were placed (CREATE Foundation, 2020b). This is particularly concerning given that the rights of children and young people in care to be meaningfully and genuinely engaged in decision-making processes is enshrined in the *United Nations Convention on the Rights of the Child*, Article 12 (United Nations, 1989). It also is promoted through the National Standards for Children and Young People in Out-of-Home Care (Commonwealth of Australia, 2011; CREATE Foundation, 2019). NSW also has a Charter of Rights for children and young people in out-of-home care built into its *Children and Young Persons (Care and Protection) Act 1998* that defines this right.

The feedback provided by children and young people in NSW to CREATE through our consultation processes suggests the following improvements could be beneficial for addressing gaps and the needs of children and young people while ACAs continue to be used as an entry point to the NSW out-of-home care:

- elevating safety and wellbeing considerations of children and young people in all decisions, especially ACA placement and location decisions,
- ensuring that the physical space of the ACA is built and maintained to a high standard, and designed to provide therapeutic, comfortable and soothing environments and allow for some level of personalisation for the children and young people who are temporarily placed there,
- privileging of continuity of relationships in the adults in young people's lives,
- prioritising measures that support young people to build stability within their placements, including the development of trusting relationships with workers and providing regular contact that ensures caseworkers are aware of unmet needs and can take swift action to address these,
- embedding processes that enable children and young people to be actively involved in decisions that affect their lives, especially where children and young people remain in ACAs, including frequent check-in points to review the proposed length of stay, conditions of ACA placements and any other concerns children and young people may need to raise. A feedback loop for children and young people that explains how their views or concerns have been considered and where they have not been address any reasoning behind why this occurred must also be built in. This should be provided in a way that is developmentally appropriate and culturally safe, and
- practice guidance for caseworkers in NSW should be strengthened to ensure young people's participation is actively sought, valued and acted on, including at entry to care.

CREATE is also supportive and calls for implementation of recommendations from ACYP's (2021) *The Voices of Children and Young People in Out of Home Care* report that would also help to improve experiences in ACAs and seek to:

- strengthen mechanisms that support children and young people's involvement in decision that affects them (see Recommendation 1.21 & Recommendation 2.3; Recommendation 3.2; Recommendation 3.4)

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- improve training of and practice guidance provided for caseworkers (see Recommendation 2.1)
 - improve awareness of children and young people’s rights while in care (see Recommendation 2.2)
 - improve the safety of children and young people in care (see Recommendation 3.3) and
 - ensure children and young people have access to health and wellbeing supports (see Recommendation 5.1).

Conclusion

Thank you again for the opportunity to contribute to ACYP’s Special Inquiry into Children and Young People in Alternative Care Arrangements. CREATE reiterates that ACAs are not a suitable admission point for children and young people first entering out-of-home care. Such arrangements are not suitable to provide children and young people with a stable and supportive environment to recover from adverse life experiences. As such, CREATE will continue to advocate for the NSW Government to work towards transitioning away from the use of ACAs, especially as an entry point to out-of-home care.


Should you have any questions or require additional information, please do not hesitate to contact Imogen Edeson, National Advocacy and Influencing Manager, CREATE Foundation.

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