

**CREATE Foundation submission to the Royal
Commission into Institutional Responses to
Child Sexual Abuse**

**Response to Issues Paper 10:
Advocacy and Support and Therapeutic
Treatment Services**

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About CREATE Foundation

CREATE Foundation is the national peak consumer body for children and young people with an out-of-home care experience. We represent the voices of over 40,000 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 in care.



Introduction

CREATE Foundation welcomes the opportunity to provide a response to the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) Issues Paper 10 relating to issues for “Advocacy and Support and Therapeutic Treatment Services”. CREATE acknowledges and commends the Royal Commission’s efforts to highlight that sexual abuse of children in institutions has occurred in recent times and continues to happen. CREATE again draws the attention of the Royal Commission to the more than 43,000 children and young people living in out-of-home care across Australia and the need to ensure individual and systemic responses to improve their life outcomes.


CREATE acknowledges the commitment, courage and generosity of the people who have come forward and continue to come forward to speak publicly and privately about the sexual abuse perpetrated on them as children and young people while in the “care” of institutions. Through their actions and sharing of their experiences, Australia has acknowledged that it must become a safer place for all children and young people to grow up and the establishment of the Royal Commission is another step towards this important goal. CREATE also acknowledges the important role of individual and systemic advocates who continue their support of survivors of child sexual abuse.

CREATE’s mission is to connect individual children and young people with a care experience to each other to reduce feelings of isolation, to build their self-confidence and skills to assist their self-advocacy and their ability to advocate for changes to improve the system for everyone. Children and young people are connected to each other and CREATE at the local level through CREATE’s state and territory offices. The views and wishes of children and young people in out-of-home care are regularly sought by CREATE through formal and informal consultations. Those views provide a basis for all of CREATE’s policy and advocacy work and inform the way CREATE operates and support CREATE’s media responsiveness.

Children and young people under 18 years old have no political power and are dependent on adults to help them access their rights (ALRC, 1997). Article 5 of the United Nations (2015) *Convention on the Rights of the Child* (CROC) recognises the responsibilities, rights and duties of parents or persons legally responsible for a child to direct and guide children and young people to learn about and exercise their rights as laid out in the CROC. CREATE believes that when state or territory governments intervene in the best interests of the child to provide alternative guardianship to parents, it is essential that children and young people’s interests and rights are regularly reviewed and are open to independent oversight. Individual and systemic advocacy can help children and young people in out-of-home care to access their rights and navigate the complex bureaucratic systems of child protection.

Research shows that while most children and young people in out-of-home care have good physical health, a significant number experience psychological and behavioural issues, and generally have mental health outcomes that are poorer than their peers who have never been in care (Osborn & Bromfield, 2007). Individual therapeutic and support services are required to address individual needs, and individual advocacy is needed to help children and young people locate and access these services. However, CREATE also believes that much can be achieved through aggregating the voices of children and young people so that they can participate in systemic advocacy as a way of effecting large-scale change to the child protection systems. CREATE’s Report Cards are major research projects that promote the voices of children and young people in care on important out-of-home care issues to stakeholders in the out-of-home care systems.

CREATE is an active member of the Implementation Working Group for the *National Framework for Protecting Australia’s Children 2009-2020* (the National Framework) and helped develop the National Standards for Out-of-Home Care (the National Standards) (FaHCSIA, 2011). CREATE firmly believes that a continuing commitment to the National Framework across government and non-government services is essential to improve systems for children and young people in out-of-home care across Australia, to keep them safe, and support them to achieve to their potential. CREATE believes the



National Framework can promote and achieve consistency across Australia's eight different child protection systems, so long as the Australian, state, and territory governments continue their commitment alongside the non-government organisations involved in child protection. The voices of children and young people must be included in the development of, and reporting on the Action Plans that underpin the work of the National Framework through consultation across Australia.

CREATE recommends the continued commitment of the Australian, state, and territory governments alongside non-government organisations to improving standards of care in child protection through the National Framework for Protecting Australia's Children 2009-2020, including the voices of children and young people in future Action Plans.

The voices of children and young people

In producing the CREATE Report Card 2013, CREATE spoke with 1,069 children and young people aged 8 – 17 years in out-of-home care across Australia (except WA) as a benchmark for proposed reviews of the National Standards (McDowall, 2013a). CREATE thought it was important to benchmark how children and young people in care were feeling in their placements, how they viewed their education, life skill attainment, and health, who they were in touch with, how much support they were receiving to plan for their transition from care, and their knowledge and use of complaints processes.


On a positive note, 83% of respondents reported feeling “quite” or “very happy” in their current placement (McDowall, 2013a). Most of the other benchmarks were not as positive and there were differences across jurisdictions. Of note, only 63% of children and young people claimed they'd been able to “have a say” on issues that concerned them at least “reasonably often”. This indicates to CREATE that much more needs to be done to improve the participation of children and young people in out-of-home care in their planning processes. Worryingly, by age 15-17 years, only 33% of young people reported they were aware of having a “leaving care” plan.

Regarding complaints processes, only half of all respondents claimed that they knew how to complain, if necessary, about any problems they have (McDowall, 2013a); but, on a positive note, 70% of respondents had provided positive feedback about the support they had received. On average, 19% of respondents had made a complaint. While there was more knowledge about complaints processes for those in residential care placements, there were also a number of young people in residential care who had wanted to complain but decided not to.

While just over a third of those who wanted to complain, but didn't, reported that the situation resolved itself, another 11% didn't know how to complain. The remaining 54% chose not to raise the issue because of concerns with negative outcomes (McDowall, 2013a). This highlights the importance of child friendly, independent complaints processes where children and young people feel comfortable and are able to access the process; but equally importantly, they must be reassured there won't be punitive or adversarial repercussions for them.

The Royal Commission (2015) has heard from CREATE Young Consultants about some of the barriers to making complaints for children and young people in out-of-home care, including feeling they won't be believed and that the negative outcomes outweigh the potential benefits of following through on a complaint. For example, if a child or young person is happy with their placement and doesn't want to move, then they may feel it is unwise to report abuse as removal from the placement may be the first and automatic response. Regard must be paid to the views of the child or young person and whether there are other actions that can provide for their safety.

Each Australian state and territory government has a “Charter of Rights” for children and young people in care based on the United Nations Convention on the Rights of the Child. It includes the right of children and young people to participate in the decisions that affect their lives, which importantly for children and young people in out-of-home care relates to their care experience.



For children and young people to participate in decisions requires building trust and respect, and open and honest communication. CREATE's work aims to improve opportunities for children and young people to have a voice and be heard to improve out-of-home care systems.

CREATE recognises that there are a range of counselling and therapeutic approaches to improving outcomes for children and young people in out-of-home care, and in relation to the work of the Royal Commission, those who are abused while living in out-of-home care. CREATE hears anecdotally from children and young people about success they have had from services received to treat their trauma, mental health, identity development, drug and alcohol use, and health needs. This submission does not comment specifically on these programs as it is expected that experts in therapeutic supports will provide that information to the Royal Commission.

The following information specifically addresses the Consultation Questions from the Issues Paper (excluding, Topic B, Q.2., Topic D, Q.1., Topic E, Q.1. and Q.2.).



Topic A: Victim and survivor needs and unmet needs

1. What advocacy and support and/or therapeutic treatment services work for victims and survivors?

Children and young people as advocates

CREATE is of the view that its connection events, advocacy and training programs work for all children and young people with a care experience, including those who are survivors of sexual abuse, as they are strengths-based, age appropriate and inclusive. CREATE Foundation membership is open to all children and young people in Australia who are or have been in out-of-home care and are aged between 0-25 years. CREATE engages and connects with children and young people to empower them to have a say in their own lives, and to change the out-of-home care systems for all children and young people in care or who are yet to come into care. This is a big agenda as there are eight different out-of-home care systems operating across the states and territories of Australia. CREATE membership is not reliant on the experiences that brought a child into care, their experiences while in care, or their experiences beyond care. CREATE's vision is that all children and young people with a care experience are supported to reach their full potential.


A large part of CREATE's work on the ground is to hold events to bring children and young people in care together, so that they can connect to other children and young people who are also in care. This breaks down the isolation for some children and young people who feel that they are different from their neighbours or schoolmates who live with their parent or parents. CREATE's (2015a) Youth Advisory Groups (YAGs) and Speak Up Program (SUP), empower children and young people through building their self-confidence, self-esteem, and skills that enable them to have a voice and be heard. Children and young people are able to tell CREATE what issues are important to them and have the opportunity to speak with decision-makers, carers, and child protection workers to improve systems.

Children and young people with a care experience who complete up to three levels of CREATE's SUP training become CREATE Young Consultants. Young Consultants are supported to attend meetings with decision-makers and provide a voice for children and young people in out-of-home care. Young Consultants also provide a valuable role in training child protection caseworkers across Australia to listen to children and young people and remember that each and every child and young person in out-of-home care has the right to a voice and to be heard.

Participation

Research has shown that one of the most important factors that determines the level of children and young people's participation in out-of-home care decision-making is whether or not they feel heard (McDowall, 2013b). CREATE has a number of projects operating across the states and territories to promote the participation of children and young people in out-of-home care in the individual and systemic decisions being made that affect their lives. In Queensland, the Voices in Action project uses SUP training alongside child protection sector forums to enable children and young people's voices to be heard and to promote the establishment of ongoing processes for the participation of children and young people at the local level.

From the literature, evidence shows that improved participation of children and young people leads to more effective services and better outcomes for children and young people (Testro, 2006). The interim evaluation of the Voices in Action project shows the young people involved reported feeling listened to and empowered, and those working in out-of-home care services reported that the young people's feedback provided useful information and inspiration to assist with the design and delivery of services to this cohort (CREATE Foundation, 2015b). CREATE believes projects of this kind provide a powerful avenue for developing and enhancing a culture of youth participation and engagement in out-of-home care systems and communities (G-Force, 2012).



Children and young people in out-of-home care want and value their role in decision making and every effort should be made for this to occur. Each of the state and territories has a “Charter of Rights” recognizing the right to participate in decisions being made that effect children and young people in out-of-home care.

Participation for children and young people in out-of-home care is essential to them having a greater sense of control over their lives, as they are engaged in the decisions being made that affect them. Talking with their caseworker and carers assists relationship development and can help to build self-confidence, self-esteem and skills (G-Force, 2012). CREATE believes that participation in decision making helps children and young people to build the skills needed for their own individual advocacy, upon which systemic advocacy can be built. It could be argued that the skills developed through genuine participation will be useful for young people as they are expected to become independent of the child protection system.

Brothers and sisters in out-of-home care

Of concern to CREATE is the large percentage of children and young people who are not living with their brothers and sisters in out-of-home care. CREATE spoke with 1,160 children and young people in out-of-home care across Australia, and of the 869 children and young people with brothers and sisters in care, 35.6% (n=309) did not live with any siblings in care (McDowall, 2015). In a Think Tank at the national “Youth for Change” conference, 2015, young people told CREATE that (a) they provide advocacy for their younger siblings; (b) having brothers and/or sisters in their placement can help them when they are feeling down or overwhelmed by their circumstances; and (c) the relationships with their brothers and sisters endure while in care and beyond.


CREATE recommends that state and territory governments prioritise placing children and young people in care with their brothers and sisters; if this can't happen, ensure mechanisms to facilitate sibling contact and relationships are addressed in case planning.

Other CREATE projects

CREATE Foundation with the Queensland Department of Communities, Child Safety and Disability Services produced an App called Sortli (a contraction of “sort your life out”) for young people to access information relevant to becoming more independent as they approach 18 years of age. The use of new technologies to support children and young people in out-of-home care is vital to meeting their needs. This doesn't preclude the need for face-to-face services but can help to engage and support children and young people in out-of-home care. It also can provide useful information as the basis of advocacy.

In recognition of the difficulties that many young people with a care experience face when they turn 18 years old, each of the states and territories now have some kind of “leaving care” program. These differ greatly in resourcing and scope but represent the intention to improve outcomes for young people leaving out-of-home care. CREATE has an online and hard copy resource, the “Go Your Own Way (GYOW) Info Kit”, which it developed with input from young people who had been in out-of-home care. It is designed to provide information that young people may need as they become more independent, and to form the basis of a plan for their future. With the help of state and territory governments it was sent to over 2000 young people turning 17 years old in 2014, and over 1000 young people in 2015 (distribution still in progress).

In Western Australia, New South Wales, and Tasmania, CREATE Foundation has delivered the life skills program “CREATE Your Future,” providing young people with knowledge and skills to support them as they move towards becoming independent members of the community. Through workshops young people learn skills to help them to look after their health and wellbeing, to look for a job, to pursue higher education, and explore their identity and life skills to help with their resilience. Developing a knowledge of, and ability to access, universal and targeted health and social programs that the



Commonwealth, state and territory governments fund and/or provide is essential for young people with a care experience, as research shows that many will have poor outcomes in housing, employment, and income (McDowall, 2009).

All of these programs and services enable children and young people to voice their concerns, and to locate an advocate or ally to assist them while living in a placement and with transition to independence. Maintaining connection with some family members, where it is safe to do so, ensures a safer time in and out of care, and also delivers another avenue for support in a crisis. All of these options are important for children and young people who have experienced sexual abuse while in care.

2. What does not work or can make things worse or be harmful for victims and survivors? What do victims and survivors need but not receive?

A key role for CREATE is to engage with children and young people to hear their views and experiences in out-of-home care to improve the system. This is critical for redressing the harm done when children and young people have been ignored, not believed nor listened to about what has happened in their lives. The work of the Royal Commission to date has highlighted how much harm can be done to large numbers of children and young people when they are not believed or when there is no reliable process in place that protects them from sexual and physical abuse.

Participation and complaints

The importance of embedding genuine participation in out-of-home care systems is that it signals to children and young people that their voice is important and will be listened to. This means that independent, child friendly and accessible complaints mechanisms are essential for supporting survivors of sexual abuse. A system that is not independent, that has obscure processes and does not provide follow up or communication with children and young people, can compound the harmful effects of abuse.


CREATE believes independent complaint mechanisms are important for children and young people in care to be able to air their concerns, complain and/or seek redress without fear of repercussions and potentially harming the relationship with their care provider. The ability to investigate individual complaints varies between jurisdictions and CREATE would like all Children's Commissioners and Guardians to have this power.

The Productivity Commission's *Report on Government Services 2015*, identifies 13 "independent bodies" that have a role in monitoring, advocating, and advising on rights and complaints for children and young people in Australian out-of-home care systems (SCRGSP, 2015). The systems can be complicated and often inaccessible to children and young people. There is no clear process or place for a child or young person to approach about an issue they have in out-of-home care, and no clear process for what will happen to the complaint, how it will be resolved, and how feedback to the child or young person will be provided.

CREATE recommends that the state and territory governments agree to developing independent, child friendly complaints mechanisms for children and young people in out-of-home care, so that children's and young people's rights are prioritised and addressed regardless of where they live in Australia.

Stigma

The perceived and actual stigma attached to being or having been in out-of-home care for children and young people is harmful. Children and young people come into care through no fault of their own and shouldn't be judged negatively because they have a care background. Better information for the community generally and social services in particular on the effects of childhood abuse and neglect is



needed to combat stigma. Young people have told CREATE the lack of understanding by the community and preconceptions about young people's living in care puts some of them at more risk of harm as they are perceived already to be experiencing problems. Support networks may not be available to help them correct these views.

Records and information

The lack of information for children and young people in out-of-home care about their lives in care, the reasons they were brought into care and positive documentation (including photos and life story work) can be harmful for children and young people. Access to their files can be limited and often the amount of redacted material leaves children and young people with less of a sense of control over their own lives as they are denied information about their biological relatives including parents and siblings due to privacy policies of departments.

CREATE believes children and young people in out-of-home care must be supported to have information about their experiences and lives before and while in out-of-home care, in an age appropriate way that has sensitivity to feelings and situation of the child or young person. In particular, young people who have left out-of-home care should be supported when accessing their case files, especially if there is documentation and records of abuse that occurred whilst in care.

Transition from care planning

Across Australia there is a lack of consistent, supported and gradual planning for young people in out-of-home care who are preparing to transition to independence. The National Standard requires that all young people aged 15-17 years are involved in transition planning, however, over the years 2009-2013 CREATE has consistently found that only about one third of young people aged 15-17 years know about a "leaving care" plan, and an even smaller proportion are involved in their planning (McDowall, 2009; 2011; 2013a). Access to services after leaving care by those 18-25 years is inconsistent across Australia and CREATE believes more needs to be done to reverse some of the documented poor outcomes for young people who have transitioned from care.


In 2009, the CREATE Report Card found that in their first year of transitioning from care:

- 35% of young people experienced homelessness;
- 70% were dependent on Centrelink for income support; and
- 29% were unemployed.

(McDowall, 2009)

While the preference is to improve out-of-home care services so that young people do not face such adverse outcomes when they leave the system, it is also critical to provide services that assist the "transition" period across the ages 15 – 25 years. This is a time in all young people's lives where they are going through a lot of change, and if "family" support is lacking then young people need to be able to access quality support services to help them with employment, education, and housing.

These findings are consistent with observations of Osborn and Bromfield (2007) from their review of relevant research; young people leaving out-of-home care "are at great risk of experiencing negative life outcomes", including periods of homelessness and committing offences (p 2). There is still a lot of work to be done to support young people with a care background to access mental health services, find secure and affordable accommodation, develop trusting and reliable relationships, and to find work or pursue further study.



CREATE recommends that state and territory governments improve support services for young people with an out-of-home care experience aged from 15 – 25 years to improve consistency of support as they become independent of child protection systems to improve their life outcomes across education and employment, health and wellbeing, housing, identity and culture, legal systems, life skills and relationship building.

Mental health issues and services

A small consultation involving young people with a care experience in Queensland about mental health issues for those in out-of-home care identified a number of problems for young people (CREATE Foundation, 2014). In particular, safety and stability were identified as crucial for positive mental health and some participants identified periods in their lives, both in care and after care, marked by an absence of safety and stability. Young people also identified that there were times they felt that carers and workers in the out-of-home care system were not resourced adequately to respond to the mental health needs of children and young people.

The consultation also found there was more work needed to minimise the negative impact of transitioning from out-of-home care on young people's mental health. This included more being done to assist young people who are transitioning from out-of-home care if at the same time they are having to transition from adolescent mental health services to the adult mental health system.


3. What helps or facilitates access so victims and survivors receive what they need? What are the barriers to receiving advocacy and support and/or therapeutic treatment and how might those barriers be addressed?

Trusted and good relationships are needed by children and young people in out-of-home care to assist them to receive the services they need. Children and young people tell CREATE they turn mostly to their carers if they need help and advice with transition from care (McDowall, 2013a). Children and young people in out-of-home care should be able to rely on their caseworker or carer to assist them with advocacy and support but this is not always the case. Where children and young people do not have stable placements or strong relationships with a trusted carer or caseworker, they may have difficulty finding help to receive services needed.

Children and young people in out-of-home care who wish to address an issue they have in their out-of-home care placement can access individual advocacy services in some jurisdictions but not others. For example, Queensland has established individual advocates who children and young people in certain situations can contact if they need help with an issue. And, in Western Australia, there is a children's advocate in the Department for Child Protection and Family Support.

The community visitor program operating in Queensland has been reduced in size following the Carmody Inquiry and now operates through the Office of the Public Guardian (2015). It is targeted to very young children, children and young people in residential care, and young people in detention. Its aim remains to have an independent person visit a child or young person to provide support and help. In Queensland, children and young people can also contact an advocate for help with legal issues and decisions being made. This service also is operated through the Office of the Public Guardian.

Young people and others attending the CREATE national conference in 2015, "Youth for Change", have suggested a number of approaches for independent, child friendly complaints mechanisms that could



inform individual and systemic advocacy required by survivors of child sexual abuse in institutions. These include:

- Designating one independent person for children and young people in out-of-home care to complain to, whom they can trust and build a relationship with. Confidentiality must be addressed.
- Promoting rights and knowledge of processes available.
- Ensuring language used is appropriate for the age of the child or young person who will be using the service.
- Ensuring that the dedicated person [or agency] is action oriented, i.e., they must do what they say they will do, follow up and report back to the child or young person.
- Establishing honest and open processes that are clear about what will happen, what is happening, and what the possible solutions are – including when a child or young person should expect to hear back about the complaint.
- Recognising the skills needed to be able to respond to complaints and support children and young people through the process.
- Helping children and young people to understand the process and the possible consequences of complaining or of not complaining.
- Offering an advocate or support person for the child or young person.
- Providing accessible contacts with a number of entry options – email, phone, Apps, in person, 24 hour hotline.


A range of barriers and lack of support during care and after leaving care can restrict mental health outcomes for young people with an out-of-home care experience. These include:

- Lack of understanding of the significant factors that impact on the mental health of young people with an out-of-home care experience; the need to take into account early childhood experiences of abuse and neglect, in care and post care experiences, the strength of their relationships with carers, support workers, informal support networks and services.
- An absence of safety and /or stability that are critical foundations for positive mental health.
- The lack of support from trusted people to access mental health services both in care and after care. This needs to be addressed in transition planning.
- Breakdown of treatment and support for transitioning young people from adolescent to adult mental health services. Young people identified the transition from care period as a time when mental health can deteriorate and extra support may be required.
- The need to improve mental health services that bridge adolescent and adult mental health conditions; this may provide better responses as they can be targeted to the 18-25 year age group.
- Poor resourcing and support for carers and workers in out-of-home care systems to respond to the mental health needs of children and young people in out-of-home care.
- Failing to find and maintain education and employment opportunities for young people with a care experience due to mental health issues.

(CREATE, 2014)

4. How well do advocacy and support and/or therapeutic treatment services currently respond to the needs of secondary victims and survivors? How could these services be shaped so they better respond to secondary victims?

As noted above, for children and young people in care, not enough is being done by the out-of-home care systems to help them live with and develop relationships with their brothers and sisters. Prioritising the support for sibling relationships through placing brothers and sisters together where it is safe to do so, and maintaining regular, “natural” contact where co-placement isn’t achieved must be



a priority. Not enough is done to support young people who have left care to stay connected with their brothers and sisters who are still in out-of-home care. Transition planning must consider how the relationships can be supported as brothers and sisters age within and out of the systems.

Topic B: Diverse victims and survivors

1. What existing advocacy and support and/or therapeutic treatment services are available that cater to the specific needs of diverse victim and survivor groups? What types of models and approaches are used to address the particular needs of these populations?

Children and young people in out-of-home care are diverse in their backgrounds and their experiences before and while living in out-of-home care. Universal services should be open to and able to meet the specific needs of children and young people with an out-of-home care experience as long as practitioners have an understanding of how trauma impacts across the life course.

Approaches are needed to respond to and address the overrepresentation of Aboriginal and Torres Strait Islander children and young people, as well as meeting the specific needs of children and young people with disabilities, children and young people from culturally and linguistically diverse backgrounds, and different ages of children and young people in out-of-home care. Based on what the Royal Commission (2014) has found to date, it may be many years before children and young people who are in out-of-home care today are able to disclose sexual abuse and find support to heal their trauma.

The overrepresentation of Aboriginal and Torres Strait Islander children and young people in out-of-home care requires better responses. A recent Think Tank at the CREATE “Youth for Change” Conference in October 2015 identified:


- The importance of retaining and maintaining family and community relationships, contact and connections for Aboriginal and Torres Strait Islander children and young people in care.
- The need to address disadvantage for Aboriginal and Torres Strait Islander children and young people and communities so that they can be safe and cared for without the intervention of the out-of-home care system.

CREATE supports the Secretariat of National Aboriginal and Islander Child Care (SNAICC) in its calls for governments to strengthen Aboriginal and Torres Strait Islander services and decision-making in child protections systems to reduce the number of Aboriginal and Torres Strait Islander children and young people entering care. Evidence and practice already exists to improve outcomes for Aboriginal and Torres Strait Islander children and young people but more needs to be done to implement what works, and cease practices that don't work (Cox, 2014).

3. What would better help victims and survivors in correctional institutions and upon release?

The system has failed when children and young people in out-of-home care are placed in youth justice or residential programs as a placement option. CREATE believes that, at times, children and young people are facing charges and entering the youth justice system due to the inappropriateness of residential care placements. There is a need to identify alternative residential placement models to meet the needs of children and young people exiting youth detention.

While some young people report positively on their experience in residential care placements, the CREATE Report Card 2013 found that children and young people in residential care were less likely to report feeling happy in their current placement than those in kinship and foster care (McDowall, 2013a). Children and young people in residential care had experienced more disruptions in their placement history, which may in part explain this. Overall, the CREATE Report Card 2013 found the



best predictor for children and young people feeling happy in their placement was how “at home” they felt.

An important part of young people feeling “at home” in their residential care placement, is having carers and staff who are able to provide support while respecting that first and foremost they are in someone’s home. CREATE believes that more needs to be done in the residential care area of out-of-home care to break what appears to be a cycle for children and young people moving from residential care to youth justice facilities and back.

The Commission for Children and Young People in Victoria (2015) report highlights areas that need to be addressed including, the impact for young people of exposure to other young people exhibiting high-risk behaviours; loss of contact with friends, family, culture, school, and community supports; and involvement with the youth justice system. Residential care must be able to recognise the diversity of need of each young person and tailor interventions to that need, rather than the shared needs of the group (Bath, 2008).

Topic C: Geographic considerations

1. What challenges do service providers face when trying to respond to the needs of victims and survivors outside metropolitan areas (e.g. those living in regional, rural or remote areas)?

The challenges that children and young people in out-of-home care have identified include the loss of connection to people and places (schools, communities) due to being moved across regional boundaries. The provision of mental health services are more limited in regional areas and there needs to be more investment in evidence-based online services to supplement face-to-face services.

CREATE is concerned about a reduction in privacy and anonymity impacting on children and young people’s access to complaints mechanisms in smaller regional areas.

2. What would help victims and survivors outside metropolitan areas? Are there innovative ways to address the geographical barriers to providing and receiving support?


More information is needed about whom the advocates are for survivors of child sexual abuse, including in non-metropolitan areas. For example, CREATE continues to hear from young people who have transitioned from out-of-home care that they want to be advocates for their younger brothers or sisters in care, however, their involvement in their siblings lives can be stymied by the system, without giving them any opportunity to question or challenge these decisions. Alternatively, CREATE also hears from young people who have found out after leaving care that they had older siblings who had expressed interest in caring for them but these young people were never approached while they were in the system for their view on this.

In general, there are fewer services outside metropolitan areas, so increasing access to transport can assist children and young people to access services further away from where they live, or if children and young people are concerned about their privacy. Processes must be in place to provide confidentiality in smaller communities.

Topic D: Service system issues

2. Given the range of services victims and survivors might need and use, what practical or structural ways can the service system be improved so it is easier for victims and survivors to receive the advocacy and support and/or therapeutic treatment services they need? What type of service models help victims and survivors to receive the support they need?

See above – Topic A, Question 3.



3. How can we ensure practitioners and workers are sufficiently skilled to provide advocacy and support and/or therapeutic treatment for adult and child victims and survivors, including those from diverse backgrounds?

CREATE trains and supports children and young people with a care experience to be involved in training workers and carers in the out-of-home care systems and ancillary systems (e.g., legal services). Delivery of training about the system by those who have experience of it is effective in engaging practitioners and workers regarding the impacts and outcomes of the system. Better training about working with children and young people who have experienced trauma would also benefit practitioners and workers in advocating for and supporting survivors of sexual abuse.

Topic E: Evidence and promising practices

3. What other learnings are emerging from practice-based evidence or from grey literature (i.e. published reports and papers that have not been formally peer-reviewed, such as government reports) about supporting adult and child victims and survivors?

What CREATE has found through the many report cards and consultations with children and young people in out-of-home care is that there are many differences between what is written in policy and the implementation and practice as experienced by children and young people in care. That is if systems operated as they say they do on paper then there would be improvements over time. However, taking the example of placement of siblings in out-of-home care, it has been demonstrated recently that the policy of child protection agencies about placement of siblings does not generally match the practices on the ground – this was reported by the users and workers within the systems. (McDowall, 2015).

This highlights the need for independent oversight and review of systems, as often the reporting provided by child protection agencies matches policy or what appears on computerised files. However, this may not match practice. Another example is AIHW (2015) data obtained from state and territory child protection departments and disseminated online shows that over 80% of young people in out-of-home care have a “transition from care plan”, yet CREATE has consistently found this figure to be much smaller when CREATE speaks directly to young people about planning (McDowall, 2009; 2013a).


The CREATE Report Card 2013 shows that parts of the system are working well for some children and young people. As noted above, 83% of children and young people reported being happy in their placement, however, we also need to know about the 17% who aren't and how this can be addressed (McDowall, 2013a).

Conclusion

Children and young people in out-of-home care in Australia are considered to be vulnerable due to their age and their experiences of abuse and neglect. Children and young people under 18 years old have no political power and are dependent on adults to help them access their rights and navigate the complex bureaucratic systems of child protection (ALRC, 1997).

A continued commitment to the National Framework for Protecting Australia's Children is essential to work towards best practice in child protection that is child and young person centred, with a focus on helping children and young people to reach their potential. Listening to the voices of children and young people in out-of-home care is an important part of measuring how the system is working for children and young people and addressing areas for change.

In particular, improvements are needed to support more positive mental health for children and young people in out-of-home care, and to provide services to assist mental health recovery. Individual and



systemic advocacy are both important in out-of-home care. Individual advocacy assists children and young people to resolve individual issues they may have in relation to their individual situation. Systemic advocacy allows the identification of trends or shared issues to be addressed in ways that improve individual lives more efficiently. In this way the systems are improved for everyone.


Independent complaints systems are needed across Australia to ensure that as far as practicable children and young people are able to approach an independent agency for help if they are experiencing problems in the system, seek remedies for their situation, and receive a fair hearing with feedback on their situation.

CREATE thanks the children and young people who, through their responses to CREATE's initiatives, add their voices to effect improvement of the out-of-home care system in Australia. Promoting their voices and experiences remains CREATE's central aim.



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