Submission in response to the

Protecting Victoria's Vulnerable Children Inquiry

Whitelion, Inc.

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Introduction

Whitelion is a non-profit organisation that supports disadvantaged young people and helps make our community a more inclusive and safer place. Whitelion's mission is to build meaningful relationships and create opportunities that enable highly vulnerable and high risk young people to reconnect with society and reach their full potential. Whitelion works with young people aged 12-25 years who have been identified as highly vulnerable to social exclusion and/or involvement in anti-social or offending behaviour. Whitelion's target group is young people who have had contact with, or are at risk of contact with, the Youth Justice or Out-of-Home Care Systems. Our work is conducted in Youth Justice and other statutory facilities, schools, and the community. Many of the young people involved in Whitelion's programs come from families that have experienced multiple generations of unemployment, substance use and criminal behaviour. These young people have had little or no positive role models and are likely to become involved in offending behaviour if they are not provided with positive alternatives.

Whitelion welcomes the Victorian Government's *Protecting Victoria's Vulnerable Children Inquiry,* and is pleased to take this opportunity to comment. This response to the *Inquiry* seeks to highlight areas of relevance to our core business and area of expertise that are of significance in the process of extending the wellbeing of vulnerable young people. In particular, we have drawn on the experience of staff at both the program-worker and management level, thus ensuring that our response is derived from both theory, and daily practice.

Key Recommendations

1.   **Identification of Indicators of Independence and Well-being**

In assessing a young person's welfare, Whitelion argues that it is imperative to explicitly identify particular indicators against which wellbeing can be measured. Whitelion recommends that the following key indicators be adopted:

- Health

- Stability

- Housing

- Education/employment/training

- Absence of participation in commercial sexual activity

- Absence of involvement in the justice system

Whitelion views these as the core factors that must be focused on in order to ensure the protection of vulnerable children, and upon which this submission is based.

2.   **Structural/Systemic Issues**

Whitelion works primarily with young people already involved in the systems to which many other young people are considered "at-risk", including Youth Justice and Child Protection. To promote the safety and well-being of these young people, Whitelion recommends that a number of changes be made in the fundamental functioning of these very systems.

As suggested by Rhiannon Bruce and Philip Mendes (2008) a "lack of placement options…results in inappropriate client mixes and exposure to, or exacerbation of, negative and undesirable behaviours."[1] This has certainly been noted by Ramp staff[2] who, when visiting residential units, frequently witness young people who are still engaged in educational or other positive community pursuits when they first enter care and quickly disengage in favour of more negative activities promoted by older fellow residents. In the custodial setting, young people are often remanded in custody as there is no 'safe' place for them in the community. In these circumstances, the potential for a susceptible young person's exposure to negative influences is even further exacerbated. Whitelion insists that under any circumstances, incarceration should be seen as an absolute last resort.

Whitelion believes that greater funding should be made available if necessary to provide a wider pool of more appropriate placement options to ensure that entry into state care doesn't encourage unnecessary negative outcomes for vulnerable young people.

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[1] Bruce, Rhiannon & Mendes, Philip (2008) *Young people, prostitution and state out-of-home care. The views of a group of child welfare professionals in Victoria,* Children Australia, Vol. 33, Number 4, p.31-37

[2] The RAMP Mentoring Program aims to engage young people aged between 13-17 years living in residential care in Melbourne's eastern suburbs to give them experiences that will inspire them to take a positive and proactive approach to their lives. Run in partnership with Reach, RAMP draws on the strengths of the two partner organisations to facilitate the engagement and matching process for these at risk young people. Ramp Lead Mentors and Staff regularly visit Residential units to engage young people.

Additionally, to ensure positive Residential care environments that protect and empower vulnerable children, Whitelion recommends improvements to staff training and retention to facilitate consistency and positive relationship building. This is supported by research findings that "poor financial and human resources and training limit the ability of carers to create an environment that is able to provide adequate care and intervention".[3]

Finally, Whitelion strongly advocates for the continued financial and pastoral involvement of DHS and community agencies in the lives of young people, after they have turned 18. This is particularly advisable in cases where the young person has not achieved identified benchmarks of wellbeing and safety including stable housing, education or employment, personal safety and health, and social or community interaction.

3.   Community: Strengthening and Creating

Whitelion passionately endorses the power of community in protecting and empowering vulnerable children. However, Whitelion recognises that the current system of state care can undermine children's existing community links by enforcing geographical changes, school changes, etc. Therefore, it is recommended that when children are taken into state care, existing community supports and links are identified and maintained.

Furthermore, vulnerable children should be assisted to develop new community links where possible. For example, the Ramp program has been very successful in creating a community environment where young people feel encouraged, empowered, and called upon to make an active contribution. Similarly, the newly developed Community Integration Program, matches young people in Residential care with adult volunteer mentors whose primary role is to assist in identifying and developing links with suitable community groups and activities.

Similarly, the Bundji Bundji program has taken a flexible and holistic approach to service provision, which promotes the significance of the individual, the family, their culture and the community in a young person's life. In particular, this approach takes into account young people's unique needs and allows for the flexibility to deliver tailor made services.

Whitelion identifies the community as having an important part to play in the wellbeing of vulnerable children, and there a myriad forms this involvement can take. For example, local businesses may be able to offer assistance to community organisations in service delivery, or volunteer support. On the other end of the spectrum, they may be able to offer sponsorship for young people's inclusion in local sporting activities, or training and employment opportunities. By empowering the community to self-identify new and innovative ways to contribute, we allow for a raft of new possibilities not yet imagined.

Finally, unfortunately, the Child Protection System is by its very nature considered the adversary of those it seeks to protect. Whitelion encourages the Victorian government to recognise that given this difficult fact, it may be most appropriate for the bulk of this work to be conducted by the community sector, which is best placed to recognise and understand the particular needs of its own jurisdiction.

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[3] Bruce, Rhiannon & Mendes, Philip (2008) *Young people, prostitution and state out-of-home care. The views of a group of child welfare professionals in Victoria,* Children Australia, Vol. 33, Number 4, p.31-37

4.   **Smarter, More Efficient, Coordinated Approach to Financial Management**

Whitelion recommends that funding systems and financial management in the sector be carefully reviewed to ensure that available funding is used in a smarter, more effective way. In particular, Whitelion argues that Leaving-Care funding is currently managed in an ad-hoc fashion, and that increased early planning together with the young person, and a more coordinated approach, would positively influence the potential effect of money spent. This is confirmed by FAHCSIA's recent report on transitioning from out of home care to independence, which found that:

> *"The scope and content of leaving care plans differs across jurisdictions and care providers. The content of leaving care plans varies in terms of language used and areas covered e.g. health, housing, education, training, employment, self-care skills, financial management, identity issues, relationships etc. Variations also occur in* the *processes used to develop, implement and monitor leaving care plans (e.g. who is involved, when does the planning start and implementation end). Increased consistency across jurisdictions is needed to deliver equity in the planning process for young people, regardless of their location."[4]*

5.   **Flexibility and Innovation**

Whitelion recognises each young person as a unique individual with individual needs. Therefore, services working to protect vulnerable young people must adopt flexible and innovative approaches which are responsive to individual time tables (and concede that young people's concerns don't simply fit between the hours of 9 to 5). Flexible funding arrangements should reflect an understanding that community based service providers often have a stronger sense of what their particular community needs than the government. This can allow service delivery to be agile in proactively engaging constituents, and responding to the individual needs of clients and communities. Furthermore, funding arrangements that appreciate that both the government and community organisations in this sector have common objectives, but different methods, would further allow room for innovation rather than prescriptive systems.

6.   **Meaningful Engagement**

Whitelion believes that young people in state care achieve better in-care and post-care outcomes when they are at the helm, supported by the adults in their lives to make informed choices. However, this buy-in by the young individual requires a level of participation rarely achieved in the statutory setting. Although some efforts have been made to include young people in the decision making process, few of these measures have been successful. For example, efforts to encourage young people to attend Case Planning meetings are too often unsuccessful. This is not surprising; the attractiveness of attendance at such a meeting is likely tempered by its potential to intimidate or patronize the young person, who may feel that it is simply a room full of adults, gathered to make decisions with little, or only notional regard for the subject's preferences.

Whitelion believes that increasing the meaningfulness of young people's engagement in decision making processes would necessitate a fundamental paradigmatic shift: identifying young people as partners in the planning process, rather than its subjects. In particular, it is recommended that

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[4] Department of Families, Housing, Community Services and Indigenous Affairs together with the National Framework Implementation Working Group, (2010), Transitioning from out of home
care to independence: A national priority under the National Framework for Protecting Australia's
Children 2009 – 2020, p. 2

carers, community organisations, etc work collaboratively to ensure that young people are better informed, earlier, of both the risks and solutions to obstacles that potentially face them upon exiting care, including homelessness and barriers to education. Whitelion suggests that the Government consider the development of a suite of services, supports and resources for young people transitioning out of care. Resources should provide young people with a range of information including, for example, practical insights into what to expect in different living arrangements, where to go to seek employment, and how to get support in a crisis. These resources could be modelled on the 'Getting Started' transitional resources produced by VACRO with the support of the Department of Justice for prisoners exiting prison.[5] Similarly, Whitelion argues that a resource of this type be developed as a collaboration between a community service organisation and the Government.

Victoria Versus Human Rights

Whitelion suggests that the state of Victoria is a global leader in the protection of vulnerable children such as those in state care. For example, the existence of a Secure Welfare institution in Victoria means that smaller, ill-equipped residential homes are not obliged to care for young people with extreme behaviours that pose a danger to themselves, fellow residents and staff Members, as is the case in other states of Australia, as well as in Canada, the United States of America, and the United Kingdom.[6]

However, there is still a way to go. In particular, Whitelion suggests that, like the United Kingdom, where legislation states that young people in care must be supported until the age of 23,[7] the provision of care to wards of the state should be extended beyond age 18. This is supported by international research completed in the last two decades which indicates that all around the world, young people leave care at a much earlier age than their counterparts in the general population who simply leave home.[8] This early departure from a care environment, particularly for young people who have not had positive behaviours modelled by their parents, suggests a significant increase in risk factors for this cohort. Furthermore, Whitelion suggests that much could be learnt from the UK's model of residential care which provides a specialized residential system for young people with an intellectual disability.[9]

The best possible practice ensures that human rights are not only met, but surpassed. The Victorian Charter of Human Rights and Responsibilities Act 2006 (Vic) (the '*Charter*') became part of Victorian law on the 25th July 2006.[10] The *Charter* is different from its counterparts in the ACT, New Zealand and the United Kingdom as it incorporates the 'best interest of the child' principle, in determining a child's need for protection. Whitelion commends the State of Victoria for this meaningful

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[5] For more information on the Getting Started resources, please visit
http://www.vacro.org.au/Information/Book_Getting_Out.htm

[6] Bath, Howard, (2008), *Residential care in Australia, Part II: A review of recent literature and emerging themes to inform service development,* Children Australia, Volume 33 Number 2, p. 19

[7] Hillan, Lisa, (2008) *Welcome To Adulthood: Supporting Young People In Care*, Children Australia, Volume 33 Number 2, p. 48

[8] Moslehuddin, Badal Md, Thesis as yet unpublished.

[9] Bath, Howard (2008), *Residential care in Australia, Part II: A review of recent literature and emerging themes to inform service development,* Children Australia, Volume 33 Number 2, p. 19. In Victoria, young people with an intellectual disability are traditionally placed in residential units catering to young people with high needs. This impacts negatively on their health, safety and well-being.

[10] The Victorian Charter of Human Rights is available at www.justice.vic.gov.au/humanrights

differentiation.[11] However, Whitelion is extremely concerned that the young people in State Care in Victoria are at risk of having their human rights violated by the very system designated to protect them. This risk is compounded by the sad fact that many of the young people with whom Whitelion works have experienced violations of their human rights from the very day of their birth, at the hands of their parents and caregivers. It is vital that the services currently supporting vulnerable young people in state care not only protect the young person's human rights, but also educate and empower them to demand their protection, and seek remedies when they have been violated. It behoves the government of Victoria to ensure that the protection and advancement of young people's human rights are at the forefront of this inquiry.

Conclusion

Whitelion welcomes any efforts made to protect Victoria's vulnerable children. Whitelion commends the state of Victoria for its attention to the need for intensive refurbishment of the leaving care process. As highlighted above, Whitelion suggests that community integration be a key focus of the revision of the Child Protection system, as well as a range of measures to ensure that young people are not excluded from state care earlier than is healthy or safe for them to do so. Following these arguments, Whitelion strongly advocates for a revolution, not simply an evolution, of the state care system.

Whitelion appreciates the opportunity to provide comment on the *Protecting Victoria's Vulnerable Children Inquiry*. We look forward to working with the Victorian Government to implement and achieve the objectives of the *Inquiry* on its final release.

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[11] Australian Capital Territories Human Rights Act 2004, New Zealand Bill of Rights Act 1990, United Kingdom Human Rights Act 1998.

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