
INDIGENOUS YOUNG PEOPLE LEAVING CARE: QUESTIONING THE GAPS IN OFFICIAL STATISTICS

by Susan Baidawi, Bernadette Saunders and Philip Mendes

Indigenous children and young people are over-represented in the Australian child welfare system. However, little is known about these young people's experiences as they leave care. Statistical anomalies and significant data gaps are barriers to developing informed policy and practice initiatives in this area. Reported numbers of Indigenous children in out-of-home care do not align with official statistics concerning Indigenous young people leaving care. Drawing on a recent study of Indigenous care leavers in Victoria, this article raises key questions about the statistics and discusses possible reasons for the apparent discrepancies. It also considers some important implications for Indigenous leaving care supports and services.

BACKGROUND

Indigenous children and young people are over-represented at all stages of Australian, and many international, child protection systems.¹ Data from the Australian Institute of Health and Welfare ('AIHW') suggests that Indigenous children and young people are more frequently the subject of substantiated child abuse or neglect, and also far more likely to be on a care and protection order, than non-Indigenous children and young people.² Furthermore, the rate of Indigenous children on care and protection orders has been increasing; from 2011 to 2015, this rate grew from 43.0 to 57.5 per 1,000 children, while that of non-Indigenous children remained relatively stable (increasing slightly from 5.3 to 6.3 per 1,000 non-Indigenous children).³ Many factors contribute to this outcome, including intergenerational trauma arising from past policies of forced removal of Indigenous children from culture and community, and the resulting socio-economic disadvantages.⁴ There is a consequent over-representation of Indigenous children and young people in out-of-home care systems, which are the responsibility of individual states and territories. At June 30 2015, there were 15,455 Indigenous children and young people in out-of-home care across Australia, a rate of 9.5 times that of non-Indigenous children and young people in out-of-home care.⁵ While the disproportion is most evident in younger age groups, 1,773 Indigenous young people aged 15 to

17 years were in out-of-home care in 2015, seven times the rate of their non-Indigenous counterparts.⁶

Why the over-representation of Indigenous young people in state care decreases during later adolescence is unclear. However, anecdotal evidence suggests that many Aboriginal and Torres Strait Islander children leave out-of-home care to live independently from an earlier age, some as young as 14 years.⁷ This adversely impacts upon the support accessible to Indigenous young people during their transition from care because young people generally become eligible for state and territory leaving care services at age 16.⁸ Eligibility to receive the Federally-funded Transition to Independent Living Allowance ('TILA') also begins at age 15.⁹ Victorian legislative provisions for leaving care and post care services are detailed in Section 16(g) of the *Children, Youth and Families Act 2005* ('CYFA'), which stipulates that the Secretary has the responsibility 'to provide or arrange the provision of services to assist in supporting a person under the age of 21 years to gain the capacity to make the transition to independent living'. Notably, the CYFA does not specify the age at which care leavers become eligible for receiving such support. However, to access these resources, Victorian State policy requires young people to have been under specific custody or guardianship orders on their 16th birthday.¹⁰

Despite long-standing concerns about Indigenous over-representation in child protection systems, there has been limited research regarding their experiences of leaving state care. Significantly, the number of Indigenous Australian young people leaving care each year is unknown. While national figures show that 3,273 young people aged 15 to 17 years were discharged from out-of-home care in 2014-15, it is unclear how many were Indigenous. In 2013 we reported on the differing estimates of the number of Indigenous care leavers in Victoria.¹¹ The Protecting Victoria's Vulnerable Children Inquiry estimated that 13 per cent of the 590 young people aged 15 years and older who were discharged from state care in 2009-10 were Indigenous (around 77 young people).¹² If this estimated proportion is applied to the 2010-11 AIHW care leaver

data for Victoria, this would equate to 111 Indigenous care leavers for that year. However, the proportion of these Indigenous young people who accessed Victorian post care services is unclear given other eligibility criteria. In contrast, data from the then Victorian Department of Human Services estimated that only 29 Indigenous young people eligible for leaving care and post care services exited out-of-home care in 2011.¹³ The roughly three-fold difference in these estimates surely creates difficulties in determining the just allocation of funds for service provision in this area.

In addition to inadequate data concerning the numbers of Indigenous care leavers in Australia, few policy initiatives appear to specifically support this group of young people. In Victoria, the Aboriginal Leaving Care Initiative aims to ensure culturally appropriate support for Aboriginal care leavers aged 16 to 21 years by providing transition support and post care assistance.¹⁴ These services are either directly provided by Aboriginal Community Controlled Organisations ('ACCOs'), or via secondary consultation from these organisations to generalist leaving care service providers. To date, no evaluations of this initiative have emerged. Additionally, the Victorian Leaving Care Housing and Support Initiative targets care leavers aged 16 years and older who are at risk of homelessness.¹⁵ This program couples housing support with case management services, and specific resources targeting Indigenous young people leaving care in two Victorian regions. Few Indigenous-specific leaving care initiatives are apparent in other jurisdictions. The Secretariat of National Aboriginal and Islander Child Care (SNAICC)¹⁶ referred to this as a serious oversight. One exception is Aboriginal Aftercare State-wide Service, a pilot program initiated in 2015 which provides support to Aboriginal young people aged 15-25 years that have left statutory care in NSW.¹⁷

THE 'INDIGENOUS CARE LEAVERS IN VICTORIA' STUDY

Given the limited information concerning Indigenous care leavers, our recent study sought to investigate these young people's experiences. It involved a partnership between Monash University and various child and family welfare agencies, including the Victorian Aboriginal Child Care Agency ('VACCA'), Wesley Mission, Jesuit Social Services, Berry Street, MacKillop Family Services, and the Salvation Army Westcare. The study aimed to examine leaving care and post care systems available to Indigenous care leavers, paying attention to relationships between Indigenous and non-Indigenous agencies. Additionally, the project investigated Indigenous care leavers' experiences, their access to leaving care and post care services, and other strategies that would assist them.

The research involved focus groups with 36 key stakeholders from nine different child and youth support services (including three

ACCOs). Two Victorian Koorie care leavers (aged 19 and 22 years) also participated in individual interviews to share their stories, and their leaving care and post care insights. The study's final report (Indigenous Care Leavers in Victoria) was released in March 2016.¹⁸ This paper draws upon the study's findings to shed light on the issues identified above. It examines issues and questions related to the number of Indigenous care leavers in Victoria, and these young people's uptake of leaving care and post care services.

Indigenous children and young people are more frequently the subject of substantiated child abuse or neglect, and also far more likely to be on a care and protection order, than non-Indigenous children and young people.

FINDINGS

The study generated four main findings prompting consideration of issues related to the number of Indigenous care leavers. Firstly, respondents from child and youth support services provided anecdotal evidence of Indigenous young people leaving care or absconding from care before becoming eligible for leaving care services. This was mainly raised by respondents in non-metropolitan areas, who described situations where young Indigenous people had been in care for many years. Many either absconded from placements to homelessness or inadequate housing (for example, couch-surfing), or returned to kinship placements deemed as stable prior to age 16. Participants observed Indigenous young peoples' orders lapsing after being placed in kinship arrangements which later broke down, or after absconding from placements after the age of 15. For example, a Youth Services team leader noted that:

lots of the Indigenous kids we see ... that come through the homelessness intake, have had their order closed because they've been placed with kin, but that's not been sustainable. And then they've become transient and homeless.

Participants from both ACCOs and non-Indigenous agencies believed that these pathways partly accounted for the low number of Indigenous young people presenting to leaving care services. A second and related issue raised was the apparently greater number of Indigenous young people presenting either to post care services or returning to youth services via homelessness or youth justice service pathways when their circumstances degenerated. A third theme raised was the number of Indigenous young people presenting to post care services from other regions, including from

interstate. As one leaving care manager in metropolitan Melbourne indicated:

we have a couple of [care leavers] from South West Perth ... We've got kids from Queensland, and we've got New South Wales, we've got Alice Springs. We've got some down from Gippsland, so there are some that are closer ... we've got some from South Australia.

Finally, respondents from ACCOs spoke about difficulties delivering the needed services to each of these Indigenous care leavers within funding restrictions. There were indications that, consequently, some young people could not be offered Indigenous-specific services. For example a Leaving Care Manager stated:

we can only work with [a limited number of] leaving care clients within one year ... as they leave the program, more will come in. But because the leaving care program is for such a long time, there's lots and lots of kids that in that time will miss out ... In that four years we're holding that one vacancy and all of the other kids that have come through aren't able to get into the program.

There is a need to revise legislative provisions in Australian jurisdictions to ensure that post care support is consistently available to all care leavers, including Indigenous young people.

DISCUSSION AND IMPLICATIONS

The key stakeholders' insights have enhanced understanding of Indigenous care leavers' experiences in our current system. The suggestion that Indigenous care leavers may frequently leave or abscond from care, prior to the age of 16 years, echoes the anecdotal evidence of Indigenous peak bodies.¹⁹ This is problematic as it results in Indigenous young people being deemed ineligible for post care supports, despite their being under the responsibility of child protective services often for most of their young lives. Further, it may lead to situations where Indigenous young people, who have disconnected from out-of-home care services, being unaware of their right to access Federal leaving care funding. Notably, however, a recent Federal Department of Social Services' report found that 27 per cent of the young people applying for access to TILA funds, between January 1 2014 and May 31 2015, identified as Indigenous.²⁰ While jurisdictional differences are not noted, this figure precisely aligns with the proportion of young people in Australia, aged 15 to 17 years, living in out-of-home care and identified as Indigenous;²¹ suggesting that this

group of young people are indeed accessing this source of material support. Questions arise, however, given the alarming presentation of Indigenous care leavers in youth homelessness and youth justice systems, highlighted by this and previous reports.²² Are sufficient, appropriate supports being provided to these young people at critical developmental stages in their life trajectories?

The frequency of interstate and other out-of-area Indigenous care leavers seeking support also prompts the need for further investigation. Funding projections for Indigenous-specific leaving care services and post care services may not account for these young people's transience.²³ As it is unclear whether Indigenous young people can access post care supports from outside their originating jurisdiction, questions arise as to how, Indigenous care leavers access these services. Further, it is unclear how the local care leaver populations are impacted, given the limited funding for both Indigenous-specific and generalist leaving care supports. To whom is the limited funding being allocated, and who is missing out?

These findings prompt a number of recommendations for law and policy reform in this area. Firstly, there is a need to revise legislative provisions in Australian jurisdictions to ensure that post care support is consistently available to all care leavers, including Indigenous young people. Secondly, state and territory governments should increase the maximum age of leaving care to at least 21 years, in line with evidence that delaying the transition from state care promotes better outcomes.²⁴ Additionally, as researchers have previously highlighted,²⁵ there is a need for access to accurate data concerning outcomes for care leavers to better inform leaving care policy and services. In the case of Indigenous young people transitioning from state care, such data should not only comprise the number of Indigenous young people on statutory orders in each region, but also access to leaving care, post care and other social services, including that by young people from other jurisdictions. The study's findings also raise questions about whether a Federal post care support system might be more culturally appropriate for Indigenous care leavers than state and territory limited systems, given this group's mobility, and their culturally-specific needs (for example, the desire to return to country). Indeed, the Commonwealth government has recently announced a trial for more intensive support to care leavers.²⁶ States and territories will use the trial's results to guide future interventions for young people. This aligns with an ongoing move towards a nationally consistent approach to leaving care support, and the integrated system recommended by our findings. Finally, consistent with SNAICC's suggestion,²⁷ the threshold for eligibility for leaving care and post care services should be lowered to a maximum of 15 years, with leaving care planning to commence

at 14 years for Indigenous young people deemed to have a high likelihood of early transition to independence.

CONCLUSION

In a context which aspires to recognise and address Indigenous social, health and economic disadvantage, suitable Federal funding should be made accessible in ways that would best address the needs of Indigenous young people transitioning from state care. Adequate data relating to these issues needs to be publicly available in order to improve post care outcomes and to reduce the numbers of Indigenous youth in child protective services. We can, and should, do more to understand the needs and trajectories of Indigenous young people exiting statutory care systems, and endeavour to implement culturally-appropriate responses which meet their needs.

Susan Baidawi, Dr Philip Mendes and Dr Bernadette Saunders work in the Social Inclusion and Social Policy Research Unit at Monash University.

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