

# Policy Paper

*SOCIAL JUSTICE UNIT*

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## Education matters - improving the educational outcomes of children and young people in care

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UnitingCare Children, Young People and  
Families



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## Executive summary

Education makes a crucial contribution to the development and wellbeing of all children and young people and is an important gateway to future employment and life opportunities.<sup>1</sup> For children and young people growing up in care, education can provide a pathway out of disadvantage. Young people who successfully complete school are more likely to enjoy a range of positive outcomes including fulfilling employment, financial independence, positive self-esteem and positive relationships.<sup>2</sup>

However, numerous studies in Australia and overseas have found that children and young people growing up in care are at risk of poor educational outcomes including behavioural and disciplinary problems, higher rates of truancy, poor school grades and early school leaving.<sup>3</sup> They are also less likely to progress to post-secondary education or training.

This paper focuses on the policy changes needed to improve educational outcomes for children and young people growing up in care in NSW. It reviews promising policy approaches being used in other Australian states and territories and overseas.

### Educational challenges experienced by children in care

There are many factors which contribute to and compound the poor educational outcomes experienced by children and young people in care.

Children and young people generally enter care as a result of abuse and neglect (some children with profound disabilities are relinquished to care). This has a profound impact on their ability to learn and interact in socially appropriate ways. They are often contending with multiple issues, including disability and mental health issues, and have complex support needs that require the involvement of a number of agencies. Children and young people who have been in care have often had a disrupted educational experience due to placement changes and relocation. Additionally, many children and young people in out-of-home care (OOHC) are not regularly attending school because they have been suspended or expelled.<sup>4</sup>

Some research suggests that carers, caseworkers and teachers may not expect children in care to do well at school and this may be communicated to the child.<sup>5</sup> Parental influences are critical in driving young people's educational and occupational aspirations. This highlights the importance of building carers' understanding of their role in supporting the education of children in their care.

## The NSW policy context

### Child protection legislative reforms

The child protection legislative reforms passed through the NSW Parliament on 26 March 2014. Under the reforms, where restoration is not possible, there is increased emphasis on adoption and long-term guardianship. UnitingCare Children, Young People and Families (UnitingCare CYPF) supports the increased focus on permanency arrangements which will provide greater stability for children and young people who can no longer live safely with their birth families.

Under the legislative reforms, long-term guardianship with family or kin is the preferred placement option for Aboriginal and Torres Strait Islander children who cannot be restored. Given that Aboriginal children and young people are at high risk of poor education outcomes, providing additional educational support to this group is particularly critical.

There should also be further discussion and debate in the sector regarding the educational support needs of adopted children. As Australia is only just moving towards a greater focus on adoption this is an area that needs more detailed consideration. In the United Kingdom (UK) and the United States (US), there is growing recognition that due to their early life trauma, adopted children and those placed in long-term guardianship may experience a range of challenges in their education similar to those faced by children in OOHC.

In this context, the paper adopts a broad definition of 'care' which is inclusive of children and young people in long-term guardianship arrangements (or who are in kinship care).

## Policy framework for education of children in OOHC

The 2008 *Special Commission of Inquiry into Child Protection Services in New South Wales* (hereafter the Wood Report) highlighted concerns about the poor educational outcomes of children and young people in OOHC. Based on the recommendations of the Inquiry, as part of the *Keep them Safe Action Plan*, the (former) NSW Government developed several new policy initiatives to improve educational support for children and young people in OOHC.

School principals are required to ensure that within 30 days of entering OOHC all preschool and school age children and young people in government schools have an individual education plan prepared for them. However, our experience is that the implementation of this policy by schools is very variable and our caseworkers often need to advocate strongly for schools to develop the plan.

In 2010, 10 regional OOHC Coordinators were appointed within the Department of Education (formerly the Department of Education and Communities). They are responsible for coordinating and monitoring the educational support for children and young people in OOHC in government schools. Their role also focuses on developing more effective models of improving the educational outcomes of children and young people in OOHC.

Our staff report that the regional OOHC Coordinators play a crucial role in assisting schools to understand the needs of children in care, improving compliance with the requirement to prepare an individual education plan and supporting collaboration with NGO OOHC providers. However, the OOHC Coordinators are very stretched because of the large areas they cover. Also, ongoing funding of these positions is uncertain beyond mid-2016.

The Department of Education also employs OOHC teachers who have a more 'hands on' role in working with schools to support children and young people in OOHC. Our experience is that in some areas, the OOHC teachers do play a critical role, for example, in assisting in transition planning and participating in school suspension meetings. However, as the OOHC teachers cover large areas, their work focuses mainly on crisis intervention, rather than building the capacity of teachers and school staff to understand and support children and young people in care.

## Policy approaches in other Australian and overseas jurisdictions

In Australia, Victoria and South Australia have made significant progress in implementing policy and practice frameworks to improve the educational experience and outcomes of children growing up in care.

Victoria has implemented a range of initiatives spanning early education and care (ECEC), school and post-compulsory education for young people transitioning from care. The initiatives focus on improving coordination between education providers and child welfare agencies. They also include financial support for young children to access ECEC and waiver of TAFE fees. There is a strong focus on tracking the educational outcomes of each child and young person in OOHC and compliance of schools and case managers with relevant policies.

In South Australia, children and young people in OOHC or in long-term guardianship arrangements also have priority access to educational supports such as waiver of TAFE fees and career counselling. The Department of Education and Children's Services has provided training to school staff on working with students who have experienced trauma. It has also implemented strategies to reduce the use of suspension and exclusion (of all students). The Department tracks data on the education of children and young people in care throughout all stages of education, including suspension data.

Overseas, in the US, the 2008 *Fostering Connections to Success and Increasing Adoption Act* brought national attention to this issue. The law requires child welfare agencies to help children stay in their original school when placed in foster care unless it is not in their best interests. If changing school is not in a child's best interests the state must ensure their immediate enrolment in the new school and swift transfer of all records.

This spurred development of state laws and programs to improve educational outcomes of children in care across early childhood education, school and post-secondary education. There is a focus on improving collaboration between schools and child welfare agencies and oversight of the educational status of children in care. Many states have appointed education advocates who work with schools to maintain school enrolment, promote academic progress and provide training to carers to support the education of children in their care.

These measures are having an impact. In Washington State, college enrolment among young people in foster care (in the first year after high school graduation) rose from 16% in 2005-2006 to 20% in 2008-2009. 'On-time' high school completion rates (by the end of 12<sup>th</sup> grade) also increased by 6%.<sup>6</sup>

Similarly, in the UK there has been a strong policy focus on improving the educational outcomes of 'looked after children' spanning early education and care (ECEC), school age education and promoting participation in further education and training.

Cumulatively, initiatives such as the pupil premium, designated teachers and virtual school heads (VSH) are having a positive effect and resulting in better procedures and interagency practice.<sup>7</sup> The Office for Standards in Education, Children's Services and Skills found evidence that the VSH have made a strong contribution to improving educational outcomes for looked after children, including increased levels of attendance and reduced numbers of exclusions.<sup>8</sup>

### The way forward – policy recommendations for a stronger future

Improving education outcomes requires focused attention across all stages of a child's education from the early years, through school age education and support for further education and training. UnitingCare CYPF has identified seven key action areas to promote improved educational outcomes for children and young people growing up in care. All of these strategies should be inclusive of children in OOHC and those placed in long-term guardianship (or who are in kinship care).

#### **1. Provide free early education and care for children in care in the two years prior to starting school**

- The NSW Government provide free early education and care, to children in OOHC and those in long-term guardianship arrangements in the two years prior to starting school. The funding for free early education and care should cover at least three days a week.

## **2. Ensure that all teachers have training on working with children and young people with complex needs and understanding trauma**

- All teacher training courses include increased content on understanding trauma and working with children and young people with complex needs.
- The Department of Education ensure that teachers in all primary and secondary schools have ongoing professional development on trauma and working with children with complex needs.

## **3. Strengthen the role and number of OOHC Coordinators and OOHC teachers**

- The NSW Government provide ongoing funding for the regional OOHC Coordinator positions.
- The NSW Government increase the number of OOHC support teachers and Coordinators to increase their capacity to provide training and support to teachers including training on trauma-informed practices.
- The role of the OOHC support teachers and Coordinators should be expanded to include support for children in long-term guardianship arrangements.

#### **4. Strengthen coordination and collaboration between schools OOHC providers and health services**

- The NSW Government develop a new protocol to guide joint agency work to address the educational needs of children and young people in OOHC. The protocol should encompass all schools across the government, Catholic and independent school sectors based on an agreed framework and commitment to improving education outcomes of children in OOHC. The development of the protocol should involve strong consultation with the NGO sector.
- A robust reporting and monitoring system should be developed to ensure that the cross-agency protocol is implemented effectively at both regional and state-wide levels.
- The NSW Government develop mechanisms to improve the integration of assessment and support across the OOHC, education and health systems and increase support for children who exhibit or are at risk of developing severe emotional and behavioural disturbance.

#### **5. Focus on reducing suspension and exclusion of children and young people in care**

- The NSW Department of Education review policies and procedures relating to suspension and exclusion and their application to children and young people in care. The focus of this review should be on reducing both the incidence and duration of suspensions for this group of vulnerable students.
- The NSW Department of Education review and strengthen supports available for children in care who exhibit or are at risk of developing serious emotional and behavioural problems.

## **6. Support young people who are transitioning from care to participate in further education and training**

- The NSW Government implement strategies to assist young people who are transitioning from care to participate in vocational education and training. This should include assistance with the costs of education and training to young people who are transitioning from care, including fee waivers (or scholarships covering the full cost) for TAFE and access to career counselling. It should also include reviewing relevant policies relating to enrolment in TAFE to address barriers to participation.
- The NSW Government investigate and implement extended care arrangements for young people in OOHC to the age of 21 years.

## **7. Strengthen processes for data collection and oversight of the educational progress of children in care**

- Students in care should be recognised as a NSW Department of Education equity group that is tracked. The Department of Education and the Department of Families and Community Services (FACS) should work together to develop a framework for collecting and monitoring data on the educational experiences and outcomes of children and young people in care (including children in OOHC and those in long-term guardianship arrangements).
- The data system should track the educational progress of all children and young people in care (in both government and non-government sectors) across early childhood and care, school and post-secondary education and training. This data should be publicly reported on in the annual reports of the relevant Departments and on their websites.
- The data system should include information and monitoring of suspension, expulsion and partial attendance. It should also include specific attention to the education experience and progress of Aboriginal children and young people in care.

- The NSW Department of Education review and strengthen processes to support compliance with policy requirements relating to individual education plans. This should include a focus on ensuring that the plans are developed in a timely way and with participation by the child or young person, their carer and caseworker.

# 1. About UnitingCare Children Young People and Families

UnitingCare Children, Young People and Families (Uniting Care CYPF) provides a range of services, across the continuum of care, to children, young people and families in disadvantaged communities in NSW.

UnitingCare CYPF is a major provider of out-of-home care (OOHC) in NSW including the Mid North Coast, Orana Far West and Western Sydney. These programs include foster care and residential care and aftercare support.

Jaanimili, our Aboriginal Services and Development Unit, is leading a partnership with UnitingCare Burnside to establish a new Aboriginal OOHC service, Ngurambang, covering the Dubbo, Narromine and Wellington areas. Jaanimilli and our UnitingCare Burnside's Western Sydney OOHC program is also working with Gaba Yulu to establish a new Aboriginal OOHC service in Western Sydney.

UnitingCare CYPF is also currently working towards becoming an accredited adoption agency to increase permanent planning options for non-Aboriginal children.

UnitingCare CYPF is strongly committed to the importance of education as a pathway out of disadvantage and has a long history of supporting service users to engage with education. Our experience as a child and family service provider gives us insight into the factors that lead to poor educational outcomes for vulnerable children and young people and effective strategies in building student engagement.

We are particularly concerned about the poor educational outcomes experienced by children and young people in care. As an organisation, we are strongly committed to improving educational support to these children and young people. This involves practice development as well as research and policy work looking at the system as a whole.

This paper focuses on the policy changes needed to improve educational outcomes for children and young people growing up in care in NSW. It reviews promising policy approaches being used in other Australian states and territories and overseas.

## 2. Why focus on improving educational outcomes of children in care?

Education makes a crucial contribution to the development and wellbeing of all children and young people and is an important gateway to future employment and life opportunities.<sup>9</sup> For children and young people growing up in care, education can provide a key pathway out of disadvantage.

Young people who successfully complete school are more likely to enjoy a range of positive outcomes including fulfilling employment, financial independence, positive self-esteem and positive relationships.<sup>10</sup> Conversely, those who do not complete Year 12 or who have poor academic outcomes are more likely to experience multiple periods outside the workforce and are less likely to engage in further education or training after leaving school.<sup>11</sup>

Numerous studies in Australia and overseas have found that children and young people growing up in care are at risk of poor educational outcomes including behavioural and disciplinary problems, higher rates of truancy, poor academic performance in literacy and numeracy and early school leaving.<sup>12</sup> They are also less likely to progress to post-secondary education or training.

In Australia, the 2011 survey by the CREATE Foundation found that only 35.3% of care leavers in the sample group completed Year 12.<sup>13</sup> In comparison, 86.3% of all Australian students completed Year 12 in 2012.<sup>14</sup> An earlier CREATE survey in 2009, found that only 35% of care leavers had completed Year 12, with 11% undertaking a TAFE qualification and 2.8% undertaking a higher education qualification.

A 2011 study by Michelle Townsend found that the educational outcomes for New South Wales children and young people in care were significantly poorer than those of their peers. The study found that children in OOHCF are far worse than their peers compared to all other Department of Education and Training (now the Department of Education) student equity groups except Aboriginal students. This was evident in their literacy and numeracy results during primary and early high school and continued into the later years of high school, where young people were participating in non-matriculation courses and withdrawing from school in high numbers. Indigenous students in care

had the worst outcomes and their results were significantly lower than their Indigenous peers who were not in care.<sup>15</sup>

A recent national study by the Australian Institute of Health and Welfare (AIHW) compared the NAPLAN results of children in care with other students. Compared to all children in Australia, children in care were 13 to 39 percentage points lower across literacy and numeracy domains – the gap increased from 13-20 percentage points for Year 3 students to 24-39 percentage points for Year 9 students.<sup>16</sup>

## 2.1 Educational challenges experienced by children in care

There are multiple factors which contribute to and compound the poor educational outcomes experienced by children and young people in care. Children often already have lower learning outcomes when they first enter care due to complex histories of disadvantage.<sup>17</sup>

Children and young people in OOHC generally enter care as a result of abuse and neglect (some children with profound disabilities are relinquished to care). This has a profound impact on their ability to learn and interact in socially appropriate ways. Research into brain development has established that early trauma due to abuse or neglect influences a child's capacity to think, to concentrate, to understand the motives of others and develop positive peer relationships.<sup>18</sup> Early trauma reduces their capacity to regulate strong emotions, often resulting in conflict with students (including bullying and/or bullying others) and teachers. It can also cause language delays, which impact significantly on a child's ability to learn and socialise.

Children and young people in care are often contending with multiple issues and have complex support needs that require the involvement of a number of agencies. In 2013, 46% of children and young people in UnitingCare CYPF OOHC programs were reported to have health problems; of those, 60% reported to have multiple health problems or disabilities. Health issues and disability are strong predictors of difficulties at school.<sup>19</sup>

### Placement and school changes

Lost educational opportunities and time away from school (due to school changes or suspension) have a cumulative effect on children in care as they move through the various stages of education.<sup>20</sup>

Children and young people who have been in OOHC are likely to have had a disrupted educational experience due to placement and school changes. In 2013, the percentage of children and young people in UnitingCare CYPF OOHC programs who changed primary schools two or more times was 36% and for high schools was 42%.

As well as hindering academic progress, placement and school changes may impact on children's social and emotional development as established support networks with peers and teachers are disrupted.

Multiple moves between placements are associated with lower engagement in learning and lower educational aspirations.<sup>21</sup> Indeed, simultaneous changes in placement and school are often a critical point where adolescents and high-needs children disengage from or drop-out of school.<sup>22</sup> Conversely, care leavers who go on to higher education are more likely to have had stable care experiences and continuity in their schooling.<sup>23</sup>

### **Impacts of school suspension and exclusion**

Many children and young people in OOHC are not regularly attending school because they have been suspended or expelled. In 2013, 11% of children and young people in UnitingCare CYPF's OOHC programs were either suspended or expelled from school. On average, these students were suspended for 11 days during the school year. This occurred despite the fact that we as an agency have a strong focus on educational support and advocacy with schools.

A recent study of educational outcomes of students in OOHC in NSW found high rates of suspension of the children in the study. Many of the students had been suspended on multiple occasions across both primary and high school.<sup>24</sup>

Notably, in the 2011 CREATE survey, of the 27% of young people still in care who already had left school, one-fifth did so because they had been expelled.<sup>25</sup>

School suspension or exclusion creates significant strains on the care placement and may lead to placement breakdown. In turn, multiple changes in care placements and schools can generate feelings of instability and have a marked effect on children's capacity to learn. This can result in a cycle of suspensions, placement stress and placement breakdown.<sup>26</sup>

Multiple incidents of suspension intensify academic difficulties and disengagement from learning. Suspension impacts on student outcomes in much the same way as absenteeism. A Western Australian study on Aboriginal education found that the number of days a student is absent from school and suspension are both significant predictors of low academic performance.<sup>27</sup> Absences for any reason can lead to a heightened risk of children disengaging with, or not feeling a sense of belonging to, a school.<sup>28</sup>

When students are repeatedly suspended, they are at substantially greater risk of leaving school early.<sup>29</sup> A recent Australian study of school completion found that there is a strong negative association between a history of suspensions in high school and school completion. Those who were ever suspended from school were 19 percentage points less likely to have completed school.<sup>30</sup>

Several Australian and US studies have shown that school suspension may also increase the likelihood of the student engaging in antisocial and violent behaviour and becoming involved in the criminal justice system. The studies controlled for other risk factors such as previous violent behaviour or spending time with violent peers.<sup>31</sup>

### **Low expectations of carers and other significant people in the young person's life**

Some research suggests that carers, caseworkers and teachers may not expect children in care to do well and this may be communicated to the child.<sup>32</sup> Lack of appreciation of the importance of education can also be promoted by peers.

Parental influences are critical in driving young people's educational and occupational aspirations. Students whose parents want them to go to university are four times more likely to complete Year 12 and 11 times more likely to plan to go to university than their counterparts whose parents do not have higher education aspirations for their children.<sup>33</sup>

Research on factors which promote resilience in children and young people who grow up in care also emphasises the importance of having at least one significant person who takes an interest in and encourages them in their studies.

This highlights the importance of building carers' understanding of their role in supporting the education of children in their care by providing positive encouragement and support with homework, reading and participation in extra-curricular activities.<sup>34</sup> This should be emphasised in initial assessment and recruitment, training, and ongoing professional development for foster and kinship carers. Carers' own children may also provide help and act as role models.<sup>35</sup> Where a carer is not in a position to support the child's education, an alternative educational advocate should be provided outside the school system.<sup>36</sup>

## 3. The NSW policy context

### 3.1 Child protection legislative reforms

The child protection legislative reforms passed through the NSW Parliament on 26 March 2014. Under the reforms, where restoration is not possible, there is increased emphasis on adoption and long-term guardianship. By strengthening this approach, the NSW Government hopes over time to reduce the number of children and young people in long-term foster care.

UnitingCare CYPF supports the increased focus on permanency arrangements which will provide greater stability for children and young people who can no longer live safely with their birth families.

Under the legislative reforms, long-term guardianship with family or kin is the preferred placement option for Aboriginal and Torres Strait Islander children who cannot be restored. Given that Aboriginal children and young people are at high risk of poor education outcomes, providing additional educational support to this group is particularly critical.

There should also be further discussion and debate in the sector regarding the educational support needs of adopted children. As Australia is only just moving towards a greater focus on adoption this is an area that needs more detailed consideration.

In the UK and the US, there is growing recognition that due to their early life trauma, adopted children and those placed in long-term guardianship may experience a range of challenges in their education similar to those faced by children in OOHC. For example, just as children in foster care may experience difficulties with their peers over their care arrangements, adoptive children may be bullied by other students about their family circumstances.<sup>37</sup>

Adoptive parents and guardians consistently report that education is one of the main concerns they have for their children. They need timely help with school issues at key developmental and transition points, such as around the time when children start school and at the transition from primary to high school.<sup>38</sup> Notably, in a survey conducted by Adoption UK, nearly two thirds of adoptive parents felt that the teenage years were the most difficult time for their child at school.<sup>39</sup> A recent study on support for adopted children and their

families in England identified that education support is one of the services most often requested by adoptive parents but is also a gap in existing service provision. There is also a need for support to school staff to address the emotional and behaviour difficulties of adopted children and understand their specific needs.<sup>40</sup>

### 3.2 Policy framework for education of children in OOHC

The 2008 Wood Report highlighted concerns about the poor educational outcomes of children and young people in OOHC.

In response to the Wood Report, the former NSW Government developed *Keep Them Safe: A shared approach to child wellbeing (KTS)* as a five-year plan to improve the safety, welfare and wellbeing of all children and young people in NSW. A key theme of KTS is that care and protection for children and young people is a shared responsibility across government agencies and non-government organisations

Based on the recommendations of the Inquiry, several new policy initiatives were developed under KTS to improve educational support for children and young people in OOHC.

#### Individual education plans

School principals are required to ensure that within 30 days of entering OOHC all preschool and school age children and young people in government schools have an individual education plan prepared for them. The education plan must be reviewed annually or when the student's circumstances change.

However, our experience is that the implementation of this policy by schools is very variable. In some cases, schools have been very proactive and get this completed as soon as a child starts school or by the due date. However, in many cases, our caseworkers need to advocate strongly for schools to develop and complete the plan. Our staff also report that the policy is adhered to with differing levels of collaboration within OOHC agencies and differing levels of quality in documentation. Generally, the development of individual education plans tends to occur more smoothly when an OOHC teacher is involved as they help to drive the process (see further comments regarding the role of OOHC teachers on p.19).

Another limitation of the policy is that it only applies in government schools. Consequently, there is no requirement for Catholic or independent schools to develop an individual education plan for children and young people in OOHC. In contrast, the Victorian OOHC Education Commitment is an agreed framework encompassing the government, independent and Catholic school sectors. Under this protocol, schools across all sectors will develop and regularly review an individual education plan for each child or young person in OOHC (see section 4.1).

### **Regional OOHC Coordinators**

Under KTS, in 2010, 10 regional OOHC Education Coordinators were appointed within the Department of Education. They are responsible for coordinating and monitoring the educational support for children and young people in OOHC in government schools. Their role also focuses on developing more effective models of improving the educational outcomes of children and young people in OOHC.<sup>41</sup> The total funding investment in the OOHC Coordinator positions from 2009 -2010 to 2013-2014 was \$6.348 million.<sup>42</sup>

Our staff report that the OOHC Education Coordinators play a crucial role in assisting schools to understand the needs of children in care and improving compliance with the requirement to prepare an individual education plan. The Coordinators also provide valuable support to our caseworkers in case planning regarding education, for example, being available to consult on decisions regarding schooling changes when a child's placement changes or identifying alternative education options to keep young people engaged in education (see example in the case study on p.19). They also often play an important role in developing strategies to address behavioural issues and (at least) mitigate the impacts of suspension and exclusion, for example, reducing the length of suspension or preventing this from escalating to expulsion.

However, our experience is that the OOHC Education Coordinators are very stretched because of the large areas they cover. Also, ongoing funding of these positions is uncertain beyond mid-2016.

The Wood report specifically recommended that the Department of Education and Training (now the Department of Education) should appoint an OOHC coordinator in each region.<sup>43</sup> The clear intention of this recommendation was that these positions should be ongoing.

UnitingCare CYPF is gravely concerned that if funding for these positions is not renewed the progress made in providing appropriate educational support for children and young people in OOHC may be undone.

### **Case study**

A caseworker in our OOHC programs provided this testimonial about the role played by the regional OOHC Education Coordinators,

I have found the OOHC Education Coordinator extremely persuasive and efficient in dealing with schools that are at times reluctant to complete an individual education plan for a child or young person in OOHC.

The OOHC Education Coordinator has also played a vital role in assisting schools to understand their roles and responsibilities to provide education supports to children in OOHC, including what supports and funding is available within the Department of Education. Unfortunately, this is not always well understood by schools and I have experienced this on many occasions where there was a belief that the NGO or Family and Community Services (FACS) is able to provide funding for supports such as a teacher's aide, rather than accessing existing Department of Education supports. For example, during a case meeting for a child at a particular primary school, I met with a teacher who was resistant to accessing assessments and supports through the Department of Education due to a belief that the NGO or FACS should provide such support. The OOHC Coordinator was able to provide information and guidance to the school to access the right assessments and supports through the Department of Education that the child was entitled to. This was valuable support in negotiating and clarifying roles and responsibilities of the agencies, and moving forward to access support to meet the child's needs.

The Department of Education also employs OOHC teachers who have a more 'hands on' role in working with schools to support children and young people in OOHC. Our experience is that in some areas, the OOHC teachers do play a critical role, for example, in assisting in transition planning and participating in school suspension meetings. However, this is variable, in part because of the limited number of OOHC teachers across the State. For example, in the

Mid Coast area, one OOHC teacher covers the Port Macquarie, Taree and Kempsey areas including both primary and high schools. Also, as the OOHC teachers cover such a large area, their work focuses mainly on crisis intervention, rather than building the capacity of teachers and school staff to understand and support children and young people in care.

## 4. Policy approaches in other Australian jurisdictions

### 4.1 Victoria

#### Early childhood education and care

In Victoria, *Early Start Kindergarten* provides funding for 3-year-old children known to child protection to access a preschool program for 15 hours a week free of charge. This includes children in OOHC or kinship care. Four-year old children who have accessed *Early Start Kindergarten* as three-year olds can continue to attend preschool for free.

Children in OOHC who have a disability or developmental delay also have priority access to early childhood intervention services. These services provide special education, therapy, counselling and support to access early childhood education.

The *Early Childhood Agreement for Children in Out-of-Home Care* is a partnering agreement between the Department of Human Services, Department of Education and Early Childhood Development, the Municipal Association of Victoria and the Early Learning Association of Victoria. It is underpinned by recognition that sustained participation in high-quality early childhood services makes a significant difference for future outcomes of the most disadvantaged children.<sup>44</sup> The Agreement establishes clear roles and responsibilities to support a collaborative approach to supporting young children in OOHC to access and participate in early childhood education.

#### School-age education

The *Out-of-Home Care Education Commitment* is a partnering agreement between the Department of Human Services (DHS), Department of Education and Early Childhood Development (DEECD), Catholic Education Commission of Victoria and the Independent Schools Victoria.<sup>45</sup> It sets out a framework to improve the education engagement and outcomes of children and young people during the years they attend school. The Agreement establishes common language, shared objectives and consistent processes across the public and private school sectors.

The Agreement establishes an 'Education Support Guarantee' for children and young people in OOHC. This commits schools and education-related health and wellbeing services to provide increased support and responsiveness to the educational needs of children and young people in OOHC.

Key strategies include:

- developing and regularly reviewing an individual education plan for each child or young person in OOHC (reviews should be conducted at least twice per year)
- allocating a teacher or staff member as a learning mentor to each child or young person in OOHC enrolled in school; learning mentors are provided with training which focuses on the impact of trauma and abuse
- conducting an educational needs assessment for each child or young person who has been in OOHC for three months or longer to identify their learning needs and inform their individual education plan. The Government has committed \$12.8 million over four years for comprehensive health and education assessments for children and young people in residential care
- prioritising referrals to education-related health and wellbeing services, such as psychologists, guidance officers, speech pathologists and social workers
- establishing a student support group for all children or young people in OOHC and case managers must participate in this group. The student support group works together to establish shared educational and social goals and strategies and monitors the child or young person's progress. Schools must hold at least two student support group meetings each year and a meeting must also be convened when suspension or expulsion are being considered.

The strategies are designed to ensure that there is a strong understanding of a young person's unique needs and that support and learning programs are tailored around this knowledge.<sup>46</sup> The Agreement outlines specific responsibilities of education staff and case managers relating to school enrolment (including the transition to starting school); promoting attendance and engagement; supporting achievement; case planning; and school retention.

Implementation of the Agreement is overseen by a Central Reference Group and Regional Implementation Groups. DHS and DEECD conduct an annual survey of the educational characteristics and outcomes of each child and young person in OOHC and compliance of schools and case managers with the requirements of the Partnering Agreement. This includes analysis of data on literacy, numeracy, attendance and 'exit destinations' and comparison with state-wide benchmarks.

Research by La Trobe University found that the Partnering Agreement was felt to have made a positive impact on the educational experience of Aboriginal children in care, with regular review meetings attended by teachers, caseworkers, Aboriginal care team representatives and carers.<sup>47</sup>

### **Post-compulsory education**

In 2012, the Victorian Government established the *Springboard* program to assist young people leaving residential care to access education and employment. It provides intensive support to young people aged 16-21 leaving residential care or who have recently left care. Twelve NGOs are funded across the State to deliver the program.<sup>48</sup>

The model includes:

- assessment, planning and service provision that is holistic, individually tailored and responsive to the young people's needs, choices and circumstances
- flexible outreach to assist young people to engage, or re-engage, in education, training and/or employment and prepare them for long-term sustainable employment
- strong links with the Department of Human Services, residential OOHC providers, post-care support information and referral services and other relevant services
- a culturally competent service that is responsive to the needs of Aboriginal young people and those from diverse cultural backgrounds.

*Springboard* providers are also funded to help with education expenses, such as equipment, transport and individual tuition.

The Victorian Government also provides 'zero-fee' training places for young people living in OOHC or who are aged 21 or under who have recently transitioned from care.<sup>49</sup>

## 4.2 South Australia

The South Australian *Rapid Response Framework* was developed in 2007 to provide a whole-of-government service response for children and young people in out-of-home care and post-care to the age of 25.<sup>50</sup> *Rapid Response* is underpinned by a set of principles which include a commitment to priority access to services to ensure children and young people in OOHC or under long-term guardianship receive relevant supports and services. *Rapid Response* includes a focus on transition planning and support for young people leaving care, including support for young people on long-term guardianship orders.

Key strategies related to education are:

- identifying, recording and tracking data on children and young people under guardianship through all education systems (ECEC, school and post-compulsory education)
- full assessment of education and health needs
- pre-schools, schools and post-compulsory education agencies develop an individual education plan for all children and young people under guardianship
- individual education plans identify strategies to ensure that all avenues are explored before suspension or exclusion are considered; for students with challenging behaviours, the plan includes proactive consideration of 'behavioural learning'
- additional support to assist young people to obtain the South Australian Certificate of Education or vocational equivalent
- entry encouragement and fees waived in TAFE for all people who were formerly or are currently under guardianship regardless of their current age (see further discussion below)
- the Department of Education and Children's Services (DECS) will ensure that each young person has access to an appropriately skilled career advisor to support informed decision-making
- for children and young people who have disengaged from education, DECS or the Department of Further Education, Employment, Science and Technology will explore all avenues for re-entry to school or entry into vocational programs.<sup>51</sup>

DECS has implemented training on 'Strategies for Managing Abuse Related Trauma' for school counsellors and teachers as part of the child protection

reform agenda. This training was developed and facilitated by the Australian Childhood Foundation.<sup>52</sup>

The Department has also implemented a range of strategies to reduce the use of suspension and exclusion of all students. This includes, for example, training for teachers on behaviour management and high-level professional support for students with mental health issues or a history of challenging behaviour.

In August 2012, the South Australian Government announced that all people from the age of 16 years who were formerly or are currently under guardianship of the Minister, will be eligible for a full fee waiver for all subsidised courses which attract a course fee. This removes the former 25 year cut-off age. It recognises that many people who have been in the care system take years to decide what career path to take or to achieve the personal skills, confidence or stable life circumstances to enable them to commit to further study. TAFE SA has also implemented a sub-quota which means that in competitive courses (where there are more applicants than places), 5% of places are quarantined for young people under guardianship. Automatic entry is available in non-competitive courses.

The *Rapid Response Framework* requires annual reporting from partner agencies across government and includes a mechanism for continuous improvement through monitoring by the Across Government Guardianship Steering Committee.

The Department specifically monitors and evaluates suspension and expulsion data to reduce the over-representation of students under guardianship. Since 2009 there has been a decline in the proportion of children in care who received a suspension in one term from 10.4% to 7%.<sup>53</sup>

### 4.3 Queensland

In Queensland, the Department of Education, Training and Employment (DETE) and the Department of Communities, Child Safety and Disability Services have established a MOU which outlines the roles and responsibilities of each sector for supporting students in OOHC, development of education support plans, implementation of the education support funding program, and data collection and reporting requirements.

In its submission to the Queensland Child Protection Commission of Inquiry, DETE reported that it had recently commenced a project with the Department of Communities, Child Safety and Disability Services to improve the educational outcomes of children in OOHC. Strategies include:

- development of regional operational plans that highlight clear performance measures for students (similar to 'Closing the gap' targets set for Aboriginal students)
- showcasing good practice and strategies shown to improve attendance and academic achievement
- improving the quality of data exchange between DETE and the Department of Communities, Child Safety and Disability Services.<sup>54</sup>

#### 4.4 The ACT

The ACT Government has recently developed a new five year strategy for OOHC, '*A step up for our kids*.'<sup>55</sup> The strategy includes a focus on improving education, training and employment outcomes for children and young people in care and care leavers. The Education and Training Directorate and the Community Services Directorate, along with non-government OOHC providers, will develop a joint mechanism to support children and young people in care with education and training needs. This may include assistance for carers to help children and young people access schooling; increased recognition of trauma and its effects on school participation; and greater access to programs that assist with socialisation and development.

## 5. Policy approaches overseas

This section of the paper outlines key international policy and program developments in the US, UK and New Zealand. The US and UK have both progressed much further than Australia in providing legislative and policy responses to address the educational needs of children and young people in care. New Zealand also has a focus on supporting participation of children in OOHC in ECEC.

### 5.1 The United Kingdom

Under the *Children Act 2004* (England and Wales), local authorities have a duty to promote the educational achievements of looked after children. The Government has set targets to narrow the gap in educational achievement between looked after children and their peers and improve educational support and stability of their lives.

Schools are held to account through performance tables, which include data on the progress made by these pupils and the gap in attainment between disadvantaged students and their peers. The Office for Standards in Education, Children's Services and Skills (Ofsted) inspectors also report on the progress of schools in addressing the education needs of disadvantaged students.

Cumulatively, these measures have made a significant difference. In 2003, only 1% of British care leavers were in higher education in 2003. By 2013, this figure had increased to 6%.<sup>56</sup> As Andrew Harvey and Patricia McNamara from La Trobe University argue, '*similar progress is possible in Australia through equivalent policy reform*'.<sup>57</sup>

### Early childhood education and care

All three and four-year-olds in England are entitled to 15 hours of free ECEC a year. Some two-year-olds are also eligible for free ECEC, including children in care and those who have left care under a special guardianship order or adoption order.<sup>58</sup> The Government has announced that the current 15 hours of free ECEC provision will be increased to 30 hours with the roll-out starting in 2016.<sup>59</sup>

## Designated teachers

Under the *Children and Young Persons Act 2008*, all schools maintained by the local authority are required to appoint a 'designated teacher' to promote the educational achievement of looked after children. The designated teacher helps school staff understand the things which affect how looked after children learn and provide advice for staff about teaching strategies for individual children. They make sure that looked after children are prioritised in one-to-one tuition arrangements and that carers understand the importance of supporting learning at home.<sup>60</sup> They also have a specific role in helping looked after children to make the transition to the next phase of education.<sup>61</sup>

## Virtual School Head

Between 2007 and 2009, 11 local authorities in England piloted a new approach to strategic leadership in the education of looked-after children. Each local authority appointed a 'Virtual School Head' (VSH) who acts as a co-ordinator and champion to bring about improvements in the education of looked after children. The VSHs appointed were senior educationists and many had social work-related experiences and/or involvement in special education. A key focus of their role is on '*bridging the divide*' between educators and social workers and promoting an integrated approach.

The VSHs work with social workers and carers to raise awareness of the importance of education; provide support with finding and maintaining stable school placements; monitor attendance, exclusions and performance of children in care; and promote good practice across schools. The VSH has a quality assurance role in relation to the development and implementation of the personal education plan. They also provide professional leadership and training for designated teachers.

The pilot VSHs put in place a range of strategies to monitor and reduce the use of suspension and exclusion. This included direct involvement of the VSH where a child was at risk of permanent exclusion; for example, offering advice and support to schools, representation at hearings or challenging a decision to independent appeal.

The evaluation found that the VSH pilots had raised the priority of looked after children within schools and played a key role in helping education and social care services work together more effectively. The VSH pilots were most

effective where the VSH had sufficient seniority to influence practice and the use of resources across the local authority area.<sup>62</sup>

The VSH model was gradually adopted by other authorities. A subsequent review by Ofsted found evidence of the strong contribution of the VSH in improving educational outcomes for looked after children. This included evidence of increased levels of attendance and reduced numbers of suspensions and exclusions.<sup>63</sup> Notably, there was also evidence that the virtual school had not only made a difference to children's educational progress, but also often enhanced the stability of their placements and had a positive impact on their emotional wellbeing.

In 2014, the Government amended the *Children Act 1989* to require that all local authorities must employ a person with responsibility for promoting the educational attainment of looked-after children, the VSH.

Many VSHs are extending their remit to cover a wider age range, including preschool age children and young people over the age of 18.<sup>64</sup> A coalition of NGOs are advocating for the statutory role to be extended to cover care leavers up to the age of 25.<sup>65</sup>

### **The pupil premium**

In England, the Government has established a fund to raise the attainment of disadvantaged students aged four to 15. Schools receive the 'pupil premium' or extra funding based on the number of eligible children enrolled. Schools receive the highest amount for children in care – £1,900 per pupil.<sup>66</sup> Notably, from April 2014, children adopted from care and those who leave care under a long-term guardianship order also attract this funding. This reflects the recognition by the Government of the long-term impact of trauma and loss for children who live in adoptive or long-term guardianship families.

### **School exclusions**

Guidance provides that head teachers should, as far as possible, avoid excluding any looked-after child. Where a school has concerns about the behaviour of a looked-after child, the VSH should be informed and, where necessary, involved at the earliest opportunity. This is to enable the VSH to:

- consider what additional assessment and support (such as additional help for the classroom teacher, one-to-one therapeutic work or a suitable alternative placement) needs to be put in place to address the causes of the child's behaviour and prevent the need for exclusion
- make additional arrangements to support the child's ongoing education in the event of an exclusion.<sup>67</sup>

## **Supporting educational achievement of young people who are transitioning from care**

A major research report, *By Degrees: Going from Care to University*, published in 2005, followed the pathways of young people leaving care and entering higher education in the UK.<sup>68</sup> This research provided the impetus for significant legislative and policy reform in the UK to increase participation of care leavers in post-compulsory education and training.

This included the introduction of a national bursary for all young people who have grown up in care who are pursuing higher education. Care leavers who are going to university in England and Wales, for example, are entitled to receive a bursary of £2000 from their local authority.

The *Children and Young Person's Act 2008* also extended the right of young people who are still in education or training to have a personal advisor to the age of 25.

Care leavers are now recognised as a distinct under-represented group in higher education and the participation of this group is monitored in England, Northern Ireland and Wales.<sup>69</sup> The Office of Fair Access recognises care leavers as a distinct university target group and monitors participation of this group in higher education.<sup>70</sup>

## **5.2 The United States**

In the US, the *Fostering Connections to Success and Increasing Adoption Act 2008* brought national attention to the issue of education of children in foster care. The law requires child welfare agencies to help children stay in their original school when placed in foster care unless it is not in their best interests. If changing school is not in a child's best interests the state must ensure their immediate enrolment in the new school and swift transfer of all

records. Child welfare agencies must include a strategy for ensuring educational stability as part of the case plan and consider school appropriateness and proximity in making decisions about foster care placements.<sup>71</sup>

The passage of the federal law spurred development of state laws, programs and practices to improve educational stability and outcomes of children in care.<sup>72</sup> These include: provision of transport to school; collaboration and communication between schools and child welfare agencies; oversight of the educational status and performance of children in care; resources for early childhood education assistance; and financial assistance for post-secondary education.

For example, in 2003 California passed landmark legislation to address the barriers to equal educational opportunities for children in foster care. The intent was that:

...educators, care providers, advocates, and the juvenile courts shall work together to maintain stable school placements and to ensure that each pupil is placed in the least restrictive educational programs, and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all other pupils.<sup>73</sup>

The law requires educational agencies to designate 'Educational Liaisons' for children in foster care to ensure and facilitate timely and appropriate educational placements and transfers. The Educational Liaison works alongside child welfare agency workers to secure appropriate educational programs and services from the child's school district. Social workers make referrals to the Educational Liaison when faced with an educational problem that they are unable to resolve. This may include, for example, refusal by a school district to enrol a child, denial of special education services or inappropriate suspension or expulsion.<sup>74</sup>

California also established the Foster Youth Services Program, where staff provide direct education support to young people in foster care such as tutoring, tracking down school records, mentoring and vocational training. An early follow-up study found that there was improved academic performance, decrease in challenging behaviours, lower drop-out rates and more successful transitions to employment or higher education among young people who had received the service.<sup>75</sup>

Many other states in the US have also appointed education advocates who work with schools to maintain school enrolment and academic progress and provide training to foster carers to support the education of children in their care.

## 5.3 New Zealand

### **Early childhood education and care**

In New Zealand, all three and four year olds benefit from the Ministry of Education's 20 hours free ECEC. In 2011, the New Zealand Government invested more than \$11.4 million over four years to subsidise the cost of ECEC for all children in OOHC aged 18 months to three years. The funding covers up to 20 hours of ECEC per week. The subsidy is paid directly to ECEC providers and continues to be paid if a child progresses from foster care to a 'Home for Life' (similar to long-term guardianship) until the child is three years.<sup>76</sup>

## 6. The way forward – policy recommendations for a stronger future

Improving education outcomes requires focused attention across all stages of a child's education from the early years, through school age education and support for further education and training.

From our research and policy work and consultations with our staff, UnitingCare CYPF has identified seven key action areas that need to be addressed to promote improved educational outcomes for children and young people growing up in care:

- provide free ECEC for children in care in the two years prior to starting school
- ensure that all teachers have training on working with children and young people with complex needs and understanding trauma
- strengthen the role and number of OOHC Coordinators and OOHC teachers
- strengthen coordination and collaboration between schools, OOHC providers and health services
- focus on reducing suspension and exclusion of children and young people in care
- support young people who are transitioning from care to participate in further education and training
- strengthen processes for data collection and oversight of the educational progress of children in care.

All of these strategies should be inclusive of children in OOHC and those placed in long-term guardianship arrangements (or who are in kinship care). As outlined earlier, there should also be further discussion and debate in the sector regarding the educational support needs of adopted children.

The strategies outlined are directed primarily towards the NSW State Government and promoting stronger collaboration with the NGO OOHC sector.

While there would be additional costs in implementing these proposals, this would be off-set by longer-term savings. For example, research conducted in the UK in 2003 estimated that improving education, employment and training

of care-leavers to the level of their peers would save an estimated £300 million over three years.<sup>77</sup>

## 6.1 Provide free early education and care for children in care in the two years prior to starting school

There is scant Australian research on participation by children in care in preschool or early learning programs. However, data from Victoria, shows that children in that state are much less likely to attend preschool or early learning compared to their peers – in 2012, 30% of children aged 3-4 in OOHC did not attend preschool or early learning programs compared to only 3.1% in the general community.<sup>78</sup>

There is a growing body of international evidence that children's participation in ECEC significantly improves their experiences and achievements in primary and high school.<sup>79</sup> It builds the foundations for children's literacy and numeracy, and improves their social and behavioural development.

There is strong evidence that sustained participation in quality ECEC makes a significant difference for disadvantaged children. Children from a disadvantaged background who attend preschool demonstrate much better levels of attainment when beginning school compared to those from similar backgrounds who do not attend preschool.<sup>80</sup> Research indicates that children who make a smooth transition and experience early school success are more likely to be socially competent and achieve better results throughout their schooling.<sup>81</sup>

A major study in the UK examined the impacts of duration of early education on child development. The study found that an early start at preschool (between two and three years) is related to better cognitive development.<sup>82</sup>

Research shows that by age three there are already big differences in the cognitive and social development of poor children compared to those from better-off backgrounds, and this gap widens by the age of 5.<sup>83</sup> These gaps are resistant to later change, making it critical that disadvantaged children have opportunities to participate in quality ECEC. Children who lag their behind their peers in the basics after the first few years of school often remain behind.<sup>84</sup>

The experience of our OOHC practitioners is that due to their experiences of trauma, children in care often need more time to settle when attending an

ECEC service. Based on their experience, we recommend that funding for free early education and care should cover at least three days a week of care.

#### **What is required?**

- The NSW Government provide free early education and care, to children in OOHC and those in long-term guardianship arrangements in the two years prior to starting school. The funding for free early education and care should cover at least three days a week.

## **6.2 Ensure that all teachers have training on working with children and young people with complex needs and understanding trauma**

Research on improving educational outcomes of children in care consistently highlights the need to increase the capacity of mainstream schools to respond to trauma-related behaviour. The US-based National Working Group on Foster Care and Education, for example, highlights the importance of encouraging trauma-sensitive practices and supports in school as a key strategy for improving educational outcomes of these children.<sup>85</sup>

In addressing behaviour problems of students in care, teachers need to understand the impact of trauma and evidence-based approaches to address trauma. One example of this type of training is provided by the Australian Childhood Foundation which has been implemented in South Australia, the Northern Territory, Tasmania and in the Catholic school sector.<sup>86</sup>

With greater resourcing, the OOHC Coordinators and teachers would also be well-placed to provide training and support to school staff on implementing trauma-informed practices (see above).

Teachers also need to be effectively resourced to deal with the challenging issues that contribute to behavioural concerns such as family breakdown, bullying, disability and learning difficulties. It is important that school staff have the knowledge and skills to recognise and support students experiencing difficulties, including how to access support and make appropriate referrals.

### **What is required?**

- All teacher training courses include increased content on understanding trauma and working with children and young people with complex needs
- The Department of Education ensure that teachers in all primary and secondary schools have ongoing professional development on trauma and working with children with complex needs.

## **6.3 Strengthen the role and number of OOHC Coordinators and teachers**

Schools require increased resources and training to understand and support children and young people in care effectively.

As noted previously, the 2008 Wood Report highlighted significant concerns about the poor educational outcomes of children and young people in OOHC.<sup>87</sup> The inquiry recommended that the Department of Education and Training (now the Department of Education) should appoint an OOHC coordinator in each region. The clear intent of this recommendation was that these positions should be funded on an ongoing basis. However, funding of the regional OOHC Coordinator positions funded under KTS is uncertain beyond mid-2016.

As discussed in section 3.2, our experience is that the regional OOHC Coordinators play a crucial role in assisting government schools to understand the needs of children in care and improving compliance with the requirement to prepare an individual education plan. They also facilitate better inter-agency information sharing and collaboration between schools and OOHC agencies in addressing the educational issues of children and young people in care.

However, the OOHC Coordinators are very stretched because of the large areas they cover. Similarly, because the OOHC teachers cover large areas, their work seems to focus mainly on crisis intervention, rather than building the capacity of teachers and school staff to understand and support children and young people in care.

With greater resourcing, the OOHC Education Coordinators and teachers are well-placed to provide training and support to school staff on implementing trauma-informed practices (see discussion of teacher training on understanding trauma in the previous section).

In the context of the NSW child protection legislative changes, the role of the OOHC Education Coordinators and teachers should be expanded to include providing support to young people on long-term guardianship orders. As noted previously, under the child protection legislative reforms, long-term guardianship with family or kin is the preferred placement option for Aboriginal and Torres Strait Islander children who cannot be restored. Given that Aboriginal children and young people are at high risk of poor education outcomes, providing additional educational support to this group is particularly critical.

#### **What is required?**

- The NSW Government provide ongoing funding for the regional OOHC Coordinator positions.
- The NSW Government increase the number of OOHC support teachers and Coordinators to increase their capacity to provide training and support to teachers including training on trauma-informed practices.
- The role of the OOHC support teachers and Coordinators should be expanded to include support for children in long-term guardianship arrangements.

### **6.4 Strengthen coordination and collaboration between schools, OOHC providers and health services**

Research consistently highlights the importance of strong coordination and collaboration between schools and OOHC caseworkers in improving education outcomes for children and young people in care.<sup>88</sup>

In 2011, the NSW Department of Human Services (now the Department of Family and Community Services) and the (former) Department of Education and Training signed a Memorandum of Understanding (MOU) in relation to educational services for children and young people in OOHC.<sup>89</sup> The MOU was

intended to provide a framework for a coordinated approach in addressing the needs of children and young people in OOHC attending government schools. Similar MOUs were developed with private education providers through the Catholic Education Commission and the Association of Independent schools.

However, the protocols do not articulate clear responsibilities and timeframes for development and review of individual education plans or clear strategies for improving education outcomes of children in OOHC. Also, from our experience, it seems that there is limited awareness of the existence of the protocols, at least within the non-government OOHC sector.

In the context of the transition of OOHC to the non-government sector, it is now important to develop a new protocol which clarifies responsibilities and processes for joint work in addressing the education needs of children and young people in care. As discussed in section 4.1, the Victorian OOHC Education Commitment provides a model for developing an agreed framework encompassing the government, independent and Catholic school sectors.

In developing the protocol, consideration should also be given to the key strategies used in the Victorian agreement (see section 4.1). In particular, in Victoria, schools are required to establish a student support group for all students in OOHC which includes the case manager and carer. The members of the student support group work together to support engagement, retention and achievement of the student and monitor their progress. The student support group must meet at least twice a year and must also be convened when suspension or expulsion are being considered.

Collaborative approaches should also include proactive support to children and young people around the time of key transitions such as starting school, moving to high school and post-compulsory education and training for young people who are transitioning from care. Research on effective approaches to build student engagement highlights the importance of supporting children and families through key transitions.<sup>90</sup> While this is important for all children and families, it is particularly critical for children and families with complex needs.

Educational outcomes are strongly influenced by a child's emotional, mental and physical health.<sup>91</sup> Research tells us that to improve educational outcomes of young people in care we need to focus on all aspects of their wellbeing. It is therefore important to improve the integration of assessment, planning and support across the OOHC, education and health systems and increase support for children who exhibit or are at risk of developing severe emotional and behavioural disturbance.<sup>92</sup>

#### **What is required?**

- The NSW Government develop a new protocol to guide joint agency work to address the educational needs of children and young people in OOHC. The protocol should encompass all schools across the government, Catholic and independent school sectors based on an agreed framework and commitment to improving education outcomes of children in OOHC. The development of the protocol should involve strong consultation with the NGO sector.
- A robust reporting and monitoring system should be developed to ensure that the cross-agency protocol is implemented effectively at both regional and state-wide levels.
- The NSW Government develop mechanisms to improve the integration of assessment and support across the OOHC, education and health systems and increase support for children who exhibit or are at risk of developing severe emotional and behavioural disturbance.

### **6.5 Focus on reducing suspension and exclusion of children and young people in care**

As discussed in section 2.1, children and young people growing up in care often experience a repeated pattern of suspension throughout their school life. School suspension and exclusion often has far more serious consequences for young people in care who may already be experiencing instability in their home life and difficulties in their schooling.<sup>93</sup>

While suspension and exclusion should always be a last resort for all students, the decision to exclude a child or young person in care should warrant an extra degree of caution.<sup>94</sup>

Focused strategies are also needed to reduce the use of suspension and exclusion for this group. This includes ensuring that children and young people receive early support to address the underlying issues which lead to disruptive behaviour.

In South Australia, for example, individual education plans identify strategies to ensure that all avenues are explored before suspension or exclusion are considered. For students with challenging behaviours, the plan includes proactive consideration of 'behavioural learning'.

As discussed in section 6.2, teachers need support and training to understand what underpins the disruptive behaviour and implement trauma-informed strategies. And as outlined in UnitingCare CYPF's paper, *Addressing high rates of school suspension*, there also needs to be a stronger focus on professional development to equip teachers to implement positive behaviour management strategies for all students.

Schools should be encouraged to consider the use of in-school suspension, with increased support where suspension is deemed necessary. Research evidence indicates that in-school suspensions that have a learning component attached are an effective alternative to out-of-school suspension, particularly when combined with increased support such as counselling.<sup>95</sup>

If students are suspended, it is vital that caseworkers and carers are involved in the suspension resolution meeting to discuss what additional supports will be put in place to prevent similar incidents from reoccurring.

#### **What is required?**

- The NSW Department of Education review policies and procedures relating to suspension and exclusion and their application to children and young people in care. The focus of this review should be on reducing both the incidence and duration of suspensions for this group of vulnerable students.
- The NSW Department of Education review and strengthen supports available for children in care who exhibit or are at risk of developing serious emotional and behavioural problems.

## 6.6 Support young people who are transitioning from care to participate in further education or training

For young people who have grown up in care, being able to continue their education is strongly dependent on having suitable and stable accommodation and adequate financial support.<sup>96</sup>

Internationally, there is a trend towards supporting young people who have been in care to continue with education by increasing financial support to this age group through direct funding or fee waivers.<sup>97</sup> For example, in Ontario, financial support is provided through a partnership between the government and 29 post-secondary institutions. The government covers 50% of tuition costs with participating institutions covering the remaining costs for up to four years of post-secondary study (up to a maximum of \$6,000).<sup>98</sup> The government also provides assistance with living costs for young people leaving care who are enrolled in college and university programs (up to \$500 per month).

The 2008 Wood Report emphasised the need for an interagency approach to improve outcomes for young people transitioning from OOHC, including priority access to a range of Government services.<sup>99</sup> This should include assistance with meeting the costs of education and training, including fee waivers for care leavers enrolling in TAFE courses (as occurs in Victoria, South Australia and Victoria) and career advice.

Research indicates that TAFE provides an important pathway to university study for some care leavers.<sup>100</sup> Thus, government fee waivers (or full scholarships) for care leavers pursuing vocational education and training at TAFE are also likely to improve their participation in university courses.

In February, prior to the 2015 state election, the NSW Premier Mike Baird committed to make it free for 200,000 young people to attend TAFE and other vocational education and training providers with priority for residents in social housing.<sup>101</sup> UnitingCare CYPF suggests that priority for the scholarships should also be extended to young people who have grown up in care.

Research also shows that rigid education systems which do not permit non-standard pathways are a major barrier to continuing education for young people who are transitioning from OOHC.<sup>102</sup> Currently, in NSW, young people under the age of 17 cannot attend TAFE unless they have completed a Record

of School Achievement. This means that TAFE no longer provides an alternative pathway for young people who find it difficult to cope in the school environment and refuse to attend (for example, because they have a history of school suspensions and have missed so much school they feel they cannot catch up). We have some young people in OOHC who will not attend school but can't attend TAFE. Previously, TAFE provided these young people with the opportunity for a fresh start and 'second chance'.

A more flexible policy approach is needed such as the strategies used in South Australia. Under the *Rapid Response Framework*, additional support is provided to assist young people who are transitioning from care to obtain the South Australian Certificate of Education (or vocational equivalent). For young people who have disengaged from education, the relevant education and child protection agencies will explore all avenues for re-entry to school or entry into vocational programs.

### **Give young people the option to stay in care longer, up to the age of 21**

Currently, many young people who have grown up in care in Australia experience a rapid and abrupt end to formal support from the child protection system between the age of 16 and 18. Young people leaving care need to manage multiple transitions – moving to independent housing, finishing school, finding work or further study and becoming financially independent – in a shorter time, at a younger age and with fewer resources than their peers.<sup>103</sup>

There is an international consensus among researchers and practitioners that the transition process needs to be much more gradual and flexible, based on the levels of maturity and the needs of the young person rather than simply age.<sup>104</sup> Giving young people the option to stay in care longer up to the age of 21 (at least) will promote improved educational outcomes.

Recent changes to the law in England give young people the right to continue to live with their carers until they are 21, with financial support, if that is what they want.<sup>105</sup> This builds on the success of a pilot program 'Staying Put', which was trialled in 11 local authorities. The evaluation found that young people who stayed on with carers were twice as likely to be in full-time education at 19 as those who did not.<sup>106</sup>

In the US, policy and legislative reform has also focused on extending foster care services beyond the age of 18. The Midwest evaluation of the Adult Functioning of Former Foster Youth, a longitudinal study of young people in Illinois, Iowa and Wisconsin, compared the outcomes of young people who were still in care at 19 with those who had already left care. Young people who remained in care for an additional year were more than twice as likely to be continuing their education.<sup>107</sup>

#### **What is required?**

- The NSW Government implement strategies to assist young people who are transitioning from care to participate in vocational education and training. This should include assistance with the costs of education and training to young people who are transitioning from care, including fee waivers (or scholarships covering the full cost) for TAFE and access to career counselling. It should also include reviewing relevant policies relating to enrolment in TAFE to address barriers to participation.
- The NSW Government investigate and implement extended care arrangements for young people in OOHC to the age of 21 years.

### **6.7 Strengthen processes for data collection and oversight of the educational progress of children in care**

One barrier to improving the education outcomes of children and young people in care is that currently there is no system in NSW to identify and track their progress. It is notable that the Wood Report *Special Commission of Inquiry into Child Protection* recommended that the Government establish a mechanism for monitoring access and educational outcomes of children and young people in OOHC.<sup>108</sup> However, this recommendation has never been implemented.

The recent Senate Community Affairs Reference Committee inquiry into OOHC also noted that data on educational outcomes of young people in care is lacking.<sup>109</sup>

To improve outcomes, it is essential to understand and monitor how children in care are progressing in their educational experiences and academic achievement. The *Pathways of Care* longitudinal study being conducted by the

Department of Family and Community Services (FACS) will provide some data on the educational experience of children in OOHC. Notwithstanding this, a system for ongoing collection, analysis and reporting of such data is needed.

Children and young people in care (including children in OOHC and those in long-term guardianship arrangements) should be included as a Department of Education equity group that is tracked and their results included in the Department's annual reports.

The Department of Education and FACS should work together to use data linkage approaches to develop a robust system for collecting and tracking data on the educational experiences and outcomes of children and young people in care. This should include individual and aggregated information on:

- participation of children in ECEC
- special education provision and educational supports provided
- school attendance and reasons for absence including number of children on partial attendance arrangements
- suspension and exclusion rates and reasons for these
- school changes
- NAPLAN results and other measures of academic performance such as grade repetition and Year 12 outcomes
- participation in further education and training of young people in care up to at least the age of 25 and outcomes, including whether or not participation is sustained successfully and courses completed.

The NSW Department of Education and FACS should also work collaboratively with the AIHW to establish a national longitudinal data set on the educational characteristics and outcomes of children in care.

As outlined in section 3.2, stronger monitoring processes also need to be put in place to support compliance with policy requirements relating to individual education plans.

### **What is required?**

- Students in care should be recognised as a NSW Department of Education equity group that is tracked. The Department of Education and the Department of Families and Community Services (FACS) should work together to develop a framework for collecting and monitoring data on the educational experiences and outcomes of children and young people in care (including children in OOHC and those in long-term guardianship arrangements).
- The data system should track the educational progress of all children and young people in care (in both government and non-government sectors) across ECEC, school and post-secondary education and training. This data should be publicly reported on in the annual reports of the relevant Departments and on their websites.
- The data system should include information and monitoring of suspension, expulsion and partial attendance. It should also include specific attention to the education experience and progress of Aboriginal children and young people in care.
- The NSW Department of Education review and strengthen processes to support compliance with policy requirements relating to individual education plans. This should include a focus on ensuring that the plans are developed in a timely way and with participation by the child or young person, their carer and caseworker.

## 7. Further resources

UnitingCare CYPF has produced a number of other research and policy papers focusing on improving the educational experience and outcomes of disadvantaged children and young people, including:

- Addressing high rates of school suspension
- A strong future for young people leaving out-of-home care
- Research Paper 8, “...because suspension dosent teatch you anything” [sic]
- Research Paper 5, *Understanding School Responses to Students' Challenging Behaviour*
- Submission to the Ministerial Taskforce on Aboriginal Affairs on Improving Educational Outcomes for Aboriginal People
- Submission to the Inquiry into transition support for students with additional or complex needs and their families

You can access these papers at:

[http://www.childrenyoungpeopleandfamilies.org.au/research/research\\_papers\\_and\\_briefs](http://www.childrenyoungpeopleandfamilies.org.au/research/research_papers_and_briefs)

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