

NEWSLETTER

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The Office of the Guardian for Children and Young People advocates for and promotes the best interests of young people and children under the care of the Minister for Families and Communities.



Youth Parliament triumph

In its second successful participation, the Office of the Guardian/CREATE Youth Parliament team passed its Bill through both houses of the 2007 Youth Parliament. The team's Bill extends the responsibility of the government for young people in care from the current age 18 to age 25. It passed through the Legislative Council 18 votes to 12 and the House of Assembly 33 to 3 with 5 abstentions.

Four 'old hands' from 2006, including Bianca, were joined by three novices including Rachel and Marissa to make up the 2007 team. They joined over 90 other Youth Parliamentarians in the week-long camp that saw them debate in the same chambers of Parliament under the same rules as MPs.

David Wilkins mentored the team with support from Mellita Kimber and the team was assembled and shepherded through the three month process by CREATE's Lea Spaven.

The need to extend supports and services to young people beyond the end of their formal state guardianship has long been recognised. It has recently been implemented in revised policies and practices by government. The team successfully argued that these supports and services were so important that this was insufficient and that they should be guaranteed by law.

...the average age for a young person to leave home is about 27 years old – and often their parents will play a large role in the transition phase but they also have the opportunity to move back home if it doesn't work out. In fact our current Prime Minister John Howard left home at the age of 30...

Rachel

Being told at 18 that you are on your own isn't my idea of a celebration...Imagine at 16 or 17 years old... you are probably not having to think about where you are going to live next week, how to budget and even use a washing machine.

Young woman in care aged 14

Then imagine having your world turned upside down when faced with the reality of turning 18 and having to move and live on your own for the first time in your life, Not being ready, not knowing what the outside world holds and wondering where your life will take you... Suddenly you are torn from the driver's seat and you must only watch as your life spins into chaos.

Marissa

[Young people in care at 18] have to find alternative accommodation and are forced to grow up all too fast. Therefore, they need to be supported. While other young people can often return to their homes if it doesn't work, young people in care don't.

Young man in care aged 16

Youth Parliament is sponsored by the Office for Youth and managed by the YMCA of SA.



Pam Simmons
Guardian

Letter from the Guardian for Children and Young People

The State Government has asked Ms Maurine Pyke QC to review the domestic violence laws in South Australia. Submissions are in and are being considered. The Act at the centre of the review is the *Domestic Violence Act 1994*.

Public awareness and knowledge about the impact of domestic violence has grown in the 13 years since the proclamation of that Act. Knowledge about its impact on children has certainly, and finally, received more attention. In households where domestic violence is present, children may be physically abused, witness the abuse, be used as pawns, be neglected because of the crises, absorb the trauma and feel responsible. On few occasions, young people may be perpetrators of abuse as a result of their experience of it.

There has also been progress in recognising the need to protect children in court proceedings and take their views into account.

In May I convened a meeting of people with an interest in the impact of domestic violence on children. They came from the Children and Law Committee of the Law Society, Families SA, Victim Support Services, Youth Affairs Council of SA, Health and Community Services Complaints Commissioner (child protection) and the CREATE Foundation. The discussion was robust and passionate. We made a submission to the review that was informed by their experience and views.

The major changes we suggested were to definition, protection of children in court proceedings, children's capacity to make application and the need to address the particular needs of child perpetrators.

Both the principles and the definition should make specific reference to the impact on children of exposure to domestic violence through seeing or hearing the physical or psychological abuse. This will underscore the gravity of the violent act to children's wellbeing now and in the future.

Special procedures in court are required to protect children from distressing exposure to the public and the defendant and to protect them from forceful and distressing questioning. The Youth Court currently has such protections and these should be extended to other courts where the child is an applicant or witness. Children who are not a party to the proceedings should not give evidence, in person or by affidavit, without special leave of the Court nor be present or called as a witness during proceedings unless the Court decides it is necessary.

Protection from distressing court proceedings though should not prohibit or deter a young person from making an application for a restraining order on her/his own behalf. The need for this will be rare. Most applications made by police or adult victims will include the children.

The existing Act does not deal with children as perpetrators of domestic violence. It is indeed a small part of the problem. When it does occur victims need to be protected and the response must take into account the age-related reduced responsibility and developmental needs of the perpetrator. The conditions that apply to young people who break the law should apply to decisions about restraining orders. No restraining order should be imposed on a child under 10 and the notion of *doli incapax* should apply to children aged between 10 and 13 years. *Doli incapax* requires the Court to prove that the child was fully capable of understanding his or her actions.

Change to the legislation of course, is only one part of the required response. The much bigger part is how we prevent violence, protect victims, deal with trauma, change social factors that contribute to domestic violence, make decisions about family preservation and decide levels of responsibility for young perpetrators.

For more detail on our response see www.gcyp.sa.gov.au >publications>submissions.

Pam Simmons, Guardian for Children and Young People

What's been done

June – August 2007

Endorsements of the Charter of Rights continue to be celebrated with 14 agencies committing to meet the rights in the past three months, taking the total to 39. These are: Autism SA, Down Syndrome Society, Minda, Leveda, YWCA, Second Story Youth Health Services, Southern CAMHS, Northern CAMHS, Townsend House, SA Dental Service, Spina Bifida and Hydrocephalus Association of SA, Child Protection Services (North), Novita Children's Services and Child Protection Services (South). Congratulations to them all.

The Office of the Guardian/CREATE Youth Parliament 2007 team did a great job of drafting and sponsoring a Bill to extend the legal obligation for government to provide support services to young people beyond the age of guardianship. They successfully gained the support of both Houses of Parliament. For the full story, see the front page of this edition.

Three reports have been completed in the past three months on: the review of domestic violence laws, [see page two of this edition], children missing from residential care and the 2006-07 audit of annual reviews.

As part of our monitoring role we visited six residential facilities to talk with the young residents and audited annual reviews at the Refugee Program.

In 2006-07 we received 103 requests for assistance with individual children. Most of these were resolved quickly and without formal investigation. However we did investigate 29 matters representing 34 children in care. Further detail will be provided in the 2006-07 Annual Report.

The consultants working on the educational support project have completed their information gathering and are in the final stages of drafting the report. There is such rich material in the findings, from the young people themselves and from the other interviewees. Thank you to those who contributed to the project. There are some exciting ideas for us to pursue over the next few years.

We have recruited illustrator Richard Dall and writer Daniel Watson and a small team of young people who will start work shortly on producing a comic about being in care. The 12 page comic will be available in the last quarter of 2007 and will contain some information and positive messages to children and young people in a highly entertaining form.

The contest for residents of the Magill and Cavan centres to design a Christmas card to go to children and young people in care is on again for 2007. Stationers Lyreco will offer prizes for winners and gifts to all participants and the contest will be judged by the Office's Youth Advisors.



Winners of the 2006 Christmas card contest

What young people want (from the care system)

Young people who have experienced the care system know what they want. They were forthright and articulate in June this year when commenting on Families SA's plans to fulfil its commitments under *Keeping Them Safe – In Our Care*. This is what a group of young people from CREATE and the Office of the Guardians' Youth Advisors said they wanted:

Information

The young people said that they want tools like the Social Worker Checklist to be used to make sure they are given information and the Being in Care materials to give them background information. They want to know their own life history, to make sure they are kept informed of any major changes, involved in decisions and kept informed of outcomes.

Having a say

All decisions about placement changes, including initial placement must take on board the views of the child or young person. All case decisions must record children's preferences and, if required, the reasons why they were not followed. All annual reviews should either have them present (with their carer) or at least their views recorded in advance and represented at the review. Programs which support confident assertiveness like *Mission: Be and Rock and Water* were applauded. Having the opportunity to give feedback on their experiences in care to a District Centre Manager when they leave care would be great.

Regular contact

The group wanted contact with social workers to be monthly and for what went on to be written down and checked by a supervisor. They wanted the opportunity to comment on and change the quality of the relationship with their worker if it wasn't satisfactory. If the social worker was unavailable, they said that it was essential to have access to a suitable alternative like a supervisor. District centres should be made to reduce the turnover of workers and the existing mentor programs should be expanded.

Having access to the things that other kids have

This includes education. They wanted to keep the Guardianship and Alternative Care educational support team and employ roving teachers to help kids in residential care and transitional accommodation stay in and succeed at school. They wanted access to personal achievement opportunities too like a *Duke of Edinburgh Award Program* to suit children and young people in care. They liked all of the options available in the *Looking After Children* plan and said they should be adopted in the new system.

Thanks to the young people at CREATE and the Office of the Guardian's Youth Advisors for their comments.

Learning goes one-to-one at Cornerways

Nobody is more aware of the problems that young people in care have with education than supervisor of Cornerways residential care unit Helen Bull.

'One of our major preoccupations is getting our kids into school and keeping them there,' she says.

'It can take four to six weeks just to place someone in a school and that's just the beginning. The relationship with the school is not always perfect and we spend a lot of time advocating for our students and we depend a lot on the school being flexible.'

Traumatized by family breakdown and with education disrupted by frequent school changes, children in care often fall behind in schooling and sometimes behave in ways that challenge the regulated school environment, Helen says.

'Kids can benefit greatly from one-to-one work. It's like the personal connection has to come first and only then can the learning start.'

It was in this context that the notion of connecting children in care to REVISE came up says the Office of the Guardian's Angela Andary.

'REVISE is a not-for-profit organisation which recruits volunteer teachers to support isolated students to address their educational needs and they have been providing tutoring services to parents and students on cattle stations and other rural isolated areas for nearly 20 years.'

'From late 2006 we worked with Annette Bulling from DECS [Department of Education and Children's Services] and Garry and Jeanette Coombes from REVISE and, later, David Holmes from Families SA to get volunteer tutors into a community residential care unit.'

'Cornerways staff were very supportive and DECS have provided resources and training for tutors and care unit staff and helped forge the link between this and the student's school to make sure we are all working together.'

For Helen, the central thing in the lives of the children in her care is their relationships.

'To work, I think the tutors have to be willing to develop a relationship with the kids and even then it doesn't always work. It takes two and the partnership has to click.'

We are invited to meet 'Allan',¹⁵ and his tutor Louise who are one of the two tutoring partnerships at Cornerways.

While we are waiting for Louise to arrive Allan gives a tour of Cornerways and the surrounding area and explains that he does not like just sitting in a classroom very much and almost never reads anything while he is at school. He much prefers fishing and has plans to stock a proposed lake in the nearby housing development with Redfin Perch so he can go fishing whenever he likes. He also enjoys a program under which young people in care spend part of the week training young dogs for selection as guide dogs.

Allan announces Louise's arrival and she explains that they have been working together for over a term now.

'I hadn't been with REVISE before but when I overheard Garry and Jeanette talking about this project, I volunteered immediately.'

'It's like the personal connection has to come first and only then can the learning start.'

'...working with Allan is great. He is willing to try anything and he sticks at it.'

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Learning goes one-to-one at Cornerways (continued)

'I taught for 20 years and I wouldn't return to full-time classroom teaching again but working with Allan is great. He is willing to try anything and he sticks at it. We have made great progress.'

Allan confirms this.

'I can read much better now – I used to read for a minute and then start guessing words and now I go on for much longer like six minutes or more. I learn stuff [with Louise] that I never did at school.'

Louise watches with some pride as Allan demonstrates a couple of impressive card tricks and she explains how the work with cards practices concentration and memory as well as developing reasoning and calculation.

Allan pages us through a partly-completed Powerpoint presentation that he has put together showing his work for Guide Dogs and will later present at his school. He reads out some of the harder-to-see captions while Louise explains how he has cropped and edited the photos she has taken of his guide dog work.

'Some of the work we do is fairly conventional like reading or using flash cards to improve Allan's sight vocabulary but then we break that up with different activities like origami or playing basketball,' Louise explains.

'One of the reasons we get on is that we enjoy the same things like camping and fishing. We both like dogs too and we are trying to arrange some other activities outside of tutoring in the future.'

Allan smiles in agreement.

And do they plan to keep going?

'Yes – definitely,' comes the answer from both.

If you would like to know more about the Tutoring in Residential Care Project or to be a part of it, contact the Office of the Guardian on 8226 8570.

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