

# 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.*

## Superheros: young people leaving care

*Mellita Kimber, Youth Advisor*

From the 23<sup>rd</sup>- 25<sup>th</sup> August, along with 199 other participants I attended the 4<sup>th</sup> National Face to Face Partnership Forum - *The Superheros Journey* convened by the Create Foundation. Its theme was 'supporting positive leaving care and transition experiences'. The metaphor of superhero recognises that young people in care are like superheros being launched into the world and as superheros do, young people need an identity, special powers, resources and allies.

The organisers of Face to Face (F2F) were committed to ensuring active participation of all stakeholders, particularly of children and young people (CYP). On the first night we attended a 'superheros' themed dinner which involved dressing up as your favourite superhero. Identities included Captain Participation, Cat Woman & Captain Vegemite to name a few.

Prior to attending the forum each state and territory was asked to produce a snapshot of leaving care. This information allowed us to measure South Australia's performance by making comparisons between states on legislation and policy, initiatives currently in place, services provided, current challenges in delivering leaving care services and outcomes for CYP. In addition a creative 'talk show' panel identified current leaving care challenges for 2005.

A group of young people stood up and told of their experiences of care, with one young person rapping their story and another singing it. This was an incredibly emotive session.

At the end of the forum each state was re-grouped and asked to come up with some priorities to work towards. South Australia's representatives consisted of, most importantly, young people, non-government and government agencies and carers. We decided our top priorities were:

1. Providing leaving care and support services to young people up to 25 years of age
2. More support for foster carers around leaving care
3. Stable, priority and appropriate housing
4. Link in with Northern Territory Create

F2F was not a conference but a dynamic, working forum which facilitated engagement, exchange and learning. It gave participants a real experience of working together to achieve a result. I think that the organisers of F2F did a fantastic job.

Finally, I would like to leave two quotes that put into perspective my work to achieving better outcomes for Guardianship of the Minister children and young people that I took away from this forum: "Every childhood, lasts a life time" and "I want a free and cheerful opportunity to live a NORMAL life".

***'Every childhood lasts a lifetime.'***



Pam Simmons  
Guardian

## Letter from the Guardian for Children and Young People

In the past six months the Office has led an expert project management team in the development of a charter of rights for children and young people in out of home care. The charter will be released in its final form within a short time.

One of the charter's rights is to feel good about yourself by knowing that people care about you. Contrast this with the image of a five-year old child in a car with a stranger late on a Friday afternoon being transported to a new house with more strangers where she will spend the weekend.

What does one have to do with the other? This is one of the significant issues raised during the consultation phase. What is the point of talking about rights and raising expectations when the system cannot yet support this?

The charter is a clear statement from children in care of what they need. It is based on the core principles of best interests, healthy development, non-discrimination and participation. These principles cannot be argued with. They are fundamental to the child protection system. In accepting the charter we in the child protection system will *do all in our power* to see that these rights are met.

There are other tricky challenges. Whether rights should be accompanied by specified responsibilities for children? Who does the charter belong to: the children and young people, the providers of services, the state government, the Office of the Guardian, the community? There are also different uses of the idea of rights and which one were we subscribing to? If the rights cannot be enforced what is the point of having them at all?

Statements of rights are not new to us. Among others, Australia is a signatory to the 54 articles of the *United Nations Charter of Rights of the Child* and we have a 1992 *Government Services Charter*.

We made the decision to not couple rights of children in care with responsibilities. Rights are not privileges. Rights are not dependent on a child's compliance with rules. They come first and foremost. This is not to say that children and young people don't have responsibilities but they are age and ability dependent and are best negotiated in the context of a relationship.

The charter belongs to children and young people in out of home care. These are *their* rights. However, individually and collectively, we can make an explicit commitment to respecting their rights. In that sense the charter is ours too. What dictated the content is its relevance, comprehension and usefulness to children and young people.

There are different uses of the concept of 'rights'. It can mean an entitlement to receive certain things like payments and services. It can be used to activate a response such as when we feel we are not being heard or treated with respect. Rights can also be resource dependent and rely on compliance. This charter is a mix of all of these. Every child in care is entitled to have these rights respected, every child can expect support to see them activated, and judgements about violations will be made in the context of what is reasonable in the circumstances. However there is an imperative to move steadily towards meeting the rights more fully.

The biggest challenge is yet to come. This lies in effective use of the charter and is dependent on who gets to read it, how it is understood, who commits to it, what

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standards and improvements are attached to it, and how it is monitored. Equally important is what support children get to understand and act on the rights and how accessible complaints mechanisms are to them.

We are thrilled to have got to this point, to have had such great support from all who participated in the lengthy consultations and the expert assistance of the project management group, the consultants, and the Create Foundation who conducted the workshops with children and young people.

*Pam Simmons, Guardian for Children and Young People*

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## What's been done

### September 2005 – November 2005

Consultation on the charter of rights has been completed and the charter will be issued soon. [See p 2] Thanks to all who provided feedback on the draft.

Also complete is the second round of training workshops on the Individual Education Plans. We were pleased to be able to contribute to the program run by CYFS Guardianship and Alternative Care Division and the Department of Education and Children's Services. We heard many fine examples of great effort and creativity in keeping children engaged with school.

The Services Bank is taking shape (or fattening!) with new offers of services and products. The first plank of the home loan product through Homestart is available now. Bicycle SA have run their second program for young people under Guardianship which provides training on bike maintenance, racing, trail riding and working in teams. Optima Psychologists have offered free services. The Big Book Club have offered books and possibly some literacy skills assistance and we will have more tickets for some big events around town.

The submission to the Commission of Inquiry Children in State Care on preventing sexual abuse in care has been sent. Our next job is to reproduce this in a more accessible form for public use.

Probably not so exciting to others but thrilling to us is our new database which records individual matters and requests for advice or information.

We are in the midst of a second full round of visits to agencies as part of our ongoing consultation on major issues and monitoring the impact of child protection reform, particularly in relation to services and care of children and young people. The information gained through these visits is essential to our capacity and confidence to report on what is happening to children in care. Thank you to all who have participated in these meetings.

In addition to the 19 training workshops for the Individual Education Plans we have made presentations to Salisbury Working with Carers group, the Crown Solicitors Office, CRS Australia, IDSC Child and Youth Teams, CYFS staff induction training, alternative care staff from Uniting Care Wesley Port Pirie and Centacare, and at the Red Cross National Conference.

Check out our website for further information [www.gcyp.sa.gov.au](http://www.gcyp.sa.gov.au).

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# Who are we working for?

## *The profile project: education*

We continue to gather aggregate information on children and young people under guardianship. As mentioned in our February newsletter, we have been asked many questions about this group, such as what is their average age, how many are reunified with their parents, how many succeed at school and what happens to them when they leave school and turn 18.

Much of this information will be gathered over time. However, thanks to a joint project between the Department of Education and Children's Services and Children Youth and Family Services in the Department for Families and Communities, we are now able to provide information on the educational achievements of children in care.

The available data show that we can do better in helping children in care with their schooling. Children and young people in care are clearly capable. The national 2004 *Create Report Card on Education* says that 15 per cent of children in care achieve above average or well above average at school. Our job is to lift this percentage.

The DECS/CYFS data show that a significant number of children and young people in care have poorer educational outcomes than the general school population. We know that their previous experience puts them at a serious disadvantage. Providing additional supports to improve learning outcomes is critical to improving their experience at school and life opportunities.

The effects of abuse and neglect are strongly correlated with developmental delay and other difficulties that can have an impact on schooling and educational achievement. This highlights the importance of intervention before a child reaches school age. Providing additional supports as soon as delays are detected will enhance learning outcomes.

***The available data show that we can do better in helping children in care with their schooling***

The information below is data on 1,035 children in care and attending state schools. This is 72 per cent of school age children who were receiving case management by CYFS in 2004. With this small sample size the percentage figures can be magnified by relatively small actual changes so caution must be taken in its use.

- One in three (33.9 per cent) of the children had a disability which had been identified by DECS. The most frequent disability was language and communication delay (22.3 per cent of children in care).
- Preliminary analysis shows that children in care are suspended and excluded at higher rates than the general school population. From the data available, 9.7 per cent of children in care were suspended in Term 2, 2004 compared with a general rate of about 2 per cent of government school enrolments during Term 2.
- The two most common reasons for suspension were threatened good order (32.8 per cent) and violence - threatened or actual (38.7 per cent).
- Preliminary analysis of the literacy and numeracy scores for children in care show that three out of four children in care are achieving the national benchmarks. However, this indicates that significant numbers of children in care have not achieved benchmarks – the agreed minimum standards at certain year levels. For example, of the children in care who sat the Year 3 literacy test, 35 per cent were in the lowest band out of five.
- In Year 7, of the children in care who sat the literacy test 49 per cent were in the top skill band range (bands 5-7). Ten per cent were in the two lowest bands. (The scores for the whole school population will not be available until 2006.)
- During term 2, 2004 schools reported that there was approximately 91 per cent attendance by children in care. This compares favourably with a reported 92 per cent attendance rate overall. Part time attendance, that is for only part of the day, is counted as attendance.

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Below is an update on information provided in our February newsletter.

- There were 1,447 children under guardianship or custody of the Minister as at June 2005 (1,362 at June 2004).
- 20.8 per cent were Aboriginal or Torres Strait Islander (18.7 per cent at June 2004).
- 47.9 per cent were girls (48.5 per cent at June 2004).
- In June 2005, of the children and young people in out of home care, 72.7 per cent were in foster care (82.0 per cent in June 2004), 19.8 per cent were with relatives or kin (14.0 per cent June 2004), 0.3 per cent in other home based care (1.0 per cent in June 2004) and 7.6 per cent were in community residential care\* (4.0 per cent in June 2004).
- At June 2005, 9 per cent of children (5.5 per cent in June 2004) had significant intellectual or physical disabilities and were receiving disability services. (The increase is due to improved data collection.)

We shall keep you informed of trends and developments over time.

Let us know what you want to know about children and young people in care in South Australia.

Contact Angela Andary on 8226 8570 or [andary.angela@saugov.sa.gov.au](mailto:andary.angela@saugov.sa.gov.au).

\* This figure includes children and young people in CYFS Community Residential Facilities, TLC Houses (Transitional Linked Care) and the Village.

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## Spotlight on the Enfield *GOM Council*

The Youth and Guardianship Team at Enfield CYFS District Centre has run a successful school holiday program over several years for children and young people under guardianship.

The program was introduced to provide respite for foster carers when children were excluded from mainstream school holiday camps and programs. It provided children and young people with a range of activities and a chance for them to meet each other and get to know all staff in the Youth and Guardianship Team.

In 2005 the team at Enfield expanded the program and formed a representative group of young people under guardianship to plan the holiday activities and to provide advice to the staff on matters affecting children in care. The idea was to give young people the opportunity to work with each other and strengthen communication and negotiation skills.

Working together with staff has been really positive for the six young people who make up the *GOM Council*.

They talk about the opportunity to “express feelings and have a say”.

“It is one of the only times we get to say what we want to do and where we want to go.”

Among other activities, the group has spent a night ‘behind bars’ in Adelaide Gaol and ‘gone overseas’ on a day trip to Kangaroo Island. They were up at 5 am and back at 10 pm. They have also chosen laser skirmishing and rock wall climbing.

The *GOM Council* members said that it has been good for team building, learning compromise, working together, negotiating things as a group and having some fun.

“Older kids are getting to know the younger kids”, one said. In this way, they help and support each other including rescuing a small shoe from a large ‘ferocious’ seal on Kangaroo Island.

***“It is one of the only times we get to say what we want to do.”***



*David Wilkins  
Youth Advisor*

## Introducing David Wilkins Youth Advisor

Hey all, I'm David and this is my chance to introduce myself to you. I'm 18 years of age, have been under guardianship since I was three, and am now a Volunteer Youth Advisor with the Office – and what an office it is!

This article has given me the opportunity to not only share a little bit about myself but also to reflect on the last couple of months, as they have been life changing. As I said, I've been under guardianship from a very young age and I've been fortunate enough to be welcomed into a stable home environment which is supportive, loving and giving. Many young people under guardianship have described moving around frequently and never being able to make long-term friendships because they move schools all the time. I've been one of the lucky ones because I haven't had to move at all and for that I'm truly grateful.

I've now moved out of home, and am living in share house accommodation close to the city, which is fantastic as I study at the University of Adelaide – Bachelor of Law and Bachelor of International Studies. This part of my life has been the source of my independence, maturation and new found ability to use a washing machine! Moving out of home and embarking on tertiary education has altered my view on the world, my attitude, and my character. I know that I have become a great deal more open, willing to take risks and become more involved – which resulted in me being elected as Male Sexuality Officer of the Students' Association recently. This new independence has allowed me to achieve much more, such as working with this Office.

I found out about the Office of the Guardian through my involvement in the Minister's Youth Council. After receiving the Office's first newsletter, the Chair met with Pam to discuss a relationship between MYC and the Office, but I too met with Pam to discuss a relationship between me and the Office. My involvement in the Office has seen me dabble in a number of projects, one of which is the Services Bank, and I've also been sponsored by the Office to attend the 2005 YMCA Youth Parliament program, in which I was elected Leader of the Opposition in the Legislative Council. In the future, I hope to broaden my work with the Office and will be looking at developing a proposal implementing a bonus point scheme for Guardianship young people to assist their entry into university.

Well, I think that's enough talking about me so I look forward to meeting more of you and thanks for reading until the end of the article!!