

Ms Liana Buchanan  
Principal Commissioner for Children and Young People  
Commission for Children and Young People  
Level 18  
570 Bourke Street  
Melbourne  
Victoria 3000

E: [engage@ccyp.vic.gov.au](mailto:engage@ccyp.vic.gov.au)

August 19, 2022

Dear Principal Commissioner Buchanan,

### **Systemic inquiry into the educational experiences of children and young people living in out-of-home care**

Barnardos Australia (Barnardos) thanks the Commission for Children and Young People for the opportunity to provide our feedback to its inquiry into the educational experiences of children and young people living in out-of-home care (OOHC). We strongly support the Commission's view of the importance of quality education for children and young people in care and its crucial influence on their future and positive life outcomes.

Barnardos is a not for profit, children's social care charitable organisation providing direct support to 15,000+ children and their families in the Australian Capital Territory (ACT) and New South Wales (NSW) each year, in addition to foster care and open adoption (the latter for non-Aboriginal children) for approximately 1,500 children and young people. We work in areas with significant Aboriginal populations such as Central Western NSW, the South Coast, Western Sydney and Inner Sydney. For close to 100 years, we have been working together with children, young people and families to break the cycle of disadvantage, and create safe, nurturing and stable homes, connected to family and community.

### **Barnardos' knowledge of this area**

Children and young people in OOHC are one of the most disadvantaged groups educationally in Australia (Townsend, 2011). The vulnerable cohort of children and young people in OOHC we work with continue to face significant educational challenges and experience poor educational outcomes. For example, a 2022 internal review of the educational outcomes for a sample of children aged 8 to 14 years old in our NSW OOHC programs showed that 48% of the sample group were performing at below grade level, 2% at above grade level, and 22% of the children presented with some level of learning disability and additional needs.

The overrepresentation of Aboriginal children and young people in the NSW and ACT child protection and OOHC systems remains an issue of grave concern to Barnardos. For example, NSW Aboriginal children

#### **Barnardos Australia**

60-64 Bay Street Ultimo NSW 2007  
GPO Box 9996 Sydney NSW 2001

**Chair** Janett Milligan

**Chief Executive Officer** Deirdre Cheers

#### **Contact**

Reception (02) 9218 2300  
General enquiries 1300 237 507

Donations 1800 061 000  
Foster care 1800 663 441

[barnardos.org.au](http://barnardos.org.au)

who entered kindergarten in 2009 and 2012 were considerably more likely to have been reported to and escalated through child protection services. Furthermore, once involved with child protection services, they are more likely to enter care than non-Aboriginal children (Falster & Hanly, 2019). When starting school, Aboriginal children involved in child protection services during early childhood have an elevated level of developmental vulnerabilities and more diagnosed health and developmental impairments and conditions than their chronological age peers (Falster & Hanly, 2019).

### **Educational outcomes for ACT and NSW children and young people in OOHC**

There is some promising ACT evidence demonstrating the potential for young people in care to achieve sustained skills growth over time when they are provided with the right educational supports and resources. For example, a detailed analysis of educational outcomes for ACT children and young people in OOHC (conducted by the Community Services Directorate in March 2020) revealed that:

- The ACT Performance Indicators in Primary Schools (PIPS) assessment shows that children in care are typically starting their first year of full-time schooling (kindergarten) with less well-developed literacy and numeracy skills than the general ACT student population.
- Mean NAPLAN scores for children in care are typically two years behind mean scores for the general ACT student population in years 3 and 5. However, children in care have rates of mean score growth over successive year levels and successive assessments that are similar to or higher than those of the general ACT student population, demonstrating the potential that students in care have for skills growth over time.
- For high school and college (year 12) students, mean NAPLAN scores for young people in care are typically two to three years behind the mean scores for the general ACT student population in years 7 and 9. However, young people in care can have rates of mean score growth over successive year levels and successive assessments that are similar to or higher than those of the general ACT student population, demonstrating the potential young people in care have for sustained skills growth over time. Mean score growth between successive years is lower in high school for writing and numeracy, compared to mean score growth for these domains in primary school.
- The majority of young people in care are completing high school (year 10) but not all are completing college (year 12).
- All school-aged Aboriginal and Torres Strait Islander children and young people in the care in 2018 had a Cultural Plan in place, which is an increase from 93 per cent in 2017.
- The percentage of ACT teachers who have completed cultural proficiency training to support Aboriginal and Torres Strait Islander students has also increased (from 11 per cent in 2017 to 14 per cent in 2018).
- Aboriginal and Torres Strait Islander children and young people in care have higher attendance rates than Aboriginal and Torres Strait Islander children and young people in the general ACT student population.

Analysis of educational outcomes for NSW children and young people in OOHC shows that by years 3 and 5 children with more Risk of Significant Harm (ROSH) reports before they entered OOHC scored lower on NAPLAN than children with fewer ROSH reports (Townsend, Robinson, Wright, Cashmore & Grenyer, 2020).

## Placement instability and moves in OOHC lead to educational disruption

Based on our experiences as a large non-government OOHC provider in the NSW and ACT jurisdictions, we have focused our comments on the inquiry's following two terms of reference. Firstly, we highlight the significant disruption to education caused by moves in OOHC (Terms of Reference 2: "Identify the barriers to education for children and young people in care"). Secondly, we provide feedback on the high numbers of children and young people in the ACT and NSW who are subject to school exclusion and the need for more resourcing to ensure that children and young people attend school and meet educational milestones (Terms of Reference 5: "Recommending changes to policy, practice, legislation, or the delivery of services to improve young people's experiences of education in out-of-home care and protect and promote young people's right to education").

We note that the majority of children in foster care experience placement instability, with consequent school moves and educational disruption. According to NSW Department of Community and Justice administrative statistics,<sup>1</sup> at 30 June 2020 there were:

- 4,178 children and young people in OOHC who had experienced **two placements** in the current care period. This cohort made up **25.9%** of all children and young people in OOHC.
- 5,765 children and young people in OOHC who had experienced **three or more placements** in the current care period. This cohort made up **35.7%** of all children and young people in OOHC.

Further noting that Barnardos' independent actuarial analysis of adoption and non adoption durations of care demonstrates that children with a plan for open adoption spent less time in foster care (Hood, Cheers, Cox, Urquhart & McGarva, 2022).<sup>2</sup>

In our experience, the biggest systemic barriers to education for children and young people in care are the multitude of factors and complexity of why children in care do not achieve permanency, which we define here as the achievement of the case plan goal identified via direction of a Children's Court order.

We note the extensive research evidence on the reciprocal relationship between education and permanency, particularly how poor educational engagement and outcomes for children and young people in care can be accounted for by the instability they may have experienced in their care setting and also at school (Courtney, Roderick, Smithgall, Gladden, & Nagaoka, 2004; Emerson & Lovitt, 2003; O'Sullivan & Westerman, 2007). Achieving placement permanency for children and young people in care limits the disruptions that cause academic delays. Permanency also provides someone who is invested in the child's education with an opportunity to advocate for appropriate school support. As researchers have highlighted, this mutually dependent relationship suggests that we should not only place more emphasis on education, but also reconsider our approach to permanency planning (Stewart, 2012).

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<sup>1</sup> NSW DCJ Annual Statistical Report 2019-20, *TableA1B3C2D1N37-N45\_* (DCJ Statistics).

See: [https://public.tableau.com/app/profile/dcj.statistics/viz/TableA1B3C2D1N37-N45\\_/Performance measure](https://public.tableau.com/app/profile/dcj.statistics/viz/TableA1B3C2D1N37-N45_/Performance%20measure)

<sup>2</sup> Hood, P., Cheers, D., Cox, E., Urquhart, R. & McGarva, A. (2022, June 17). *Achieving child-related permanency with timely decision making: Australian actuarial analysis of restoration and adoption outcomes*. AIFS 2022

Conference: Putting Families at the Centre, Melbourne.

Barnardos Australia's response to systemic inquiry into the educational experiences of children and young people living in out-of-home care

## Recent research on educational outcomes and permanency – The Outcomes of Open Adoption in Australia Study

Recently published independent research undertaken by The University of Oxford traced the outcomes for 210 Barnardos children adopted from foster care between 1987-2013. The study reinforces previous findings that permanency planning plays a critical role in educational outcomes.

At entry to their adoptive homes, the children were typically very vulnerable learners with poor mental health and consequent increased risk for failure, 38% rated as in poor or very poor mental health and 40% showed signs of developmental delay.

Considering their starting points included their very high level of background adversities, long exposure to maltreatment, and learning issues they had on entering school, adoptees made significant and sustained educational progress post-adoption. Strikingly, a comparison of the educational outcomes of Barnardos adoptees showed that they were **within 3%** of the national average for the general population for comparable years and significantly better than for the comparable cohort of care leavers (Cashmore & Paxman, 2007). We note that:

- 63% of Barnardos adoptees completed year 12 or more, which is only marginally less than the normative Australian population (66%) and significantly higher than care leavers (42%).
- 27% of Barnardos adoptees completed a bachelor's degree or higher, which again is only marginally less than the Australian population (30%).
- 62% of Barnardos adoptees were in full-time education, employment and training compared to 65% of the Australian population and nearly double the rate for care leavers (34%).

Overall, the findings show that open adoption from foster care provided the children with greater stability and support, and a stronger sense of belonging than long-term foster care. This increased sense of permanency is reflected in these significantly better educational outcomes of adoptees in the study compared to care leavers. In particular, the presence of committed adoptive parents who accepted adoptees as their own children facilitated positive education and employment outcomes. Despite these benefits we note that open adoption remains underutilised. Policy makers and practitioners need to be committed to considering open adoption as a genuine alternative which can provide a 'true' sense of permanency for children that enables their educational achievement.

In our view further reform work needs to be undertaken by governments, working in close partnership with non-government organisations who have deep expertise in existing permanency planning processes to reduce barriers to permanency. These barriers include long delays in Children's Court hearings, coupled with a lack of concurrent assessment for all permanency outcomes that compound the time that the child or young person continues to endure placement instability and unnecessary trauma. Research evidence shows that lengthening delays in achieving permanency are not in keeping with child-centred practice and child development timeframes.

The study's educational outcome findings are detailed in Ward, H., Moggach, L., Tregaele, S. and Trivedi, H. (2021) *Outcomes of Open Adoption: An Australian Contribution to an International Debate*, London: Palgrave Macmillan, (see Chapter 8) which is available for free open access from: <https://www.palgrave.com/gp/book/9783030764289>

**Recommending changes to policy, practice, legislation, or the delivery of services to improve young people's experiences of education in out-of-home care and protect and promote young people's right to education**

Barnardos' practitioners report high numbers of children and young people in OOHC who are subject to school exclusion (e.g. suspension, partial attendance), a situation that we believe is common across all Australian jurisdictions. This is of significant concern as there are instances when children's rights to an education are being unintentionally impinged upon by the lack of a trauma informed response to children's challenging behaviours in educational settings. For example, the cited reasons are often around child behaviour and occupational violence. Whilst acknowledging that challenging and confronting behaviours can be without easy resolution by educationalists, some schools are less skilled at taking a trauma informed approach with a view to de-escalating behaviours of concern. Some schools appear to take a 'set and forget' approach where teachers become more comfortable with a pattern of partial attendance by their students in care, posing challenges for OOHC caseworkers in attempts to actively plan for re-integration into the classroom setting.

Barnardos believes that more resourcing is required by both OOHC and education departments to ensure that children and young people in care attend school and meet educational milestones including successful completion of year 12. An analysis of NSW OOHC leavers and their future service usage in welfare and health has shown that obtaining a Higher School Certificate (HSC) is correlated with lower long-term costs and use of social care services (NSW Office of Social Impact Investment, 2018). In our experience the practical challenge to supporting young people in care to attain their HSC has been that OOHC workers and teachers are expected to achieve this within existing resources. Resources within existing initiatives OOHC Education Pathways project remain insufficient and are frequently not the right resources to impact in a sustained way on children and young people's school attendance and educational achievement. We note the last significant investment in NSW to a shared approach to children's wellbeing was the NSW Government's Keep Them Safe five-year (2009-14) action plan.

Thank you once again for the opportunity to provide this submission, and please contact Dr Robert Urquhart, Head of Knowledge, Outcomes & Research on [rurquhart@barnardos.org.au](mailto:rurquhart@barnardos.org.au), tel (02) 9218 2392 or mobile 0431 404 199 should you require further information on our feedback.

Yours sincerely,



Deirdre Cheers  
Chief Executive Officer  
Barnardos Australia