

# Queensland Child Protection Commission of Inquiry: Options for Reform

## *Transition from Care – Young People with Intellectual or Cognitive Disabilities Community Living Association Submission January 2013*

### **Preamble**

Young people leaving state out of home care are extremely vulnerable and exposed to considerable social disadvantage (Mendes 2010, Stein 2008, Council for Homeless Persons 2012).

Young people with cognitive impairments have particular and complex needs and face additional barriers to other care leavers in terms of accessing assistance with education, employment, health, housing, emotional and social connections and transport.

Young people with cognitive impairments are disproportionately represented in State care populations. For example a study in the Australian state of Victoria of sixty care leavers found that 22% had an intellectual disability (Raman, Inder and Forbes 2005).

People with intellectual disabilities are often overlooked. They are often a hidden group in our community including the Child Protection system. They experience a high level of stigmatisation in our community, and therefore more likely to not identify themselves as a person with a disability. They may be very good at masking their disability; they may also be very acquiescent and happy to go along with things as long as it pleases others. Some people with an intellectual disability deal with the anxiety caused by a constant struggle to fit in by responding to their anxiety with aggressive behaviour towards others. This can serve to mask their disability as others perceive them as trouble makers. In our experience it can be difficult to identify intellectual disability and many young people fall through the cracks within the school system and in our employment system. They then become isolated and alone in our community and vulnerable to exploitative relationships.

### **The ARROS (CLA Inc) experience**

Community Living Association works with young people with intellectual and cognitive disabilities. CLA Inc was established in 1989 in Brisbane, Queensland.

In the early 1990 CLA Inc began to come in contact with a number of young people with intellectual disabilities who were homeless. Following a research project the ARROS service (At Risk Resource Outreach Service) was established in 1996 to work with this group.

Over the years of its work ARROS began to come in contact with a number of young people with cognitive disabilities who had exited from State Care and become homeless appearing to be a common trajectory in their experience. It appeared a common trajectory for young people with intellectual disabilities exiting care to become homeless.

As a response to this pattern CLA commissioned the Journeys of Exclusion research in 2006; of 43 young people with intellectual disability who had exited care only one was in the same accommodation 2 ½ years after leaving care and 59% had experienced homelessness.

Since that report ARROS has continued to work with young people with intellectual disability who have exited State Care and has established a 'Transitions from Care' program. This program comprises of key workers who establish a relationship with young person in care, a

volunteer mentor program, and is also beginning to develop a number of supported accommodation options.

The issues and recommendations in this submission are drawn from these work experience.

### ***Issue***

#### **Family of Origin**

An extremely high percentage of young people leaving care will seek out family of origin for reconnection, social support, housing etc.

However there are situations where family of origin are unable to offer support and may further put the young person at risk. Family of origin may still experience the same issues that originally led the young person to be taken into care. Young people with a cognitive disability may be particularly vulnerable when re-entering a significantly socially marginalised family and social group.

For example:

- A young person is told by a relative, of a friend of the relatives they can live with. The young person moves into accommodation with a person they do not know and experiences sexual assault and becomes pregnant.
- A young person re-contacts with a relative who introduces her to a friend who suggests a sham marriage to gain Australian residency.
- A young person agrees to go home to live with her mother on the promise that mum will find her a boyfriend; the boyfriend is mother's former partner and the young woman becomes pregnant and the man leaves the relationship.

Young people exiting State Care are almost certain to explore family of origin reconnections and perhaps to seek support from them through a combination of welcome from family of origin, search for identity and belonging, and the withdrawal of State support.

It is our view that recontact with family of origin should occur as early and as often as possible (taking into account the wishes of the young person). It is a recontact that should be supported so that the young person has someone with whom they can explore their feelings and expectations about family of origin and strategies to manage those relationships, preferably over a considerable period of time before they leave care. It is our experience that some Child Safety Offices do this well but that some do not or don't do at all. This can be sometimes due to high turnover of staff, caseloads of staff, or other factors.

#### **Recommendation I**

Supporting young people to process feelings and expectations about family of origin is given an extremely high priority during the period of out of home care and transition from care; undertaking a full and open-minded assessment of the strength and limitations of family relationships; and supporting young people to develop skills to establish boundaries and safety skills in relation to family of origin.

Life Histories are one framework which supports young people to build capacity in relation to their family of origin.

#### **Recommendation II**

That Life Story work is undertaken as a matter of importance from when a child is taken into out-of-home care. In our view this work needs to be done by those with the most trusted and consistent relationship with the young person and perhaps backed up by time limited, formal counselling.

## ***Issue***

### **Other Significant Relationships**

Research indicates the desirability of having at least one stable adult in a young person's life over pre and post transitions period (Mendez 2012). There are a number of ways of seeking to establish or maintain such relationships. Programs such as ARROS Transitions from Care program offer:

- a. The possibility of a worker maintaining contact with a young person over this period of several years. The ARROS Transitions key workers offer this possibility. In other states there are different arrangements, for example in New South Wales paid Mentors offer a long term relationship which supports transition.
- b. A variety of volunteer mentoring opportunities such as ARROS Transitions from Care Mentoring project, which focus on establishing a volunteer from new or existing relationships who commits to the young person over a period of time (in the ARROS project at least one year).

Additional work done by a transitions project can also support young person to establish work, community, activity or peer links that act as a support over the medium or longer term.

### **Recommendation III**

That transitions programs such as ARROS Transitions and Post Care Support program for young people with an intellectual disability be funded, that they connect with young people several years prior to exit from care and retain contact for several years post exit (15-25 years of age) and that one of the objectives of these programs is to build ongoing supportive unpaid adult relationships in addition to paid relationships. Such relationships development should look to establishing relationships where there is a significant level of commitment to the future welfare of that young person.

## ***Issue***

### **Earning and Learning/ Work and Educational Roles**

National and international research confirms the lower than average educational attainment and the poor employment outcomes of young people exiting state care. For example a 2012 Tasmanian report (Tasmanian Commissioner for Children 2012) notes the children in care are:

- five times as likely to be exempted from schooling
- four times likely to be excluded from school as their peers
- three to five times as likely to be below National Minimum Standards on NAPLAN testing

Success in education and employment will be even harder to come by for young people with an intellectual disability or other cognitive or learning disability exiting care. Literacy is a struggle generally because the nature of the disability means there are gaps in their learning. For instance in terms of comprehension, they may be able to read words but struggle to understand their meaning or the meaning of a sentence in a particular context. Numeracy is also a challenge as again they may be able to recognise and identify numbers, but struggle to understand their value and be able to do simple calculations. This compromises their ability to achieve certain life skills, such as managing money, bank accounts, payment of bills, and also impacts on time-management. This can have negative consequences for such things as attaining and maintaining employment. It also is one reason why people with intellectual disabilities are over represented as victims of fraud.

Australian Social Trends 2012 points out that only 40.9% of people with intellectual disability participate in the labour market and 16.3% are unemployed (Australian Social Trends/Bureau of Statistics 2012). The Journeys of Exclusion Study 2006 found of 43 young people with intellectual disability who had exited care 94% were unemployed two and a half years after leaving care.

Clearly young people with an intellectual disability exiting care face multiple challenges and consequences in the area of education and employment, feeling the combined effects of (a) having been in care and (b) experiencing an intellectual disability.

In our experience the impact of unemployment on these young people is very destructive; enforced idleness can lead to:

- mental health issues
- substance abuse
- unstable accommodation or homelessness
- connection to criminal justice system as victim or offender or both

Unfortunately it is our experience that employment programs, even disability employment programs have only minimal success in supporting this group of young people into employment. In responding to this issue it is clearly important to focus on building the capacity of young people in care to participate in future earnings. For many young people work habits and skills are developed through early participation in part time work as young adolescents.

#### **Recommendation IV**

That all out of home care situations (foster care/residential) have a strong focus on supporting and encouraging young people in care from the minimum working age to access and participate in part time employment or volunteer roles.

#### **Recommendation V**

In addition to work or volunteer roles young people in care are supported to access sport or other physical activities that build self-esteem, skills, and relationships.

#### **Recommendation VI**

The importance of work is recognised as central to successful transition from care and if other avenues for supporting people with cognitive disabilities who have exited care to find work are unsuccessful that 'a participation payment' be made available to these young people to encourage participation in an activity that benefits them and contributes to society. One option would be to draw such a 'participation payment' from NDIS entitlements where young person is eligible for NDIS payments.

### ***Issue***

#### **Resources and Accommodation**

##### ***Accommodation***

Accommodation is one of the key resources necessary to support a young person transitioning from out of home care. Research on the experiences of this group of young people has found them to be particularly vulnerable to homelessness after exiting care (Jackson, O'Connor and Chenoweth 2006; National Youth Commission 2008). Independent living for this group of young people can be very difficult with a high risk of housing breakdown due to factors including social isolation, vulnerability to exploitative others, and a lack of skills in household and financial management.

Accommodation with support appears to offer greater chance of achieving stability in housing according to Mendez (2012) and the Commissioner for Children Tasmania (2012). These support arrangements can vary, for example...

- young people with visiting support
- young people receiving some live-in support
- young people have access to easily contactable and responsive support

### **Recommendation VII**

That Child Safety and Department of Housing co-operate to remove barriers to flexibility (e.g. restrictions on who can reside in Department of Housing accommodation) in housing provided by Department of Housing and work with non-government support agencies to develop flexible, innovative and *supported* models of housing for young people exiting care of the State.

### **Resources**

A number of financial resources are made available to young people exiting Child Safety. These include Transition to Independent Living Allowance (TILA), Transition From Care (TFC), Youth Housing and Reintegration Service (YHARS) and could include Disability Funding e.g. Young People at Risk Exiting Care (YARS) and potentially in future NDIS.

### TILA/TFC/YHARS

Our concern regarding TILA and TFC payments are that these payments seem poorly targeted; they are often targeted at material possessions e.g. furniture, or short term interventions (a number of counselling sessions). In many cases we have seen the furniture or other material possessions are lost or stolen by others almost immediately and short term counselling has little chance of impacting on the complex context of people's lives.

A better use of these funds could be to link their use to a vision for the young person's future. Such a vision would be aimed at creating a Transition Plan that is individually crafted to the young person and not a Transition Plan that is purely a number of boxes to be ticked. Funds presently poorly targeted could be used to support achievement of the young person's vision and might include support around accommodation, or support around employment.

### **Recommendation VIII**

Develop transitions plans that are not tick boxes but a personalised vision for the young person and use TILA, TFC and YHARS funds to resource supports to achieve that vision e.g. support in accommodation, support in employment. Engage the young person and any significant others in the development of these plans so their own vision for the future and potential support from others is used as the base for the plan.

### Disability Services Funding/National Disability Insurance Scheme

Whether young people exiting care with intellectual disabilities, other cognitive disabilities, learning disabilities are likely to receive Department of Disability support or receive NDIS support in the future is often not clear cut.

A number of factors may be present which preclude a young person with intellectual disabilities receiving Disability Services support.

These include:

- The young person may have no identification as a person with an intellectual disability and may be hostile to such identification. Not only is intellectual disability an

extremely difficult disability to conceptualise for both the person and others, it is also an extremely stigmatised label.

- It is possible that others around the young person do not take sufficient account of the impact of this disability on the young person. People with intellectual disabilities adopt communication patterns (e.g. not initiating complex conversations, agreeing with others) and other behaviours which can hide their disability (e.g. handing over paper money in shop for small purchases because they have learnt that is likely to cover the cost of an item, at the same time have more than sufficient coin in their purse to cover an item but no sense of the value of those coins).
- Issues of subjectivity around whether a person is eligible for Disability Services support.
- The person may be deemed eligible for disability support but they may not be deemed a priority for disability support.

### **Recommendation IX**

That Child Safety Officers or Transitions Programs involved in young people with intellectual disabilities transition from care advocate strongly for Disability Support Services support.

The National Disability Insurance Scheme Productivity Commission report recommended that eligibility to NDIS Tier 3 funding be on the basis of significantly reduced functioning in 'self-care/communication/mobility or self-management' rather than on old-fashioned focuses on precise bands of IQ scores.

### **Recommendation X**

That the Carmody inquiry recommend in its report to State Government that eligibility for NDIS tier 3 funding be based on the need for support 'where there is significantly reduced functioning in self-care/communication/mobility or self-management rather than precise bands of IQ scores.

### **Conclusion**

Many submissions to the Child Protection (Carmody) inquiry have stressed the importance of early support for families where children are at risk of entering Child Safety. CLA Inc supports those views. However, we wish to highlight the importance of a targeted response to complex issues faced by young people who do enter, live in and transit out of the Child Safety system.

Where young people do enter, live in and transit out of the Child Safety system it is imperative that they do not become the parents of the next generation of 'kids in care'. The recommendations in this submission are targeted to that purpose.