

# Let us learn

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



The Commission respectfully acknowledges and celebrates the Traditional Owners of the lands throughout Victoria and pays its respects to their Elders, children and young people of past, current and future generations.

Cover: The quotes used on the cover of this report are taken from the Commission's consultations with children and young people across Victoria.

As part of this Inquiry, the Commission invited children and young people to submit artworks about their experiences of education for use in the final report. We also asked younger children to draw pictures as part of our early years consultations. These artworks are included throughout the report. We have not included the names of artists for reasons of confidentiality, however the Commission wishes to thank everyone for their contribution.

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#### **Suggested citation**

Commission for Children and Young People, *Let us learn: Systemic inquiry into the educational experiences of children and young people living in out-of-home care* (Melbourne: Commission for Children and Young People, 2023).

#### **Additional protection**

Published by order, or under the authority,  
of the Parliament of Victoria  
November 2023

ISBN 978-0-646-88784-5

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COMMISSION FOR CHILDREN  
AND YOUNG PEOPLE

CCYPD/23/9824

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Dear Ms Noonan and Mr McDonald

***Let us learn: Systemic inquiry into the educational experiences of children and young people living in out-of-home care***

I hereby request that *Let us learn: Systemic inquiry into the educational experiences of children and young people living in out-of-home care* be tabled in accordance with section 50 of the *Commission for Children and Young People Act 2012*.

I would be grateful if you could arrange for the report to be tabled in the Legislative Assembly and the Legislative Council on 16 November 2023.

Yours sincerely

Liana Buchanan  
**Principal Commissioner**

1 November 2023

## Acknowledgements

The Commission would like to thank the many people who have assisted with the preparation of this inquiry report.

First and foremost, we thank the 189 children and young people who generously shared with us their experiences of education and living in care and their views and aspirations about what needs to change. These experiences directly informed our findings and recommendations, and we will use these to advocate for reform.

We also want to extend our thank you to the various groups of people we interviewed and who work with and support children and young people in care – carers, residential care staff, educators, principals, LOOKOUT Centre staff, Child Protection practitioners, and funded agency staff including ACCOs. We also thank the carers, agency staff and educators who supported children and young people to participate in consultations.

Special thanks to the Commission's Youth Council, who made important contributions at every stage of this inquiry, including engagement planning and consultations, and development of findings and recommendations. The Youth Council's energy and commitment for change has been a constant source of inspiration and an important reminder of the value in involving young people in decisions that impact them.

# Message from the Principal Commissioner

Children and young people in out-of-home care are far more likely to be disengaged from their schooling than their peers. But not by choice. Overwhelmingly, students in the care system told us they wanted not only to learn, but to do well and feel good at school. They wanted to fit in with their peers and have strong friendships. They wanted to be respected by their teachers and have their hopes for the future encouraged and supported.

Since 2019, the Commission for Children and Young People has completed three major inquiries into the out-of-home care system. We have spoken to hundreds of children and young people with care experience to hear directly about their lives. Repeatedly, they have told us about problems with school. For this reason, we decided to initiate a standalone inquiry into the factors that affect the education of children and young people in care.

Victoria is proud of its education system and has invested significantly in maintaining its reputation as the 'education state'. Over the last decade, the government has invested in new school builds and upgrades, universal access to early education and incentives to increase the teaching workforce. It has also worked to make schools more inclusive of students with disability, increased mental health and wellbeing support, and created programs to fund some essentials for students, including breakfasts, uniforms and glasses. This commitment to education is reflected in Victoria leading the country in the National Assessment Program – Literacy and Numeracy (NAPLAN) results.

However, this inquiry reveals disparities in educational outcomes that are as stark as they are shameful. Children and young people in the care system, who have had to navigate serious adversity and trauma in their young lives, are too often disenfranchised from mainstream education, especially in schools. Their attendance rates are markedly lower, they are more



likely to be suspended or expelled from school and less likely to complete Year 12. Students in care are also less likely to complete NAPLAN testing and generally achieve poorer results when they do. Across every measure, children in care are worse off. We learned of pockets of good practice to address educational disadvantage and provide a trauma-informed approach, but these were patchy and often led by motivated individuals rather than driven by system expectations.

Despite this, students in care described their often painstaking efforts to learn and attend school. They told us that their care status often led to teachers holding negative attitudes towards them and their capabilities. Bullying from peers often contributed to stigma and shame. Difficult behaviours arising from their trauma were often met with punishment and exclusion. Sometimes, chaotic and unstable care placements created practical and logistical barriers to

participating in learning. Gaining a window into their day-to-day lives, it becomes easier to understand why many students drift away or give up.

This needs to change. All children and young people deserve the best possible education that sets them up for a life of success and achievement. This is particularly the case for students in the care system, who stand to benefit the most from the support, guidance and care that school can offer and the life-changing benefits of a strong education.

We looked closely at the intersection of the child protection and educational systems to understand the policies, practices and attitudes that can impede access to education, including early childhood programs. We found a need for a more consistent focus on trauma-informed practice to work constructively, rather than punitively, with students exhibiting complex or difficult behaviours. This is particularly important as the landmark Australian Childhood Maltreatment Study released this year has demonstrated that adverse and traumatic experiences in childhood are shockingly common, with over 62 per cent of Australians having experienced some form of child maltreatment. We call for greater transparency and accountability in how the system educates children in care and for investment statewide to ensure schools are equipped to support their needs. In line with our previous reports, we highlight the importance of well-supported carers, stable placements and consistent care teams in bringing the stability and collective support needed for learning.

There is a much better understanding, particularly since the disruptions associated with the pandemic, that schools support the social and emotional development of their students as well as their academic achievement. This inquiry shows there is much work needed to achieve an education system that is equipped to genuinely meet the needs of all of its students. It is my hope that this report will drive major improvements across the education system, not only to benefit children in care but also the many thousands of other students who need and deserve an inclusive, responsive education.



**Liana Buchanan**  
Principal Commissioner



# Message from the Commissioner for Aboriginal Children and Young People

For Aboriginal people, the education and care of our children and young people go hand in hand. Aboriginal people have been connected to Country, law, and culture through the wisdom of our Elders, passed onto our younger generations. The holistic and inclusive collaboration of all community members is what saw Aboriginal people care for each other, and for Country, for over 60,000 years.

The impact of invasion and colonisation saw an interruption to that education and connection. As formal education was introduced and opened to many in the new colonies and federated nation, Aboriginal people experienced barriers in getting those same opportunities. Dispossession of land, movement onto missions and reserves, forced removal from families to be trained for entry into unpaid labour are only some of the factors that impacted on Aboriginal children's access to education. When Aboriginal children and young people did get to attend school, so often the experiences of racism undermined the benefits of an education, as well as cause irreparable psychological harm.

Education in all its forms is highly valued by the Aboriginal community in Victoria. Aboriginal people recognise education is a key to breaking cycles of entrenched disadvantage and making improvements for the individual and their community. Yet Aboriginal children and young people experience mainstream education systems in ways that see them have lower educational outcomes than non-Aboriginal children and young people. As our inquiry shows, the educational outcomes for Aboriginal children and young people in out-of-home care in Victoria (where they are already overrepresented in removal rates) are even worse.

The educational and out-of-home care needs of Aboriginal children in Victoria must be understood in the context of historical and contemporary processes of exclusion and marginalisation. And their needs must be understood as connected.



In my first few months as Commissioner for Aboriginal Children and Young People, I spent time travelling across the state with our team to hear directly from Aboriginal children and young people in out-of-home care about their experiences with education. I learnt far more from these children and young people than they learnt from me.

Despite the trauma they had been through in their young lives, they told me how much they valued their education and are motivated to learn. They told me about their favourite sport, clubs, subjects, the opportunities to connect with friends and family, especially after the disruption of the pandemic. They shared their awards, achievements, and ambitions with me. Their families and carers shared their vision for their future, and how much these children and young people had been through, and yet how far they had come.

Sadly, devastatingly, Aboriginal children and young people told me about experiences of racism in school. Whether it be feeling unseen through culturally inappropriate practices, or feeling unsafe through racialised bullying, too many Aboriginal children and young people must deal with racism every day, whether they are living with their immediate family or in out-of-home care. Indeed, the Commission for Children and Young People heard far too many stories from children who experienced exclusion and bullying, simply because of their unique identities and specific needs.

Children and young people in the out-of-home-care system have sometimes experienced a lifetime of trauma, the likes we as adults hope to never endure. Despite our understanding of how trauma interrupts development, we expect these children and young people to behave as adults, with adult responses, simply because they have experienced some very adult things. This inquiry also shows that sometimes, the systems designed to respond to their needs, fall unforgivably short in their responses.

Children, young people, families, carers, teachers, support staff and stakeholders spoke about an education system not designed to respond to their specific needs in a holistic, individualised and trauma-informed way. It is too often a child's responsibility to fit into a 'one size fits all' school system, rather than wrapping supports around the child or young person to meet them where they are. Carers told us navigating both systems of child protection and education, often from positions of little support, was frustrating and demoralising. There is a desperate need for improvement at the intersection of the care and education systems for children and young people to ensure they have the same opportunities as any other child or young person. The findings in this report highlight the real challenges that were raised with us in these conversations.

My hope is that this inquiry will build on those conversations and opens a dialogue that necessarily centres all children and young people's voices to work to create a more inclusive education system for all of Victoria's children and young people. The imperative is up to us, as adults, to approach this change with a sense of urgency that recognises that what children and young people experience in their formative years can impact on them through their lifetimes and across future generations.



**Meena Singh**

Commissioner for Aboriginal Children and Young People



# Message from the Youth Council

*School was always my safe place and the only stable thing I could rely on. I had really supportive teachers and schools that encouraged me to learn and be curious. I got lucky, but it shouldn't be a matter of luck for us to have supportive teachers and schools; all kids should be able to go to school and feel safe and supported to learn. (Youth Council member)*

The Commission's Youth Council is a group of young people aged between 15-24, all of whom are from diverse backgrounds and individual lived experiences. Many of us have experienced the systems that the Commission monitors and oversees, with some of us having lived in out-of-home care. While our experiences are our own, we share many similarities. Together we aim to provide our expertise in all the Commission's work, highlighting how children and young people have the power and ideas to create change.

*Let us learn* is a report about something fundamental to everyone: education. When you live in care, your education is often placed on the back burner while your life unfolds around you. In this inquiry, we are proud that many children and young people like us had the chance to share their stories and opinions to help drive positive systemic change. We are proud of the role we've had throughout this inquiry. We've had many opportunities to share our own experiences and ideas for change and aspirations. We've also been involved in the planning of the inquiry, consultations with other children and young people, and developing findings and recommendations for change.

*This inquiry holds a special place in my heart because young people have been involved from start to finish. I got to be in planning conversations and go on a regional trip for consultations with young people and stakeholders. I've been involved in our previous inquiries at various stages but seeing all the hard work that goes into an inquiry like this and knowing the positive impact that it will have is super inspiring. I've loved every single moment of it and am grateful that I've had the opportunity to be part of it. (Youth Council member)*

Everyone has a right to education. Yet, we know that children and young people in out-of-home care are disproportionately disadvantaged when it comes to remaining engaged in education. Limited education can lead to fewer career opportunities, poorer physical and mental health, financial insecurity, and lowered self-esteem. When some of us reflect on our own time in care, we remember feelings of hopelessness and experiencing constant instability, through no fault of our own. We want this report to be part of a major change that ensures children and young people in care in the future don't go through the same experiences as us.

*Our background and life circumstances shouldn't affect the quality and level of education we receive. (Youth Council Member)*

This report combines the firsthand experience and knowledge of children and young people along with the views of passionate and caring adults working within the child protection and education systems. We hope it paints a clearer picture of the issues that need to change and how the Victorian Government should address them.

*I felt isolated, not only from my family and friends but also from being involved at school. I would move schools and suburbs so frequently, I wasn't able to maintain friendships, connections or a sense of belonging. (Youth Council member)*

We are so grateful to all the children and young people who took the time to speak to us and share their experiences. We know how hard it can be sharing personal stories with strangers, but your efforts in doing this will shape a better future.

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# Abbreviations and acronyms

ACAC	Aboriginal Children in Aboriginal Care
ACCO	Aboriginal Community Controlled Organisation
AEDC	Australian Early Development Census
AICCA	Aboriginal and Islander Child Care Agencies
AIHW	Australian Institute of Health and Welfare
AOD	Alcohol and other drugs
ASD	Autism Spectrum Disorder
ATAR	Australian Tertiary Admission Rank
BPD	Borderline Personality Disorder
CASES21	Computerised Administrative System Environment for Schools
CCS	Child Care Subsidy
CCYP Act 2012	<i>Commission for Children and Young People Act 2012 (Vic)</i>
CIRC	Children in Residential Care Program
CISS	Child Information Sharing Scheme
Commission	Commission for Children and Young People
COVID-19	Coronavirus disease
CP	Child Protection
CPP	Child Protection practitioner
CRIS	Client Relationship Information System
CSS	Child Safe Standards
CSEF	Camps, Sports and Excursions Fund
CSO	Community services organisation
CUST	Community Understanding and Safety Training
CYFA 2005	<i>Children, Youth and Families Act 2005 (Vic)</i>
DE	Department of Education
DET	Department of Education and Training (in January 2023, this department was superseded by the Department of Education)
DFFH	Department of Families, Fairness and Housing
DHS/DHHS	Department of Health and Human Services (on 1 February 2021, this department was superseded by the Department of Families, Fairness and Housing)
ENA	Educational Needs Analysis
ESK	Early Start Kindergarten
FCAV	Foster Care Association of Victoria
FISO 2.0	Framework for Improving Student Outcomes
FLO	Flexible Learning Option

FSP	Flexible Support Packages
FTE	Full time equivalent
HAEC	Health and Education Assessment Coordinator
IEP	Individual Education Plan
IVO	Intervention Order
KESO	Koori Engagement Support Officer
KEYS	Keep Embracing Your Success – Residential Care Model
LGBTIQ+	Lesbian, Gay, Bisexual, Trans and Gender Diverse Intersex and Queer/Questioning
NAPLAN	The National Assessment Program – Literacy and Numeracy
NCCD	Nationally Consistent Collection of Data on School Students with Disability
NDIS	National Disability Insurance Scheme
NMS	National Minimum Standard
NSRA	National School Reform Agreement
OOHC	Out-of-home care
PCO	Permanent Care Order
PCU	Placement Coordination Unit
PSD	Program for Students with Disabilities transitioning to <i>Disability Inclusion</i>
PSG	Program Support Group
ReLATE	Reframing Learning and Teaching Environment Model
SRF	School Readiness Funding
SSG	Student Support Group
SSS	Student Support Services
TAFE	Technical and Further Education
TCP	Targeted Care Package
TEACHaR	Transforming Educational Achievement for Children at Risk programs
VACCA	Victorian Aboriginal Child Care Agency
VACCHO	Victorian Aboriginal Community Controlled Health Organisation
VAEAI	Victorian Aboriginal Education Association Incorporated
VAGO	Victorian Auditor-General's Office
VCAL	Victorian Certificate of Applied Learning
VCE	Victorian Certificate of Education
VRQA	Victorian Registrations and Quality Authority

# Definitions

## Aboriginal Child Placement Principle

The purpose of the Aboriginal Child Placement Principle is to enhance and preserve Aboriginal children's sense of Aboriginal identity, by ensuring their connection within their own biological family, extended family, local Aboriginal community, wider Aboriginal community and their Aboriginal culture.

## Aboriginal Children in Aboriginal Care

The Aboriginal Children in Aboriginal Care program was established to bring about the gradual transfer of Aboriginal children involved with Child Protection to the care and case management of ACCOs pursuant to section 18 of the *Children, Youth and Families Act 2005* (Vic) (CYFA). Section 18 of the CYFA permits the Secretary to authorise Aboriginal Community Controlled Organisations (ACCOs) to undertake specified functions and powers for Aboriginal children and young people subject to a Children's Court protection order.

## Aboriginal people

The term 'Aboriginal people' in this report refers to Aboriginal and Torres Strait Islander peoples. The term 'Indigenous' is retained when it is part of the title of a program, report or quotation. The term Koori refers to Aboriginal people from south east Australia. The alternate spelling Koorie is also used in this report when it is part of a Department of Education program, report or quotation.

## Care plan

A care plan records the day-to-day arrangements for the care of the child or young person. It identifies how their long-term and short-term needs will be met and sets out the strategies in place for who must do what and by when in order for the child or young person's needs to be met while in placement. For children aged 0 to 14 years, a care plan is called a 'LAC (Looking after Children) care and placement plan'. For children aged 15 to 18 years, a care plan is called a '15+ care and transition plan.'

## Care team

A care team is a group of people who jointly care for a child or young person while they are in out-of-home care. The team manages the day-to-day care of the child or young person in accordance with the overall case plan. The composition of a care team will vary depending on the specific issues and needs of the child and family. It may include the care manager from a community sector organisation (CSO) or ACCO, the case manager (the child protection worker or a CSO or ACCO worker if the case is case managed by a CSO or ACCO), the child's primary carers, parents (unless there is a good reason not to include them), and any other adults who play a significant role in caring for the child. While children and young people are not members of the care team, care teams are expected to involve the child in an age-appropriate way in the processes they use for making decisions about their care.



## Case plan

A case plan is the formal plan endorsed during a statutory case plan meeting. The requirements for case plans are set out in section 166 of the CYFA. Case planning is founded on the Best interests case practice model. Case plans are high-level plans that include a permanency objective (such as family reunification or permanent care) and cover significant decisions about the child or young person including placement. Case plans for Aboriginal children and young people should include planning for cultural support. Case plans are accompanied by an actions table which addresses protective concerns and implementation of significant decisions.

## Child Protection

The Victorian statutory Child Protection service is delivered by the Department of Families, Fairness and Housing. It is specifically targeted to those children and young people at risk of harm where their parents are unable or unwilling to protect them.

## Cultural safety

A principle to ensure an environment is welcoming, safe and respectful of a person's culture and identity.

## Cultural plan

The CYFA 2005 requires a cultural plan to be developed and reviewed for all Aboriginal children placed in out-of-home care, whether placed with Aboriginal carers or non-Aboriginal carers, to ensure the maintenance of the child's connection to their family, community and culture.

## Designated Teacher

The Designated Teacher is the main point of contact in Victorian schools for LOOKOUT Centres and has a key role in advocating for and supporting students in out-of-home care to engage with education and to meet their learning goals. They assist LOOKOUT Centres in monitoring and building the capacity of schools to implement the Partnering Agreement requirements.

## Disability

Section 3 of the *Disability Act 2006* (Vic), defines disability as:

- a) a sensory, physical or neurological impairment or acquired brain injury or any combination thereof which:
  - i) is, or is likely to be, permanent; and
  - ii) causes substantially reduced capacity in at least one of the areas of self-care, self-management, mobility or communication; and
  - iii) requires significant ongoing or long-term episodic support; and
  - iv) is not related to ageing; or
- b) an intellectual disability; or
- c) a developmental delay.

## Educational needs analysis

The process of identifying and planning around the social, emotional, and educational needs and strengths of students in out-of-home care. It involves collecting, reviewing and analysing personal, health and educational information to determine the need for targeted support, and contributes to the development of a comprehensive Individual Education Plan.

## Funded/contracted agency

A registered non-government organisation funded by the Department of Families, Fairness and Housing to undertake case management or specified functions in relation to a child subject to a protection order. This term is collectively referred to throughout the report to include community service organisations and Aboriginal Community Controlled Organisations (ACCOs).

## Health and Education Assessment Coordinators (HEAC)

HEACs are responsible for ensuring that health and education assessments are conducted for children and young people entering out-of-home care.

## Definitions

### Individual Education Plan

A living document that guides the educational planning and monitoring of each student's unique learning needs. This requires collaboration from all stakeholders to develop goals and strategies that support the student to reach their potential. All students in out-of-home care must have an IEP.

### Koorie Engagement Support Officer (KESO)

KESOs are members of the local Aboriginal community employed by the Department of Education to provide advice to schools about culturally inclusive learning environments and work with families, community and service providers to support engagement and improved outcomes for Aboriginal children and young people. They also support students and families through transitions across all learning stages, from the early years to further education.

### Learning mentor

A learning mentor provides additional learning and wellbeing support to students in care, as well as participating in Student Support Groups (SSG) and facilitating students' input into their Individual Education Plans and SSG process. The learning mentor should be chosen by the school leadership team in consultation with the child or young person. Every student in care must have a learning mentor.

### LOOKOUT Centres

LOOKOUT Centres comprise multidisciplinary teams including a principal, Koorie cultural advisor, and psychologist, as well as multiple learning advisors and early childhood learning advisors, in each of the four regions of DE. Their purpose is to address the educational disadvantage experienced by children and young people in care.

### Nationally Consistent Collection of Data on School Students with Disability (NCCD)

NCCD is the data collected annually which identifies the number of students who receive adjustments to access education.

### Out-of-home care

Out-of-home care is a temporary, medium-term or long-term living arrangement for children and young people who cannot live in their family home. This most commonly refers to statutory out-of-home care, where a child or young person cannot live with their family at home and a legal order is in place to support the arrangement. Statutory out-of-home care includes kinship care, foster care, residential care and lead tenant arrangements. In Victoria, the Department of Families, Fairness and Housing has oversight of these arrangements.

### Permanent care orders

Under the CYFA 2005, the Children's Court may make a permanent care order in respect of a child if the child's parent has not had care of the child for at least six of the last 12 months, and it is satisfied that:

- the parent is unable or unwilling to resume parental responsibility for the child or
- it would not be in the best interests of the child for the parent to resume parental responsibility, and that
- the person to assume parental responsibility for the child is a suitable person.

A permanent care order grants parental responsibility for a child to a person other than the child's parent or the department.

### Protection orders

The Children's Court may make a protection order in respect of a child if it finds that the child is in need of protection, or there is a substantial and irreconcilable difference between the person who has parental responsibility for the child and the child to such an extent that the care and control of the child are likely to be seriously disrupted. Upon finding that a child is in need of protection, the court may make one of the following protection orders:

- an interim accommodation order
- a family preservation order
- a family reunification order
- a care by Secretary order
- a long-term care order.

A protection order may continue in force after the child turns 17 years of age but ceases to be in force when the child turns 18.

## Residential care service provider

Residential care service providers are non-government agencies funded by DFFH to provide residential care accommodation, including staffing and some programs. The agencies may be CSOs or ACCOs.

## Secure care

Secure Care provides a secure short-term placement option for children or young people aged 10 to 17 years who are at substantial and immediate risk of harm. It aims to keep them safe while plans are developed or revised to reduce their risk of harm and return them to the community as soon as possible

## Student Support Group (SSG)

An SSG is comprised of people with the most knowledge of and responsibility for a child or young person in care who is attending school. The SSGs are supposed to meet every term to collaborate and establish shared education goals for the child or young person.

## Student Support Services (SSS)

In the Department of Education, SSS teams are comprised of professionals including psychologists, speech pathologists and social workers. They support schools in assisting children and young people facing barriers to learning to achieve their educational and developmental potential. SSS staff work as part of an integrated health and wellbeing team within each area, focusing on providing:

- workforce capability building for school staff
- group based and individual support
- the provision of specialised services.

## Targeted care package

An allocation of funding that is tailored specifically to meet individual needs of a particular child or young person and is aimed at providing an alternative to residential care.

## Therapeutic residential care

Therapeutic residential care is the term used by the department and agencies for a form of residential care under current funding models that involves:

- a part-time therapeutic specialist per residential unit
- two additional residential staff as part of the therapeutic residential care team
- the provision of stand-up night staff.

## Unallocated case

A case is unallocated where a child or young person in out-of-home care is allocated to a team leader instead of to an individual practitioner, usually due to high workload across the team. The team leader will then typically assign certain tasks such as visiting children or young people in out-of-home care to other members in the team. The Commission refers to cases 'allocated to a team leader' as 'unallocated' throughout this report, as they are unallocated in effect.

## Youth Justice

The agency responsible for the statutory supervision of children and young people in the youth justice system. Youth Justice is a part of the Department of Justice and Community Safety (DJCS).

### Rounding

In tables and figures in this report, rounding may result in percentages not adding up to 100.

# Executive summary

## Overview

All children have the right to an education that supports them to reach their full potential. For children and young people living in out-of-home care, education enables learning and development, creates opportunities for positive interactions with peers and teachers and contributes to much-needed stability and consistency. School should always be a safe and supportive place for all students, but this is especially important for children and young people in out-of-home care as they can particularly benefit from the support and encouragement it offers. However, children and young people in care face significant barriers that affect their educational outcomes and ability to stay engaged in education. These barriers exist both at home and at school.

This inquiry examines the educational experiences of children and young people living in care. It reveals that, on every measure, students in care are not engaged in education in the same way as their peers and many are not reaching their potential.

Our analysis shows:

- Children and young people in care are experiencing substantially higher rates of disengagement from school compared to their peers. In 2022, secondary school students in care experienced on average eight per cent lower attendance rates and 64 per cent experienced chronic absence.
- Students in out-of-home care have a 25 per cent lower participation rate in the Australia wide assessment known as the National Assessment Program – Literacy and Numeracy (NAPLAN). Those who do participate in NAPLAN receive substantially lower NAPLAN results across all year levels and in each NAPLAN domain, including numeracy, reading and writing.
- Only a quarter of students in care progress from year 10 to year 12 compared to over 80 per cent of students in the general population.
- Students in care were five times more likely to be suspended from school than students in the general student population from 2018 to 2022. In 2022, students in care were five times more likely to be expelled from school than the broader student population.

Children and young people placed in residential care units had even poorer educational outcomes compared to children and young people in foster or kinship care.

This inquiry considered current trends in the out-of-home care system, which reveal that the number of children and young people entering care increased by 13 per cent since our 2019 inquiry into the care system, *In our own words*. It considers how features of the child protection system itself sometimes contribute to poorer educational outcomes, due to workforce turnover and pressures that undermine a consistent focus on educational planning and goals. Placement instability contributes to students in care often having to change schools or travel longer distances to remain in their preferred school. The continued over-representation of Aboriginal children in out-of-home care means that these system failures disproportionately affect them, and there remains inadequate focus on cultural planning, with one-third of Aboriginal children and young people in care in 2022 not having a cultural plan in place.

The Commission heard about the important role that carers play in supporting children and young people in their care to get the most out of school, but learned that many carers needed more financial support and help to navigate sometimes complex bureaucratic processes in both the education and child protection systems. Children and young people in residential care experienced unique barriers to education, with many reporting feeling unsafe and unsettled in their care units and often lacking a consistent carer who could advocate on their behalf.

Many children and young people in care wanted to learn and recognised how important school was. However, in addition to many of the barriers connected to their care status, the inquiry revealed that schools often lack trauma-informed approaches to ensure students in care were understood and supported at school. Many children and young people described feeling stigmatised by negative attitudes towards them and low expectations of their abilities. Marginalised children and young people too often reported experiencing racism, bullying and discrimination at school, from both teachers and peers. Taken together, this often discouraged their attendance or affected their participation.

The inquiry revealed that exclusionary practices (such as modified timetables, suspensions and expulsions) were more likely to be used to manage the behaviour of students in care and often contributed to disengagement and poorer outcomes. Sometimes these practices were instituted informally or occurred through schools indirectly discouraging attendance (described as ‘soft expulsion’), which made recognising the full extent of the problem difficult to quantify. Restrictive practices (which can include physically restraining a student or leaving them alone in an area or room) were also more likely to be used against students in care.

Restrictions to respond to the COVID-19 pandemic had a significant impact on all students, but created unique challenges for children and young people in care who already had a number of barriers to educational participation. Restrictions on in-person teaching contributed to higher absences and a gradual drift away from school for many young people in the care system.

The Commission considered policy frameworks, strategies and programs created to improve educational outcomes for children and young people in care, from early childhood through to secondary school. Overall, the inquiry identified 47 recommendations to clarify roles and responsibilities, strengthen responses by Child Protection and schools, increase resourcing and support different agencies to work together effectively to meet the needs of students in care.

## How the Commission approached this inquiry

This report relied heavily on consultations with 101 children and young people across Victoria who were living in, or had recently left care. These participants were aged between three and 24 with around one-third identifying as Aboriginal. Eleven per cent identified as LGBTIQ+ and 18 per cent of children and young people advised that they had a disability. There was strong regional representation from participants, with 71 per cent living in regional locations statewide. The Commission also surveyed a further 88 children and young people online about their experiences and views on what needs to change to improve access to education.

## Executive summary

In addition to children and young people, the Commission spoke directly to over 350 other stakeholders across Victoria. This included carers and those working in the community services and education sectors and Aboriginal Community Controlled Organisations (ACCO). Individuals and organisations were also invited to make submissions to the inquiry.

This evidence, combined with data and information from the Department of Education (DE) and the Department of Families, Fairness and Housing (DFFH), informed the Commission's findings and recommendations.

## Youth voice

Throughout consultations, most children and young people in care spoke positively about school. They identified their friendships as a motivation to attend and keep them engaged in education. They spoke about the subjects they enjoy and do well in, the sports they like to play and the teams they are a part of. The Commission heard that overall, many children in care ultimately wanted to learn and with the right support, were motivated to achieve good results.

*I like sport at school, I like performing arts, I like learning languages. (Jamari, 13, Aboriginal, kinship care)*

*Grade 8 Science - I was made to feel successful by my teacher who at the time described that my work was at a grade 11 level. We also completed a kahoot where I came first, my friend second and the teacher third. This made me feel very smart. (Hakeem, 14, Aboriginal, foster care)*

Children in the care system often have stressful and chaotic home lives, sometimes even after entering out-of-home care. This makes school an important place of safety and respite. Some children and young people identified school as where they felt safe and as providing the most reliable source of structure and consistency in their lives. Many spoke about having a good relationship with their teachers, which for some were the most positive adult interactions they had experienced.

*I had a teacher who knew about my issues and talked to me like a real person. Not that complex, being human. The first year I got straight A's was because they were asking 'How are you?' 'How's home?' It's not hard to talk to a child. (Jeremy, 24, previously foster and residential care)*

While we heard many positive experiences of supportive learning environments, most children and young people in care experienced at least some challenges in their schooling. Some did not feel supported to pursue their academic interests and felt teachers had low expectations of them, which was discouraging and demotivating.

*If I could wave a magic wand to change something, I'd make my schoolwork harder. I don't want easy work. I tell my teacher this all the time. When I moved in with Nan, she taught me strategies and let me learn all these things at home and I eventually got higher and higher in my schoolwork. (Tom, 10, kinship care)*

Children and young people also spoke about experiences of bullying and negative attitudes from peers and teachers because they are in care. Many Aboriginal children and young people told us they experience racism at school. Students who identify as LGBTIQ+ and disabled and neurodivergent students also experience bullying and discrimination.



*Bullies. People can be mean to you to try and fit in. Some kids will fight you for being in care. (Erin, 11, multiple placement types)*

*There's a race war here. It's pretty bad. Basically, the people at the school don't like Aboriginal people. My teacher is racist, she says the n word, says racial slurs like Abo. This school is one of those places where you encounter racism, but you don't get any response. (Drew, 14, Aboriginal, post-care)*

What happened outside school often affected children and young people's engagement with schooling. Students in care described logistical challenges with getting to and from school, difficulties completing homework if their placements were disruptive and challenges catching up on missed lessons where there had been disruptions to their learning. The Commission heard that placement instability, a lack of continuity in child protection case workers and a lack of involvement in care decisions also created challenges for students to stay engaged with schooling.

Children and young people wanted schools to be more understanding, inclusive and supportive. At a practical level, many said that more financial support was needed to enable them to participate fully in school-related activities and be able to afford the basic costs of transport to and from school and to help with books, uniforms and technology. Students in care also told the inquiry there was a need for more flexible and trauma-informed teaching practices that could meet the individual needs of students and support their particular interests and aspirations.

## Victoria's out-of-home care system

In 2019, the Commission conducted a comprehensive inquiry into Victoria's out-of-home care system, which is reflected in the *In our own words* report. That report exposed the practical consequences of an under-resourced child protection and care system and emphasised the importance of investing in prevention and early intervention strategies to keep families together safely.

Yet this inquiry reveals that, since then, the pressure on the system has only grown, with a 13 per cent increase in the number of children and young people in care as at 31 December 2022. The unacceptable over-representation of Aboriginal children and young people in the care system continues, with a 21 per cent increase in the number of Aboriginal children and young people in care in the same period. There have also been the following changes in placement trends:

- a 19 per cent rise in the number of children and young people in kinship care placements, a nine per cent increase in the number of children and young people in residential care placements and a decline of 10 per cent of children and young people in foster care placements
- in residential care, there has been an 83 per cent increase in the number of children aged nine to 11, a 33 per cent increase in children aged six to eight and a 17 per cent increase in children and young people aged 12 to 14 years. There was a small decrease in the number of children 15 to 17 years.

*In our own words* gave the Commission early indications of some of the problems that children and young people in care experienced with their education, many of which have been confirmed throughout this report.

## Students in care and education

The Commission also reviewed data on children and young people in care enrolled in Victorian Government kindergartens, primary and secondary schools.

Enrolment rates in three-year-old and four-year-old kindergarten increased from 2018 to 2022 for both Aboriginal children in care and non-Aboriginal children in care, although the rates remain lower than children in the general population. As enrolment data does not measure children's attendance rates, the Commission recommends that DE strengthen pre-school data collection for children in care through several key measures. This will increase understanding of how participation in early childhood education services affects school readiness and other supports that children in care may require.

In schools, DE data indicates that 93 per cent of students in care are in government schools, compared to 64 per cent of all students. Students in care are more likely to be in a specialist school (nine per cent) compared to the general student population, of whom two per cent attend specialist schools.

The data demonstrates substantial differences in the educational experiences of students in care compared to the general student population. Students in care are not engaged in education in the same way as their peers and many are not reaching their potential. Students in care are absent from school at consistently higher rates compared to other students, receive lower NAPLAN results and are much less likely to finish secondary school. In 2022, 25 per cent of students in care progressed from year 10 to year 12 compared to 82 per cent of students in the general population.

## How pressures in the care system contribute to poorer educational outcomes

When consulting for this inquiry, the Commission did not ask specifically about the impact of the child protection system on the education of children and young people in care. However, stakeholders and children and young people often raised the system itself as part of the problem.

*It'd be nice to have some more support, obviously as a kid in the system. You don't have much support from case workers at DHS and that. It's really hard to navigate your way in life and where you want to go, especially around schooling or if you're in a difficult situation. It's really hard to find where to go unless you have that support. (Marleigh, 17, kinship care)*

## Workforce issues

The inquiry heard that persistent strain on the child protection system and its crisis-driven focus can mean that children and young people's right to access education is not prioritised. Factors that contribute to this include:

- The high turnover of staff makes it difficult for enduring relationships to be formed between workers and children and young people, their carers and schools.
- Care team meetings lacking coordination and meaningful discussion about education, often due to time pressures and a lack of prioritisation.
- Workers attending schools during learning hours to execute a court order, facilitate visits with parents, or to interview a child. This took students away from lessons and could often be stigmatising for them and contribute to negative associations with school.

*We are always advocating for children to be in a good quality kindergarten. We talk to Child Protection about the quality of centres and the importance of it for children. We get told by Child Protection that there are so many higher priorities. (LOOKOUT Early Years Learning Adviser)*

*My big bugbear is Child Protection going to the school and removing the child from school. The school is a safe place where they have stability, but when that happens then they are afraid to go back to school. (Community service organisation staff member)*

While the Victorian Government has made significant investment into building the Child Protection workforce to address years of underinvestment, this investment has not translated into substantial change. Many of the newly created positions are not filled, worker turnover rates have worsened and the overall proportion of children and young people without an allocated worker and case managed by Child Protection increased from 13 per cent in 2019 to 19 per cent in 2022.

To enhance Child Protection's prioritisation of education for children and young people in care, the Commission recommends that DFFH provides the workforce with the tools and resources needed to support educational engagement, strengthens guidance on Child Protection visits to education settings, and provides ongoing professional development and reflective practice opportunities.

### Placement stability

A supportive and stable home is important for children and young people in care to stay engaged in school. This is particularly the case for children and young people in the care system who need space and support to heal from trauma. The Commission identified the problems associated with placement instability in the *In our own words* inquiry. Yet, data reviewed for this inquiry demonstrates that placement changes are increasing for children and young people across all types of care since 2018.

Children and young people in care also told us that they feel like the connection they have with their school is not prioritised during placement decisions. They also described how hard it could be to focus on schoolwork when their placement is breaking down, both because of the stress and pressure in their care environment and sometimes having to travel long distances to attend their school from an emergency or new placement.

*DFFH didn't prioritise my education in any planning, and I had to do it all myself. I went into care at 15, but I refused to change schools because I'd been there a whole year. I had to travel every single day on a V/Line – 6am and late in night. DFFH wouldn't pay for my Myki for 6 months...I was excelling at school, in advanced classes, but they were pushing me to change schools. After six months, I moved back home and then ended up failing. (Nia, 19, previously foster care)*

### Aboriginal children and young people in the care system

For Aboriginal children and young people, connection to culture and community is fundamental to feeling safe and supported, and therefore being able to do well at school. This is threatened by Victoria's high rates of removal and the over-representation of Aboriginal children and young people in the care system.

*A lot of kids don't have an understanding of their culture in out-of-home care. I can remember we were asking kids who their mob is and one of them said 'my mob is DHS'. (Koori Engagement Support Officer)*

Data from DFFH indicates slight improvements since 2018 in the number of Aboriginal children and young people living with Aboriginal carers and those case managed by ACCOs. While the number of Aboriginal children and young people in care with a cultural plan has increased since *In our own words*, a third were still without a plan in 2022. With an increasing number of Aboriginal children and young people entering the care system, the Commission recommends that resourcing for cultural plans meet this demand, and the quality of cultural plans improve.

### The role of carers, a stable home environment and education

All students need a supportive home to do their best at school. For those in care, this means having carers who provide a safe and loving environment where learning is encouraged. However, the Commission heard about the many challenges faced by carers to support children and young people to stay engaged in education.

#### Supporting carers

Adequate financial and other supports to carers, such as service navigation assistance and training opportunities, are critical to maintaining stable placements and encouraging educational engagement for children and young people in their care. Yet, carers are under increasing financial strain, especially kinship carers who we heard can often receive children into their care unexpectedly. This financial pressure is particularly pronounced for Aboriginal kinship carers, with the Victorian Aboriginal Child Care Agency (VACCA) advising that 50 per cent of its carers live below the poverty line.

*A lot of these carers have to quit work to care for the kids, they already are largely low socio-economic or retired. I had a carer who was retired, owned her home, it wasn't big enough so she had to go into a rental. I've had carers who have to mortgage their house and access super just to be able to care for the sibling groups. (CSO staff member)*

*The carer is still waiting for healthcare cards and things like that, the bureaucracy is killing her. She's tired of asking for information from the department...you can understand why carers walk away because it's like headbutting a brick wall. (Principal, primary school)*

From an education perspective, inadequate financial support for carers can result in children and young people not having access to appropriate resources, such as uniforms and technology, and having fewer opportunities to pursue extra-curricular activities. Some of the recommendations to address these issues include increasing care allowance payments, ensuring carers are exempt from any requests or expectation to pay voluntary school fee contributions and other education-related expenses, and providing all student-aged children and young people in care with a free Victorian student pass to enable them to use public transport to commute to and from school for free.

#### Residential care

While children in the care system overall tended to have poorer educational outcomes, the trends for children and young people in residential care stood out as particularly alarming. They had the highest absences from school, with 79 per cent recorded as chronically absent in 2022, compared to 40 per cent and 59 per cent of children and young people living in foster care and kinship care respectively.

In 2022, only 12 students enrolled in year 12 were living in residential care, with two young people eligible to complete VCAL and none completing VCE. Students in residential care received lower NAPLAN results compared to other students living in care across the domains of reading, writing and numeracy. For example, 44 per cent of year 9 students in residential care achieved at or above the National Minimum Standard in reading compared to 76 per cent of students living in other care types in 2022.

Consultations confirmed the Commission's view that residential care, in its current form, does not meet the needs of children and young people, including their learning needs.

*You almost couldn't design a better system to disengage kids from education, to force them into arms of paedophiles, into criminality, into drugs. Into a life where they won't have positive relationships, and where they are so likely to die young. You'd think it has been intentionally designed to do those things. I've been on the phone begging for kids to not be put into those systems, knowing that a child still had capacity to trust, and be engaged and connect, to in a couple of months has the resi dead eye. (Teacher, FLO)*

We also heard of many instances of children and young people in residential care experiencing stigma and exclusion when they are at school, further perpetuating commonly held feelings of rejection and abandonment.

*There's also a lot of stigma around resi, and even though other kids in schools may not know what resi is, they do notice that you get picked up by a different person every day and then you end up getting bullied for it. (Cade, 15, residential care)*

The Commission acknowledges the Victorian Government's progress to shift the model of care towards a more therapeutic approach, including funding new two and three bedroom homes and the *Keep Embracing Your Success* (KEYS) program homes with multi-disciplinary, therapeutic supports for children. At the time of the report, however, these models were available to 65 children and young people; most residential care homes were still not funded as therapeutic homes and were not conducive to facilitating regular school attendance or learning at home.

*When I was in resi it was hard to go to school, the other kids in the house didn't go to school they just stayed in the house smoking bong all day, the resi worker didn't care...I only went for about a week when I first entered resi but dropped out because no one else was going...I would have kept going to school if I never went into care. (Vanessa, 23, previously residential care)*

We have welcomed investment of \$548.4 million in the 2023-24 State Budget to ensure all residential care homes are funded to have a therapeutic component by 2025-26. Alongside these urgent reforms, we have made recommendations to strengthen the role of residential care workers in supporting education engagement. This includes that DFFH enhance the provision of education-related information in induction training for new residential care workers and support further training opportunities as part of the *Residential Care Learning and Development Strategy*.

## Challenges for children and young people in out-of-home care in education

### A lack of trauma-informed care in education settings

Trauma experienced in childhood can have devastating impacts on social and emotional wellbeing and educational attainment. Despite this, the inquiry revealed that children and young people in care are motivated to achieve academically with the right support.

Many stakeholders, including children and young people, told the Commission that trauma, and the education system's failure to understand it, contributed to educational disengagement. It often meant there were inappropriate responses to trauma-related behaviours, which sometimes contributed to their escalation. On occasion, a lack of empathy and understanding from teachers of the trauma that students were struggling to come to terms with could discourage them from attending school.

*The ways teachers communicate with us, they don't understand. It is difficult for us to get to school when we are being moved around, have mental health issues and have missed chunks of school. I don't feel motivated by those around me to attend. Don't take it out on the kids. It's hard for us. Be understanding of our situations. (Layla, 16, Aboriginal, residential care)*



*A stress response is triggered for every young person when they enter a classroom and even more so for our young people who are already starting from a challenging level. No child with complex trauma can be educated until they're regulated. Teachers aren't taught this and don't know how to do this. Also, how can teachers regulate students with so many of them in classrooms. (Principal, alternative school)*

*A few of the teachers haven't been good – they make insulting comments about my personal life, about living in out-of-home care. At some point last year, we shared in class what we did on our weekends. I spoke about having ice cream ... and the teacher responded with 'is that what our tax-payer money pays for?'. (Vanessa, 23, previously residential care)*

Support for trauma-informed practices has gained traction in the Victorian public education system, with several training opportunities available to schools and early childhood education services. This inquiry heard examples of schools that have embraced a holistic, trauma-informed approach, driven by school leadership, with positive results for students and staff.

Despite these pockets of good practice, the inquiry established a clear gap remains in educators' understanding and provision of trauma-informed care for students. The Commission recommends a more consistent approach to addressing trauma in learning environments to better equip educators to provide informed and appropriate responses to the complex needs and sometimes challenging behaviours of many students, not just those living in care. For Aboriginal students, these approaches need to acknowledge the accumulation of intergenerational trauma while also celebrating the strength and resilience of Aboriginal people.

### Negative attitudes and low expectations

The Commission also heard that for children and young people in care, motivation to attend and stay engaged in school was sometimes affected by negative attitudes towards them, related to their care status. Hyper-vigilance from school staff also compounds harm for these children and young people who already feel different from their peers. Many also described their schools having low expectations of their potential and abilities, which stifled their prospects.

Recommendations to address these issues include ongoing funding of programs such as *Raising Expectations*, a cross sectoral collaboration led by the Centre for Excellence in Child and Family Welfare to increase the participation of young people with an out-of-home care experience to access and succeed in vocational and higher education.

The Commission heard negative or unsupportive attitudes towards students in care could often affect their carers. Sometimes carers reported difficulties communicating with schools and feelings of shame and stigma in their interactions with schools. Some carers reported often receiving requests to pick children up during the day when behavioural issues arose, which sometimes made the placement unviable where carers had work or other commitments.

*The childcare called me on the first Monday saying 'I think she's had enough for today' so I had to go pick her up around 12. I'm a carer having to take so much time off work and using all of your leave and not getting any support. (Kinship carer)*

The Commission recommends that carers be better supported to navigate school and early childhood education systems and to advocate for children and young people in their care, to facilitate stronger connections between schools and carers.

## Wellbeing teams to focus on community service navigation and child protection

Many stakeholders identified a need for stronger relationships between schools' wellbeing teams, DFFH, Child Protection and the community sector. The Commission heard that in addition to students already in the care system, schools also struggled to support vulnerable students who were at risk of Child Protection intervention or who were in informal care arrangements. Some teachers and school staff did not understand thresholds for reporting to Child Protection and there was not always clear communication about what happened in response to reports they did make.

The Commission considers that effort is needed to build the capacity of school wellbeing teams to support and advise other school staff about issues relating to child protection, in addition to supporting vulnerable students through early intervention and referral pathways to The Orange Door and local family services when required.

## Challenges for Aboriginal children and young people in out-of-home care in education

Aboriginal children and young people's engagement with education is influenced by whether learning environments and curriculum are inclusive, encouraging, and culturally safe. Victorian Government initiatives directed to supporting educational success for Aboriginal students include Koorie Engagement Support Officers (KESOs), Cultural Understanding and Safety Training (CUST), the Aboriginal Languages Program Training Initiative, and Self-Determination in Education reforms in schools.

Despite these welcome initiatives, the Commission's consultations heard that racism persists in the education system from early childhood settings onwards. A lack of cultural safety is also evident. The Commission heard that for Aboriginal students, a culture of low expectations is compounded by racist attitudes. For those living in care, these experiences can be exacerbated because of their removal from family and community and culture.

*I don't like when I get bullied, when boys call me names and stuff. He tells me not to touch him with my poo skin, says 'Black people are gay'. People don't want to be friends with me. (Chelsea, 7, Aboriginal, kinship care)*

The Commission makes several recommendations to enhance educational engagement for Aboriginal children and young people in care, including addressing systemic racism in education settings and improving cultural safety through changes to CUST. We also recommend strengthening education support specifically for Aboriginal students in care.

*I like it in there [pointing to an Aboriginal art space in his school] because I like crafts and hanging out with my cousins. We don't have any classes together and I just like it so I can see my cousins and aunties and uncles and friends. (Kacey, 13 Aboriginal, kinship care)*

## Exclusionary and restrictive practices in education settings

Exclusionary practices involve removing students from school or an educational setting for a set time to manage their behaviour. These include modified timetables, suspensions and expulsions. Restrictive practices, such as restraint and seclusion, involve either physically restraining a student or leaving them alone in an area or room. Some of these practices, such as modified timetables, can have a positive impact when used appropriately and sparingly, and alongside other strategies and approaches. But in practice, the Commission heard there was an over-reliance on such practices to manage concerns about behaviour, often without appropriate scrutiny, which contributed to disengagement from school.



*Reduced timetables have a more detrimental effect than suspensions. Children and young people don't feel part of the school community, staying up to date with work is hard, they are not part of friendship groups. It really has a counterproductive effect. It feeds itself and you end up going nowhere. (CSO staff member)*

The Commission found children and young people in care to be more likely to be subject to exclusionary and restrictive practices in schools. This was evident from the following data:

- In 2022, 12 per cent of students in care were on a modified timetable. Of those, 22 per cent were Aboriginal students in care and 61 per cent were students in care identified as receiving adjustments under the Nationally Consistent Collection of Data on school students with disability.
- Students in care were five times more likely to be suspended than students in the general student population from 2018 to 2022.
- In 2022, foundation students in care were 12 times more likely to be suspended than other foundation students, and year 1 students in care were 11 times more likely to be suspended than other year 1 students. Further, over a third of year 7 students in care and almost 40 per cent of year 8 students in care were suspended.
- In 2022, students in care were five times more likely to be expelled from school than students in the general student population.
- Students in care were eight times more likely to be subject to incidents of restraint or seclusion in 2021 and seven times more likely in 2022.

The Commission also heard about a practice of informal suspension (where the suspension is not formally documented) and soft expulsions (where students are encouraged to leave a school). Because these are not authorised or recorded, they were more difficult to quantify, although many stakeholders reported their occurrence.

*All schools are bound by the same legislation that the young people in the case of an expulsion, must get an alternative education environment. A couple of the young people are being subtly told it'd be better if you aren't at this school. They simply don't fit in the school is the message, it's a bit like 'welcome to my home, I'd prefer you weren't here and I won't give you any food or talk to you and I'll go and sit in the other room where the big TV is and you can stay here' – that is the message these kids get at school and they feel that way. Schools aren't following the process they should. (Principal, alternative school)*

The higher rates of exclusionary practices for children and young people in care is indicative of an education system that is not equipped to support students who may have complex needs or difficult behaviours. In response, the Commission recommends that DE update its suspensions policy and strengthen oversight and monitoring to determine what other supports are required in schools to minimise reliance on these practices and to more effectively address specific student behaviour. The development of a modified timetable policy will also assist schools to ensure they uphold students' right to education and accurately record their use of modified timetables. For students in care, the Commission recommends specific approval and consultation processes when they are either placed on a modified timetable or subject to a suspension.

*One example is a 10-year-old being suspended on numerous occasions and the school not having any capacity or space for them to do internal suspensions rather than being at resi care all day. This is with knowing that the child's trigger is feeling excluded from peers and community. (Health and Education Coordinator)*

## Impact of COVID-19 on children and young people in out-of-home care

The COVID-19 pandemic triggered an unprecedented transformation of Victoria's education system. Schools, students, teachers, parents and carers had to quickly adapt to new ways of teaching and learning remotely.

Disrupted routines, extended time out of the classroom, lack of supports to learn at home, loss of peer contact, mask wearing, and social distancing affected learning during 2020 and 2021 and many students struggled to return to the classroom. Schools and students are still experiencing the flow-on effects today, including increased mental health issues, school refusal, and behaviour management issues.

Children and young people living in care experienced unique challenges that made it particularly difficult to adjust to remote learning and subsequently return to the classroom. The Commission heard that children and young people with low attendance rates found it easier to drift away from education and remain disengaged after face-to-face learning resumed, rather than to try and catch up. This is also reflected in the data with students in care having higher absence rates than their peers, an average of four per cent difference from 2019 to 2022.

*Remote learning was different and weird. It felt hard to concentrate learning on the computer. It was hard for me to learn with my brothers and sisters around. (Kacey, 13, Aboriginal, kinship care)*

Since the return to face-to-face learning, there is growing recognition that during the lockdown periods, the needs of children and young people were often overlooked, and the negative impacts did not fall equally, potentially widening disparities in health and wellbeing across the community. The Commission recommends that strengthened decision-making be introduced to ensure the Minister for Health, or other relevant decision-makers, consider the rights, safety and wellbeing of children and young people in the exercise of emergency powers in future. In the context of schools, the Commission recommends that student disengagement be specifically monitored where major

learning disruptions occur, to understand the extent of the issue and the characteristics of students who disengage.

*I haven't been to school in about two years. I didn't want to do the Zoom stuff so I just quit. I was going a fair bit before that though. (Ashley, 15, Youth Justice)*

## Out-of-Home Care Education Commitment and the Early Childhood Agreement for Children in Out-of-Home Care

The *Out-of-Home Care Education Commitment* (Partnering Agreement) is a specific policy framework aimed at enhancing positive education outcomes for children and young people in care and to prevent disengagement. It covers the implementation of strategies relating to school enrolments, attendance and achievement, retention and school completion, and transitions from primary to secondary school and between schools.

The *Early Childhood Agreement for Children in Out-of-Home Care* (Early Childhood Agreement) complements the Partnering Agreement and was developed to support young children in care to participate in high quality universal services, such as maternal and child health services, kindergarten programs and supported playgroups. The Early Childhood Agreement's priorities are for clear enrolment and information sharing processes, and effective transitions from early childhood education services to primary school.

Implementation of both Agreements is the responsibility of various agencies, with guidance and support from DE's LOOKOUT Centres. The key purpose of Victoria's four LOOKOUT Centres is to build schools and other agencies' capacity to implement the Agreements. Throughout consultations, the Commission heard that LOOKOUT Centres' principals and staff are strong advocates for children and young people in care and they have been instrumental in facilitating the implementation of the Agreements in education settings through awareness raising, capacity building in schools, and improved

collaboration between the care and education systems. It was also evident, however, that current resourcing does not match the scale of LOOKOUT's responsibilities given the degree of effort required to achieve appropriate education responses for students in care.

Under the Partnering Agreement, schools have key accountabilities that are measured, although these measures generally relate to compliance rather than broader educational engagement and outcomes. The inconsistency in schools' implementation of the Agreement was a common theme in consultations. It was clear that some schools were willing and had the capacity to support children and young people in care, although this depended on the culture and priorities of a school, as established by their leadership team. There were also processes in the Agreement where schools' compliance was strong, however, the actions of other stakeholders, such as Child Protection, contributed to poor outcomes for the child or young person.

The Commission found that systemic improvements in education settings for this student cohort have been limited in part by issues with the Agreements' governance structures, including inadequate clarity on partners' roles, objectives, and accountability measures. To strengthen effectiveness of the Agreements, the Commission proposes several recommendations, which include:

- reviewing the role of a Designated Teacher, which is assigned by schools to act as a conduit between LOOKOUT Centres and schools and to support schools to fulfil their obligations to students in care
- considering measures to track educational engagement and improved education and wellbeing outcomes for children and young people in care
- conducting a comprehensive review of the Agreements to clarify their purpose and strengthen collaboration between key partners, meet public reporting requirements and consider expanding the focus to children and young people who have been recently re-united with their parents
- ensure sufficient funding is available to LOOKOUT Centres
- driving cultural change in school leadership teams to ensure commitment and consistency in the implementation of the Partnering Agreement.

## Targeted re-engagement initiatives

While various universal mental health and wellbeing supports are available in the education system, for some children and young people in care, addressing disengagement from education requires a more individualised approach. Some of DE's interventions include Flexible Learning Options (FLOs) and the Navigator Program, in addition to delivering education to children and young people in Secure Care and Youth Justice settings. DFFH also recognises that many children and young people in care require additional and tailored education supports and has funded *Children in Residential Care* (CIRC) and Anglicare's *Transforming Educational Achievement for Children at Risk* (TEACHaR) programs.

### Flexible Learning Options

FLOs are offered in Victoria through the government school system. They are generally characterised by highly individualised learning structures and providing holistic support for student engagement and wellbeing. The Commission heard in consultations that in the context that many schools are ill-equipped to meet all students' needs, FLOs can be beneficial for children and young people who have had extensive disrupted learning or experienced other circumstances that make it difficult to engage in school. However, we also heard about issues with the infrastructure, location and variability in the quality of some FLO settings which impact their overall effectiveness. There are also limited options available to children who are disengaging from education at a younger age.

*Like I had a teacher that would call me every day at 9am and ask if I felt like I was up to going to school today, I really liked that... the way they asked if I was up to it. And I could tell they cared... I guess that's what some parents would do. (Miles, 17, Youth Justice)*

Flexible learning provided in alternative settings by some independent schools and Catholic schools also targets the needs of students experiencing disadvantage and marginalisation. Like FLOs, the common underlying characteristics of these schools include a focus on strengthening social and emotional wellbeing and prioritising teaching strategies that are trauma-informed, individualised, and attachment-based.

*It's a holistic approach. How we are with the young person is how we are with staff, we acknowledge that trauma is a universal thing. A lot of the strategies are in attitudes. We put a lot of effort into ongoing learning and we incorporate our values and commitments into everyday practice. (Principal, alternative school)*

While this inquiry was underway, DE announced a review of alternative education settings. The Commission recommends that as part of this, DE enhance the quality of support and education provided in FLOs and track student outcomes and movement between FLOs and other schools.

## Navigator Program

The Navigator Program supports disengaged children and young people to return to education. It is delivered by contracted community service organisations (CSOs) that work closely with local schools and DE area teams to tailor the program to local communities and services.

Data from DE shows that most children and young people in care who access the Navigator Program are not completing the program or successfully re-engaging with education. From 2018 to 2022, three quarters (75 per cent) of children and young people in care enrolled in the Navigator Program exited before being successfully re-engaged in education. For Aboriginal students in care who received support from Navigator, 80 per cent exited the program before completion. The average wait times for all students to receive case management from Navigator between 2020 and 2022 was 69 days; in 2022 the average wait time was 74 days.

The Victorian Auditor-General's Office (VAGO) reviewed the Navigator Program in 2020 and found that DE could not demonstrate that it is an effective intervention or is delivered equitably. Students' access to Navigator varied depending on where they lived, as did the support they received at school before being referred to the program. VAGO made several recommendations, which DE is implementing, to improve data monitoring and improve program accessibility across Victoria. DE is also evaluating the program, to identify further opportunities for improvement. The Commission welcomes Victorian Government initiatives to support children and young people to re-engage with school, including the expansion of the Navigator Program. Every effort must be made to ensure the model of support is effective.

## Secure Care and Youth Justice

Children and young people in Youth Justice and Secure Care settings are provided with education through Parkville College, a specialist Victorian Government school.

*Here the school is good, they make it funner... It's not just put the work in front of you. They sit with you and go through it, and go through it with everyone... Less people in the class here too... Maths, literacy, numeracy... we read something, then answer questions from the text... There's like three to six kids and one or two teachers... I'd make school the same as this (Parkville College) if I had a magic wand. (Cillian, 15, Youth Justice)*

The Commission heard that educational interventions in these settings can provide children and young people with positive, individualised support and are most beneficial when student voice is encouraged and valued, educators adopt strengths-based approaches, and children and young people are supported to transition back to school or other alternative education settings. The Commission recommends that these transitions be better monitored to ensure they comply with DE guidelines and that adequate supports for re-engagement with education are provided.

### One-to-one education supports

DFFH funds targeted supports to children and young people living in care, predominantly in residential care, through CIRC and TEACHaR, and education specialists in the KEYS program, and two-and-three-bed therapeutic residential care homes.

CIRC is delivered by CSOs and can be in the form of brokerage, educational case management or one-on-one educational support. TEACHaR was developed by Anglicare Victoria and is available for children and young people in all care types as a fee for service option and is also funded specifically for children in residential care in some parts of Victoria.

*I'm glad I did [join the program]. Because it saved me. It completely saved me...I could not even write the word 'the' at the stage when they [educators] started coming...Now, I know words like hypothesis. (Anglicare Victoria submission)<sup>1</sup>*

The Commission heard in consultations that these supports are beneficial to children and young people in care who have disengaged from education. Stakeholders highlighted the importance of support workers being qualified teachers and addressing literacy and numeracy, in addition to workers building a connection and trusting relationship with children and young people.

However, the Commission also heard that DFFH's funding model and levels for these programs, which are currently under review, are insufficient to provide access to every child and young person who requires their support. The Commission recommends that one-to-one education supports be adequately funded to enable needs-based access for all children and young people in care across the state. This should include a focus on literacy and numeracy, flexibility in the provision of support across placement changes, and timely referrals rather than after a child or young person has disengaged.

In August 2023, as this inquiry was being finalised, the Victorian Government made a welcome announcement of additional funding to support one-to-one education support for an additional 500 students per year. This support is to be delivered by qualified teachers to students in care who are not regularly attending school. Implementation of this funding should be monitored closely to assess whether it meets the support needs of all students in the care system.

### Findings and recommendations

This report makes 40 findings and 47 recommendations for reform to improve educational outcomes for children and young people in care.

Recommendations are directed at ensuring:

- programs and services directed at improving engagement with education for children and young people in care receive adequate funding to operate equitably and sustainably
- there are opportunities to offer personalised support to children and young people in care based on their unique needs and circumstances (including through flexible learning options) noting this should occur in the context of a broader agenda of improvement to inclusion and trauma-informed approaches in mainstream schools
- transitions for students from early learning into school, between schools and from Youth Justice and Secure Care are smooth and accompanied by appropriate information to ensure children and young people are supported
- greater rigour and transparency applies to decisions that affect access to schooling and related supports
- continued monitoring and evaluation allows for meaningful measurement of outcomes and to inform continuous improvement
- strong and clear governance and oversight over policy frameworks to guide educational inclusion for children and young people in care.

<sup>1</sup> Anglicare Victoria, *Submission to Education inquiry*, p. 8.



# Findings and recommendations

## Findings

### Finding 1: Rising numbers of children and young people in out-of-home care

The number of children and young people in Victoria's out-of-home care system increased between 2018 and 2022, including:

- an increase of 13 per cent in the number of children and young people living in care
- an increase of 21 per cent in the number of Aboriginal children and young people living in care (29 per cent of the total number of children and young people in care are Aboriginal)
- a nine per cent increase in the number of children and young people in residential care, which includes increases of 83 per cent in the number of children aged nine to 11 and 33 per cent in the number of children aged six to eight.

### Finding 2: Disability status under-recorded

The disability status of children and young people in out-of-home care continues to be under-recorded by DFFH.

### Finding 3: Kindergarten enrolment rates

The kindergarten enrolment rates for children in out-of-home care improved between 2018 to 2022, including for Aboriginal children in care, but remain lower than the overall kindergarten enrolment rates.

### Finding 4: Disengagement from school for students in out-of-home care

Children and young people in out-of-home care experience substantially higher rates of disengagement from school compared to the general student population. In 2022, the attendance rate for students in care in secondary school was eight per cent lower and their chronic absence rate was 17 per cent higher. Further, substantially fewer students in care progressed to year 12 compared to other students. In 2022, the apparent retention rate of students in care progressing to year 12 was only 25 per cent, compared to 82 per cent of students in the general population.

### Finding 5: NAPLAN results

Students in out-of-home care are 25 per cent less likely to participate in NAPLAN, and those who do participate receive substantially lower NAPLAN results across all year levels and in each NAPLAN domain.

### Finding 6: Completion of VCE and VCAL

Students in out-of-home care are less likely to complete VCE or VCAL than students in the general population.

### Finding 7: Impact of workforce pressures in the child protection system

Children and young people in out-of-home care and stakeholders told us that high workload and worker turnover in the child protection system make it hard for practitioners to build trust or an understanding of the educational needs of individual children and young people or prioritise education in care team meetings. We also heard that attendance at schools by Child Protection practitioners can cause distress and increase stigma for children and young people.

### Finding 8: Impact of placement instability on children and young people

Placement instability is a significant and growing problem, negatively impacting children and young people in the out-of-home care system. Placement instability not only impacts the social and emotional wellbeing of children and young people in care, but also represents a significant barrier to their educational engagement and outcomes.

### Finding 9: Financial support for carers

The Commission heard from stakeholders, including carers themselves, that carers are not given sufficient financial support to enable them to meet the needs of the children and young people in their care. The Commission also heard that Aboriginal carers experience particular pressures, which require additional and targeted supports.

### Finding 10: Care allowance

The Victorian Government has not increased care allowance payments since 2016 and the Victorian care allowance rates are among the lowest in the country.

### Finding 11: Service system navigation

The Commission heard from stakeholders that many carers experience difficulties navigating complex service systems, as do Child Protection practitioners and workers in CSOs. This can limit the level and type of support they and the children and young people in their care receive, both in the home and in education settings.

### Finding 12: Supporting education in the home

The Commission heard from many children and young people in out-of-home care and some carers that education was not encouraged or supported in the home environment.

### Finding 13: Supporting education in residential care homes

Most children and young people in residential care in Victoria are not cared for in a setting that supports them to engage in education. The Victorian Government's 2023 commitment to expand new models of care and to fund all residential care at a therapeutic level is welcome; these reforms are urgent and must include a focus on education support.

### Finding 14: Impact of trauma on learning

Trauma experienced by children and young people impacts their ability to learn and remain engaged in education. However, the Commission heard that the impact of trauma on student learning was often poorly understood by educators, directly affecting students' engagement in education.

### Finding 15: Negative attitudes in schools

Negative attitudes in schools towards children and young people in out-of-home care are common and contribute to their disengagement from education.



### **Finding 16: Racism persists in the education system**

The Commission heard from many Aboriginal children and young people in out-of-home care, and other stakeholders, that experiences of racism persist in Victoria's education system. This significantly impacts the educational engagement, health and wellbeing of Aboriginal students living in the care system.

### **Finding 17: Culturally unsafe practices in education**

The Commission heard from many stakeholders that Aboriginal children and young people in out-of-home care face additional barriers to educational engagement due to culturally unsafe practices, including racism, in education settings.

### **Finding 18: The role of Koorie Engagement Support Officers**

The Commission heard from stakeholders that the Koorie Engagement Support Officers play a critical role in Victorian Government schools. However, there is ongoing confusion about the parameters of the role, which impacts their level of influence and advocacy to strengthen supports for Aboriginal students, including those living in out-of-home care.

### **Finding 19: Students in out-of-home care on modified timetables**

We heard extensively from stakeholders that many children and young people in out-of-home care are placed on modified timetables, without adequate assessment of their suitability and without adequate plans to transition students back to full-time school hours. However, due to the lack of DE policy, monitoring or oversight of the use of modified timetables, this practice is unregulated and its impact invisible.

### **Finding 20: Exclusionary practices in schools**

Children and young people in out-of-home care are disproportionately excluded from education through the formal use of suspensions and expulsions.

### **Finding 21: Use of informal suspensions and soft expulsions**

The Commission heard from children and young people in out-of-home care and other stakeholders that children and young people in care are often subject to informal suspensions and soft expulsions, which contributes to their disengagement from education. However, due to the informal and unauthorised nature of these practices, they are unregulated and difficult to measure.

### **Finding 22: Use of restraint and seclusion in schools**

Children and young people in out-of-home care are seven times more likely to be subject to restraint and seclusion incidents in schools than other students.

### **Finding 23: Absence rates for students in care during COVID-19 and the associated lockdowns**

Absence rates for students in out-of-home care in Victorian Government schools increased throughout COVID-19 and the associated lockdowns and have risen again since the return to face-to-face learning. The absence rate for students in care was, on average, four per cent higher than for other students throughout the period from 2019 to 2022.

### **Finding 24: Experiences of education during periods of remote learning**

The Commission heard from children and young people in out-of-home care and other stakeholders that some students in care enjoyed online school and were more engaged during the remote learning periods. However, most children and young people in care, and their carers, had negative experiences with remote learning and for some this led to complete disengagement from education.

### **Finding 25: The role of the LOOKOUT Centres**

Stakeholders consistently identified LOOKOUT Centre principals and staff as strong advocates for children and young people in out-of-home care. The Commission heard that LOOKOUT Centres have been instrumental in facilitating implementation of the *Early Childhood Agreement for Children in Out-of-Home Care* and the *Out-of-Home Care Education Commitment* in education settings through awareness raising, capacity building in schools, and improved collaboration between the out-of-home care and education systems. However, as identified in the 2020 evaluation of the LOOKOUT model, current resourcing does not match the scale of LOOKOUT's responsibilities, which has affected their reach and impact.

### **Finding 26: Participation of students in care in Student Support Group meetings**

The participation of children and young people in out-of-home care in Student Support Group (SSG) meetings is not monitored by DE. The Commission heard from many stakeholders that participation of children and young people in SSGs is inconsistent and not an embedded practice in many schools, and there are often limited opportunities for children and young people to express their views and inform decisions made about them.

### **Finding 27: Schools' compliance with the *Out-of-Home Care Education Commitment***

The Commission heard about examples of individual schools with strong commitment to meaningfully engage students in out-of-home care. However, overall compliance by government schools with the *Out-of-Home Care Education Commitment* is inconsistent across Victoria, resulting in significant variability in the support provided to children and young people in care.

### **Finding 28: Educational Needs Analysis**

The Educational Needs Analysis (ENA) is a critical component of the *Out-of-Home Care Education Commitment*, yet from 2019 to 2022 less than a third of eligible children and young people in care received one. DE's current approach to completing ENAs and implementing ENA recommendations in schools is inadequate and requires urgent attention.

### **Finding 29: Designated Teachers**

The capacity of Designated Teachers to effectively fulfil their responsibilities under the *Out-of-Home Care Education Commitment* is undermined by the limited time that school staff can allocate to the role.

### **Finding 30: Information sharing during enrolment processes**

The Commission heard that inconsistent information sharing during enrolment processes by Child Protection practitioners to education settings sometimes limits the types of support provided to children and young people in out-of-home care in those environments, and adversely impacts their experiences of education.

### **Finding 31: Collaboration between LOOKOUT Centres and Health and Education Assessment Coordinators**

Strong collaboration between LOOKOUT Centres and Health and Education Assessment Coordinators has resulted in effective enrolment protocols and consistent information sharing practices between schools and Child Protection in some areas of Victoria.

### **Finding 32: Student record keeping systems**

Current student record keeping systems and practices in Victorian Government schools mean that critical information about the educational needs of children and young people in out-of-home care is not always available or shared between services or schools.

**Finding 33: Governance of the *Out-of-Home Care Education Commitment***

The *Out-of-Home Care Education Commitment* was established to support inter-agency collaboration to strengthen educational engagement for children and young people in out-of-home care. However, inadequate clarity on roles and objectives, and insufficient seniority and accountability in the current governance structure has restricted progress.

**Finding 34: Measuring and reporting educational engagement and outcomes**

Despite the requirements of the *Out-of-Home Care Education Commitment*, educational engagement and outcomes for children and young people in out-of-home care are not measured or reported publicly.

**Finding 35: Flexible Learning Options**

While schools work towards improving their capacity to meet the needs of all children and young people, including those struggling to remain engaged due to care-related disruptions to learning, FLOs can provide a tailored, supportive and engaging alternative. The Commission heard that FLOs can improve engagement in education and wellbeing outcomes for these children and young people.

**Finding 36: Inadequate resourcing of Flexible Learning Options**

The Commission saw FLO settings which were poorly resourced in terms of infrastructure and heard that the impact of this on both teachers and students was that they felt marginalised and unvalued. The Commission also heard that a lack of teaching structure in some FLOs meant that the educational benefits of these places were sometimes impacted.

**Finding 37: Insufficient Flexible Learning Options for younger students**

The Commission heard that one metro-based FLO for primary school aged children is not sufficient to meet the need.

**Finding 38: Effectiveness of the Navigator Program**

DE data indicates that the Navigator Program is not achieving its intended outcomes for children and young people in out-of-home care. Improved monitoring and data collection together with targeted and timely interventions, including earlier identification of risk of disengagement by schools and the provision of early supports, is a necessary and welcome improvement.

**Finding 39: Benefits of one-to-one education supports**

One-to-one education supports can lead to improved educational outcomes for children and young people in out-of-home care who have disengaged from education, including re-engagement with mainstream school in some cases.

**Finding 40: One-to-one educational supports**

The Commission heard that the current funding model and funding levels for educational supports for children and young people in out-of-home care are not sufficient to ensure children and young people are identified and referred for supports at the right time or available to every child and young person who needs them.

## Recommendations

### Recommendation 1: Strengthening data collection

That DE strengthen data collection for pre-school age children in out-of-home care through:

- routinely collecting kindergarten attendance data to determine the participation rates of children in care
- developing measures to track and evaluate the connection between improved attendance at kindergarten and school readiness including successful transition to primary school
- advocating nationally for children in care to become an identified equity group in the Australian Early Development Census to determine additional supports required to improve their school readiness.

### Recommendation 2: Use the Department of Education's *Schools' guide to attendance* to improve school attendance

That DE monitor the extent to which government schools follow the *Schools' guide to attendance*, particularly the escalation processes and student support component of the guide, to inform whether implementation of the guide should be made mandatory.

### Recommendation 3: Measure and report on school engagement

That DE routinely collect a set of specific student wellbeing measures, to be used alongside students' academic results and attendance data, to identify and report on engagement levels for children and young people in out-of-home care. This should be reported under the *Out-of-Home Education Commitment*.

### Recommendation 4: Consider and address barriers to recruitment and retention of Child Protection practitioners

That when reviewing the Child Protection Operating Model, DFFH consider barriers to the recruitment and retention of Child Protection practitioners, including sustainable and equitable workloads, and practitioner engagement and job satisfaction.

### Recommendation 5: Enhance tools and strengthen guidance to assist Child Protection practitioners to support educational engagement for children and young people in out-of-home care

That DFFH enhance Child Protection's prioritisation of education for children and young people in out-of-home care by:

- reviewing the current tools and resources available to Child Protection practitioners to ensure they adequately support educational engagement of children and young people in care through placement decisions, case planning and case management
- strengthening guidance on Child Protection visits to education settings, including limiting these visits and visitations with parents during school and kindergarten hours to exceptional circumstances, and requiring Child Protection practitioners to seek and give weight to children's views about visits at school
- providing ongoing professional development opportunities for Child Protection practitioners to strengthen their application of the *Early Childhood Agreement for Children in Out-of-Home Care* and the *Out-of-Home Care Education Commitment* and relationships with education settings
- ensuring dedicated opportunities for reflective practice on education-related issues between Child Protection practitioners and LOOKOUT Centre staff.

**Recommendation 6: Improve the implementation and quality of cultural plans**

That DFFH improve funding for and the quality of cultural plans, including greater funding for kinship finding services and directly funding ACCOs to implement activities within cultural plans.

**Recommendation 7: Increase carer payments**

That the Victorian Government increase the care allowance payments for kinship and foster carers.

**Recommendation 8: Ensure equitable financial support for kinship and foster carers**

That DFFH strengthen the care allowance assessment and payment process to ensure assessments are conducted thoroughly and in a timely way, and that equitable financial support is provided to kinship and foster carers.

**Recommendation 9: Remove voluntary contributions and other education expenses for carers**

That DE ensure that carers of students in out-of-home care are not requested to pay voluntary financial contributions and education-related expenses, including camps and excursions.

**Recommendation 10: Provide carers with information and assistance to access flexible education-related funding**

That DFFH:

- ensure all carers and the children and young people in their care, particularly those in kinship care and in residential care settings, are provided with information about flexible funding available to cover education and extra-curricular activities
- further streamline the process for seeking this funding.

**Recommendation 11: Provide all students in out-of-home care with a free Victorian Student Travel Pass**

That the Victorian Government provide all student-aged children and young people in out-of-home care with a Victorian Student Travel Pass free of charge.

**Recommendation 12: Strengthen residential care providers' support for educational engagement**

That DFFH strengthen residential care workers' support for educational engagement of children and young people living in residential care settings by:

- working with residential care providers to incorporate education-related information into their induction training for new residential care workers
- working with the Centre for Excellence in Child and Family Welfare to support an education-related course to be made available to residential care workers as part of the *Residential Care Learning and Development Strategy*.

**Recommendation 13: Advocate for trauma-informed teaching practices to be incorporated into teacher training**

That the Victorian Government advocate for the inclusion of effective trauma-informed and responsive teaching practices in initial teacher education programs as part of national reforms to improve teacher training. Trauma-informed practices should also be incorporated into early childhood educator training.

### **Recommendation 14: Adopt a ‘whole school’ approach to trauma**

That DE work to ensure that:

- government schools adopt a ‘whole school’ approach to trauma and embed trauma-informed practices throughout their school environments as part of the implementation of FISO 2.0 in schools
- trauma-informed training is offered as an option under School Readiness Funding for early years educators and other staff, and that early childhood education settings are encouraged to embed these practices into their operations.

### **Recommendation 15: Fund programs to encourage students in out-of-home care to pursue post-secondary education**

That the Victorian Government fund programs across government schools to encourage students in out-of-home care to pursue post-secondary education and training and to improve access to such opportunities. Funded programs should include the elements provided in *Raising Expectations*, the *Game Changers Transitions Peer Mentoring Program* and the *Level Up Peer Mentoring Program*.

### **Recommendation 16: Training for school leadership teams to increase understanding of out-of-home care**

That DE require school leadership teams to participate in training on the out-of-home care system and the experiences of children and young people in care. This requirement should be triggered upon enrolment of a child or young person in out-of-home care in a government school.

### **Recommendation 17: Strengthen school and carer relationships and support carers as advocates for children and young people in out-of-home care**

That DE and DFFH strengthen the focus on carers in the *Early Childhood Agreement for Children in Out-of-Home Care* and the *Out-of-Home Care Education Commitment* to:

- support carers to navigate school and early childhood education systems and enhance their capacity to advocate for children and young people in their care
- build better connections between education settings and carers.

### **Recommendation 18: Strengthen school staff understanding of Child Protection, The Orange Door and community services**

That DE build the capacity and expertise of relevant school staff to support vulnerable students through a strengthened understanding of Child Protection, The Orange Door, and community services.

### **Recommendation 19: Support Aboriginal children and young people to report racism, and respond appropriately when they do**

That DE develop a clear and distinct policy that explicitly addresses racism in Victorian Government education settings. Youth friendly resources specifically for Aboriginal children and young people should also be developed to explain the policy and raise awareness of how to raise concerns about racism. The creation and design of these resources should be done in consultation with Aboriginal children and young people.

### **Recommendation 20: Audit the effectiveness of the Report Racism Hotline**

That DE conduct and publish an audit of the Report Racism Hotline to examine the types of complaints it receives and from whom, in addition to the effectiveness of processes for addressing complaints of racism.

### **Recommendation 21: Implement recommendations from the Community Understanding and Safety Training evaluation**

That DE implement the recommendations made in the EY Sweeney evaluation report of Community Understanding and Safety Training as a priority.

### **Recommendation 22: Develop youth relevant cultural safety resources**

That DE develop youth relevant cultural understanding and safety content to further support progress towards culturally safe schools.

### **Recommendation 23: Require schools to report on actions taken to address racism**

That DE require government schools to report on measures they are implementing to improve cultural safety and address racism as part of their FISO 2.0 Annual Implementation Plans and Annual Report to the School Community.

### **Recommendation 24: Strengthen educational supports to Aboriginal students in out-of-home care**

That DE strengthen the educational support it provides in schools to Aboriginal students in out-of-home care.

### **Recommendation 25: Develop clear guidance and monitoring in relation to the use of modified timetables**

That, as part of the development of DE's modified timetable policy, it provide clear instructions to government schools regarding:

- the appropriate use of modified timetables that are in the best interests of the child and upholds children and young people's right to education
- development of plans to return students to full-time schooling, including a specified date and review process
- accurate attendance recording to ensure students on modified timetables are not reflected in the data as attending full-time.

The policy should also require, in circumstances where modified timetables are implemented for students in out-of-home care, that:

- consideration of the modified timetable is included in Student Support Group meetings and discussed with carers
- the use of a modified timetable triggers consideration of targeted supports to facilitate a return to full-time school
- approval is obtained from a senior departmental officer in consultation with the relevant LOOKOUT Centre.

That DE also monitor schools' implementation of the modified timetable policy.



### **Recommendation 26: Review suspensions policy**

That DE update its suspensions policy to:

- implement an appropriate process to ensure that suspensions in primary schools only occur in exceptional circumstances and as a last resort
- ensure the suspension triggers an urgent assessment of appropriate supports required to address student behaviour
- require suspensions of children and young people in out-of-home care to be reported immediately to a senior departmental officer and the relevant LOOKOUT Centre to prompt consultation about alternative interventions and supports to address student behaviour
- monitor and review schools' implementation of post-suspension Student Support Group meetings to determine whether they occur and how effectively these support the re-engagement of students.

### **Recommendation 27: Improve understanding of and responses to the use of informal suspensions by schools**

That DE review schools' reasons for sending students home early to understand the regularity of schools using informal suspensions, the implications for students and their caregivers, and to inform what other supports are required in schools to reduce this practice.

### **Recommendation 28: Include consideration of the impact on children of pandemic orders**

That the Minister for Health implement a process to ensure consideration of the impact on children's rights, safety and wellbeing before making (or varying, extending, or revoking) pandemic orders and to include these considerations when publishing their Statement of Reasons for the making of pandemic orders.

### **Recommendation 29: Ensure the ability to measure and report on student disengagement in state emergencies**

That DE develop guidelines to ensure it can measure and report on the number of students who disengage during or immediately after periods of major disruption to education services.

### **Recommendation 30: Ensure strengths-based student involvement in Student Support Group meetings**

That DE strengthen in-school supports for children and young people in out-of-home care by reviewing the Student Support Group process to ensure that student voice is a key component of goal setting and review, and that it is strengths-based. This review should be conducted in collaboration with children and young people in care and the LOOKOUT Centres.

### **Recommendation 31: Require that cultural plans inform Individual Education Plans**

That DE, DFFH and partners of the Wungurilwil Gagpapduir working group strengthen the requirements in the *Out-of-Home Care Education Commitment* for relevant information from Aboriginal students' cultural plans to be shared by care teams and case managers with education settings to inform their Individual Education Plan and cultural connections in schools and early childhood education centres.

### **Recommendation 32: Review Educational Needs Analysis model**

That as part of the review of the Educational Needs Analysis (ENA) model, DE and DFFH review the ENA assessment process and resourcing for primary, secondary and specialist school students to ensure:

- children and young people undergo an assessment soon after and no later than 90 days from when they enter out-of-home care to determine their educational needs and whether they require additional one-on-one support
- schools receive financial support to implement ENA recommendations for any enrolled children and young people in care
- additional funding is provided for appropriate behaviour assessments as required.

### **Recommendation 33: Review and strengthen the Designated Teacher role**

That DE, in collaboration with the LOOKOUT Centres, conduct a review of the Designated Teacher role to strengthen capacity to effectively fulfil the role's functions under the *Out-of-Home Care Education Commitment* (Partnering Agreement). The review should consider:

- which positions in schools should be assigned the Designated Teacher role and what time allowance should be provided to undertake the role's functions
- improving awareness of the role and its purpose among children and young people in out-of-home care to enhance their understanding of the Partnering Agreement and the supports available to them in schools
- any necessary improvements to the Designated Teacher training
- options to build a network of Designated Teachers and communities of practice.

### **Recommendation 34: Review school enrolment process for children and young people in out-of-home care**

That DE and DFFH, through LOOKOUT Centres, review current enrolment processes and develop a best practice tool for use across Victoria to ensure that children and young people in out-of-home care receive the appropriate supports when starting at a new school.

### **Recommendation 35: Consider integrating digital information systems about children and young people in out-of-home care**

That DE and DFFH assess the feasibility of integrating Student Insight and the Client Relationship Information System to ensure government schools receive real time information about the care arrangements for children and young people in out-of-home care.

### **Recommendation 36: Expedite the roll-out of Student Insight**

That DE resource and expedite the roll-out of Student Insight, and ensure that the system stores all information relevant to student learning and appropriate oversight of record keeping and information sharing.

### **Recommendation 37: Track educational engagement through the *Out-of-Home Care Education Commitment***

That when reviewing reporting requirements under the *Out-of-Home Care Education Commitment*, DE consider measures to track educational engagement and improved education and wellbeing outcomes for children and young people in out-of-home care.

### **Recommendation 38: Review and strengthen the Agreements**

That DE and DFFH conduct a comprehensive review of the *Early Childhood Agreement for Children in Out-of-Home Care* and the *Out-of-Home Care Education Commitment* (Partnering Agreement) to clarify their purpose and strengthen collaboration between key partners, including by:

- streamlining and elevating the current governance structure (ideally to be jointly chaired by the Secretaries to DE and DFFH)
- reviewing and clarifying the roles and accountabilities of signatories to the Agreements
- where necessary, expanding reporting requirements to reflect signatories' obligations under the Agreements and to measure performance, for example, information sharing responsibilities of case managers
- ensuring reporting requirements of the Partnering Agreement are met and moving to public reporting on compliance and student outcome data
- considering the scope, including whether the Partnering Agreement should include a focus on children and young people in out-of-home care who are disengaged from education, those in care transitioning from Secure Care and Youth Justice settings, and those who have recently been re-united with their parents.

### **Recommendation 39: Assess additional resource requirements for LOOKOUT Centres as a result of the review**

That, as part of the review of the *Early Childhood Agreement for Children in Out-of-Home Care* and the *Out-of-Home Care Education Commitment*, DE identify resource requirements for the LOOKOUT Centres to enable an effective combination of school capacity building and accountability.

### **Recommendation 40: Allocate necessary resources to LOOKOUT Centres based on the review**

That the Victorian Government provide additional funding to the LOOKOUT Centres based on the review of resource requirements referred to in Recommendation 39.

### **Recommendation 41: Track and monitor student movement between mainstream schools and Flexible Learning Options**

That the movement of students in out-of-home care between mainstream settings and FLOs be tracked with the intention of benchmarking and improving, over time, how students are meeting their agreed Individual Education Plans, including progressing to desired pathways of education.

### **Recommendation 42: Use the review of alternative education settings to improve practice**

That in its review of alternative education settings, DE:

- ensure that good practice is captured, shared, and replicated
- uplift the quality of support and education provided where needed, including through the provision of adequate resourcing
- track student outcomes, including movement between FLOs and mainstream schools
- review the policy settings to ensure decisions on the provision of alternative education (including FLOs, re-engagement programs and attendance at non-school senior secondary and foundation secondary providers) are in the best interests of a child or young person in out-of-home care.

**Recommendation 43: Monitor transitions from Secure Care and Youth Justice into other education settings**

That DE and DFFH monitor the transitions of children and young people from Secure Care and Youth Justice settings to education settings as part of the *Out-of-Home Care Education Commitment* to ensure they comply with departmental guidelines and ensure that appropriate supports for re-engagement with education are provided.

**Recommendation 44: Share best practice approaches to flexible learning**

That DE create opportunities for schools and FLOs, including those in alternative settings provided by independent and Catholic schools, to share best practice approaches to flexible learning.

**Recommendation 45: Review resourcing requirements for one-to-one education supports**

That the Victorian Government review resourcing for and access to one-to-one education supports provided to children and young people in out-of-home care to enable:

- manageable caseloads for one-to-one teaching support
- needs-based access for all children and young people in care across the state.

**Recommendation 46: Ensure the model of one-to-one teaching support is effective**

That one-to-one teaching support for children and young people in out-of-home care that is funded by the Victorian Government:

- be provided by qualified teachers
- include a focus on literacy and numeracy
- include advocacy for a child or young person in relevant meetings, including in Student Support Group and care team meetings
- involve liaison with other workers and carers to encourage educational engagement
- be provided flexibly across placement changes by the same teacher.

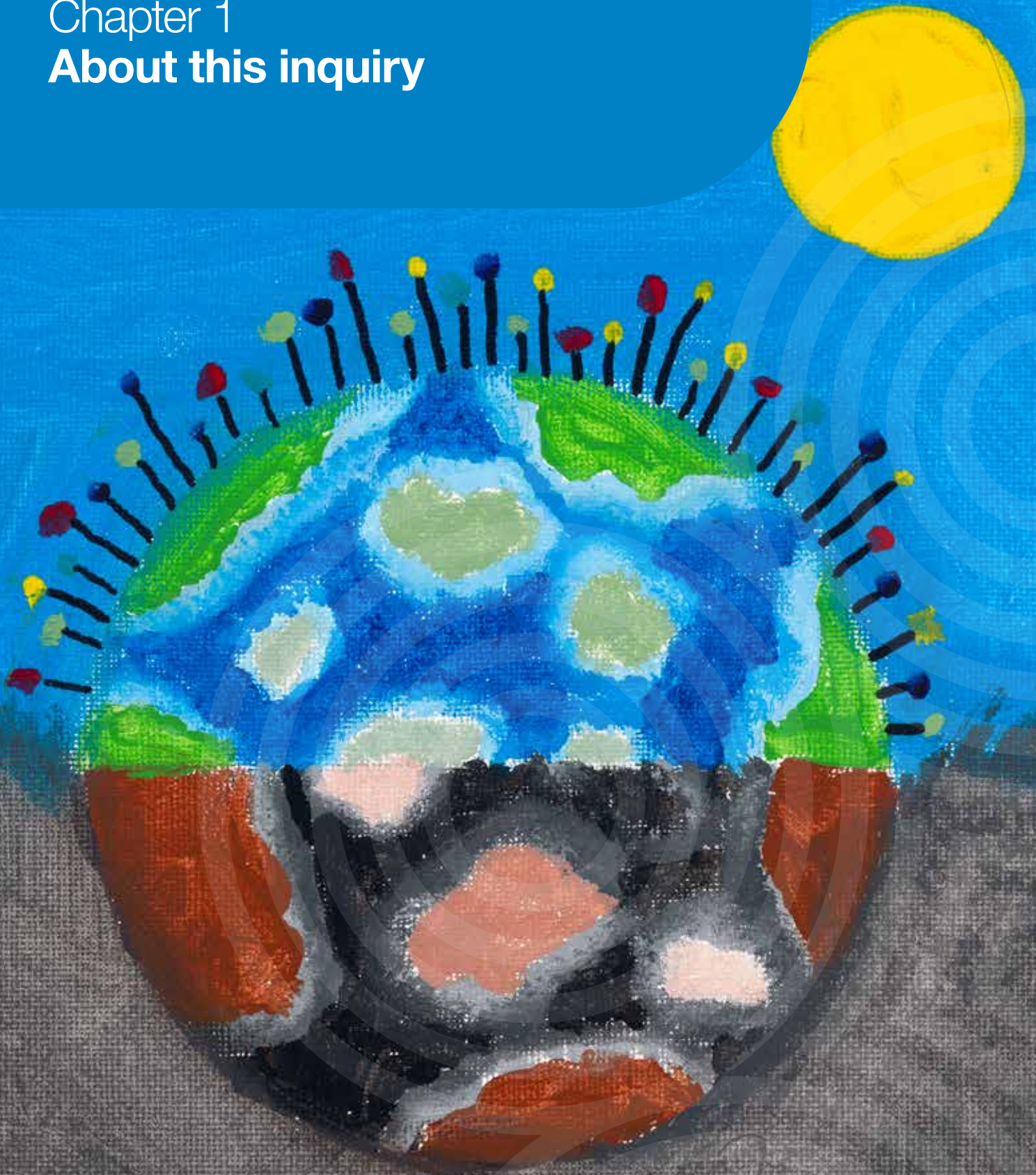
**Recommendation 47: Ensure appropriate collaboration between DE and DFFH to ensure that referrals to appropriate supports are made in a timely way**

That DE and DFFH collaborate so that all relevant information about children and young people in out-of-home care, including chronic absences, Individual Education Plan progress, Student Support Group meetings and Educational Needs Analysis recommendations are used to ensure that referrals to one-to-one education supports are made in a timely and appropriate way, rather than after a child or young person has already disengaged.



# Chapter 1

## About this inquiry



This painting was inspired by the Dr Seuss book/movie 'The Lorax' and represents both the world we live in as well as the world we could be living in if environmental issues are not taken seriously. (Artist: 15, residential care)



All children have a right to access an education that helps them to develop their personalities, talents and abilities.<sup>2</sup> For children and young people who live in out-of-home care, school not only provides much needed opportunities for security and independence, but can also assist healing, support stability, and provide positive relationships with peers and teachers.

Unfortunately, it is widely understood that children and young people in care experience poorer educational outcomes and higher rates of disengagement than their peers.<sup>3</sup> The abuse and neglect experienced by many children and young people before they enter care impacts their 'social, psychological and behavioural functioning and academic performance'.<sup>4</sup>

A 2015 study completed by the Australian Institute of Health and Welfare found that NAPLAN results of students in care were 13 to 39 percentage points lower across literacy and numeracy domains compared to other students.<sup>5</sup> Commentators have also noted they face a higher risk of 'grade repetition, missing school, suspension and expulsion, low grades, non-completion, not progressing to tertiary or other forms of postsecondary education and generally not faring well at school'.<sup>6</sup>

## Education discussed in the Commission's previous systemic inquiries

Over the past five years, the Commission has conducted four systemic inquiries into significant issues impacting children and young people in care. Each of these inquiries touched on the educational experiences of children and young people in care. Both *Keep caring*<sup>7</sup> and *Out of sight*<sup>8</sup> highlighted that many young people in care were either not enrolled in some form of education or not regularly attending, further contributing to their risk of social isolation, poverty, and homelessness once they left care. *Keep caring* found that almost half of care leavers are disengaged from education before they leave, that the vast majority of these young people had a history of placement instability, and that most do not receive adequate support to continue or re-engage with education prior to or after leaving care.<sup>9</sup>

The Commission's *Our youth, our way* inquiry identified that the risk of experiencing educational disengagement is even higher for Aboriginal children and young people in care. It also outlined that while Aboriginal children and young people value education and want to attend school, very few of them reported positive experiences at school.

<sup>2</sup> *Convention on the Rights of the Child* 1989, Articles 28 and 29.

<sup>3</sup> Anglicare Victoria, *Submission to Inquiry into the educational experiences of children and young people living in out-of-home care* (Submission to Education inquiry), received 15 August 2022, pp. 2–3; Barnardos Australia, *Submission to Education inquiry*, received 31 August 2022, p. 2; Centre for Excellence in Child and Family Welfare, *Submission to Education inquiry*, received 15 August 2022, pp. 1–2; Centre for Excellence in Therapeutic Care, *Submission to Education inquiry*, received 4 September 2022, p. 4; Create, *Submission to Education inquiry*, received 29 July 2022, pp. 3–4; Institute of Child Protection Studies, *Submission to Education inquiry*, received 27 June 2022; MacKillop Family Services, *Submission to Education inquiry*, received 4 August 2022; Save the Children, *Submission to Education inquiry*, received 5 August 2022, p. 2; Uniting Vic.Tas, *Submission to Education inquiry*, received 31 August 2022; VACCA, *Submission to Education inquiry*, received 28 July 2022, p. 3; Victorian Aboriginal and Young People's Alliance, *Submission to Education inquiry*, received 30 August 2022, p. 1.

<sup>4</sup> *Ibid.*

<sup>5</sup> Australian Institute of Health and Welfare 2015. *Educational outcomes for children in care: linking 2013 child protection and NAPLAN data*. Cat. no. CWS 54. Canberra: AIHW.

<sup>6</sup> Tilbury et al, 'Making a connection: school engagement of young people in care', *Child and Family Social Work*, Vol. 19(4), 2014, pp. 455–466, p. 456.

<sup>7</sup> Commission for Children and Young People, *Keep caring: Systemic inquiry into services for young people transitioning from out-of-home care*, Commission for Children and Young People, Melbourne, 2020.

<sup>8</sup> Commission for Children and Young People, *Out of sight: Systemic inquiry into children and young people who are absent or missing from residential care*, Commission for Children and Young People, Melbourne, 2021.

<sup>9</sup> Commission for Children and Young People, *Keep caring*, Finding 9, p. 26.

[M]any young people spoke about how the current school system in Victoria is not designed for, or responsive to, the specific needs of Aboriginal students. Some experience the system as racist or otherwise hostile.<sup>10</sup>

The *In our own words* inquiry was the Commission's first opportunity to speak extensively with children and young people about their care experiences. Many of them spoke positively about school and how it supported their learning. However, they also said they were bullied in school, largely due to the stigma attached to living in care, and that school staff sometimes did not understand what living in care meant or how it could affect them.

*When I did go to primary [school], I didn't get [any support]. It was absolutely shit, I wasn't allowed in class. I was always in the principal's office. Workers would always pick me up for access with tags on, so it was so obvious. The principal would decide if I was too sad for school. I would have to sit at the back of the classroom. The teacher would say in class, 'You can tell your mum and dad [about this] but in Colette's case you tell your foster mum.' Like how can they not know how to work with kids? They are the teachers. (Colette, foster care, 16, Aboriginal)*

In March 2022, having taken these consultations and previous inquiries into account, the Commission established this inquiry to consider:

- how being in care impacts on children and young people's experience of education
- how the coronavirus pandemic (COVID-19) and the associated lockdowns in 2020 and 2021 impacted those experiences

- the extent to which children and young people in care are involved in decisions about their education
- the extent to which young children in care are participating in early educational and care services
- the effectiveness of relevant policies and programs managed by DFFH and DE.

### Impact of COVID-19 on inquiry consultations

The commencement of this inquiry was delayed due to COVID-19 and the associated lockdowns in Victoria that restricted the Commission's capacity to pursue extensive engagement with children and young people.

Conducting consultations for the inquiry in 2022 enabled the Commission to hear from children and young people in care about their experiences during the periods of remote learning and how this impacted their education and access to support. The Commission's *COVID-19 snapshots* documented some of the impacts on access to education including experiences of exclusion for students in remote locations, students with disability and those with limited access to technology and the internet.<sup>11</sup> We took the opportunity to include questions about these issues in consultations for this inquiry.

### Current staffing and resourcing pressures in Victoria's public education system

In 2022 and 2023 there has been a focus nationally on how to address workforce shortages and burnout across the education system. Teachers report not only unmanageable workloads, but also an increasing need to respond to issues arising for students and their families. This in turn impacts their own mental health and wellbeing.<sup>12</sup> The Victorian Auditor-General's Office (VAGO) recently reported that '[p]rincipals experience worse health and wellbeing outcomes than the general population...[and] also experience more mental injuries than other school staff.'<sup>13</sup>

<sup>10</sup> Commission for Children and Young People, *Our youth, our way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system*, Commission for Children and Young People, Melbourne, 2021, p. 30.

<sup>11</sup> Commission for Children and Young People, [Snapshot: Impact of COVID-19 on children and young people – Education](#), Commission for Children and Young People, Melbourne, 2020.

<sup>12</sup> UNSW Gonski Institute for Education (2022) [Building education systems for equity and inclusion](#), UNSW Gonski Institute for Education, Sydney, pp. 7, 9.

<sup>13</sup> Victorian Auditor-General's Office (2023) [Principal Health and Wellbeing: Independent assurance report to Parliament](#), Victorian Auditor-General's Office, Melbourne, p. 2.



In the 2018 *Review of the National School Reform Agreement*, the Productivity Commission identified that strategies agreed upon on a state and national level have not improved student outcomes in achievement, attainment, and engagement during the past five years.<sup>14</sup>

There is also broad recognition that workforce shortages impact equitable and inclusive education outcomes, with the ‘most needy students the most likely to struggle to have a qualified and impactful educator in their classroom’.<sup>15</sup>

While outside the scope of this inquiry, the broader systemic challenges currently faced by the education system have implications for the provision of equitable education and schools’ capacity to support the educational needs of specific student cohorts, including those in care and Aboriginal students.<sup>16</sup> The Commission has developed its recommendations with an awareness of this broader context. Many of the opportunities for reform identified in this inquiry are likely to have benefits for other vulnerable students as well as school staff.

## Terms of reference

The inquiry’s terms of reference are to:

- develop an understanding of how children and young people living in out-of-home care experience education, including Aboriginal children and young people, and children and young people with disability
- identify the barriers to education for children and young people living in out-of-home care
- examine the impact of COVID-19 and the associated lockdowns on the educational experiences and engagement of children and young people living in out-of-home care, including their access to supports

- identify the extent to which policies and practices relating to out-of-home care support children and young people to stay in school, including those provided by the Department of Education and Training,<sup>17</sup> and Child Protection and Family Services<sup>18</sup>
- recommend changes to policy, practice, legislation or the delivery of services to:
  - improve children and young people’s experiences of education in out-of-home care
  - protect and promote their right to education.

The scope of the inquiry extends mainly to Victoria’s public education system. We did not explore the role of independent and Catholic schools in supporting children and young people in care, other than consulting with several school staff working in alternative education settings. We did, however highlight good practice in some independent settings, particularly in relation to Flexible Learning Options (FLOs) and alternative schools.

## Information sources

This inquiry draws on:

- consultations with children and young people
- a survey of children and young people
- consultations with carers and stakeholders from the community services and education sectors
- submissions
- review of DE school files of children and young people currently in care
- quantitative analysis of DE data and DFFH whole-of-population out-of-home care data, in addition to a review of departmental policies and programs.

<sup>14</sup> Department of Education (2018) [The National School Reform Agreement](#). Commonwealth of Australia, Canberra, accessed 17 January 2023.

<sup>15</sup> NSW Gonski Institute for Education, (2022) *Building education systems for equity and inclusion*, p. 23.

<sup>16</sup> Varadharajan, M et al. (2021) [Amplify Insights: Education Inequity](#). Centre for Social Impact, UNSW Sydney, Sydney; Committee for Economic Development of Australia (2018) [How unequal?: insights on inequality](#), Committee for Economic Development of Australia, Melbourne; The Organisation for Economic Co-operation and Development (2018) [Equity in education: Breaking down barriers to social mobility: Country note: Australia](#), The Organisation for Economic Co-operation and Development.

<sup>17</sup> Now the Department of Education.

<sup>18</sup> Now the Department of Families, Fairness and Housing

Quotes from the consultations and survey responses are used throughout the report. The Commission has used a pseudonym and removed any identifiable information to protect the identity of children, young people and stakeholders.

### Consultations with children and young people

The Commission consulted with children and young people with an experience of care through:

- conversations with children and young people
- report validation with the Commission's Youth Council to discuss draft recommendations
- follow-up conversations with children and young people who were involved in the initial consultations to seek their advice about our draft findings and recommendations.

### Co-design of consultations and surveys with the Commission's Youth Council

The Commission's Youth Council comprises a small group of young people with diverse experiences, aged between 15 and 24. The Youth Council brings youth voice and a lived experience lens into the Commission's work, and is central to shaping our priorities and ensuring our inquiries engage effectively with children and young people.

Building on the consultation methodology developed for *In our own words*, we worked in collaboration with the Youth Council to design our consultation and survey questions. Youth Council members also facilitated and led a pre-consultation workshop with young people with lived experience to test the questions and adjust as required. An important consideration when designing and testing the questions was to ensure they were open-ended. This was to encourage children and young people to answer the questions in their own way.

Questions for the consultations focused on:

- what children and young people liked and did not like about school
- a timeline of their educational experiences while living in care
- changes they would make to their school experience and how they would benefit from these

- the impact of home life on school and vice versa
- support to explore options and pursue opportunities post-school
- the impact of COVID-19 on their educational experiences.

### Informed consent to participate in consultations

Prior to each consultation, each child and young person was given an information sheet about the purpose of the inquiry, the consultation process and how the Commission would use the information they gave us. They had the option of having a support person present during the consultation. They were also informed they could stop the consultation at any time.

All children and young people who participated in our consultations and survey provided their consent. The consent process followed the requirements of the National Statement on Ethical Conduct in Human Research.<sup>6</sup> Interviewers also made their own determination on a case-by-case basis whether the child or young person was able to provide informed consent.

Every child and young person who participated in a consultation was given a retail voucher in recognition of their time. Consultations were typically conducted by two Commission staff.

### Early years consultations

With the inquiry focusing on younger children's participation in kindergarten programs, it was important that children aged three to five be given the opportunity to share their experiences with us. We drew on the expertise of specialists to develop a specific methodology to engage with younger children. We also partnered with two kindergartens who had several children in care regularly attend their service. With their assistance, consent was sought from children's carers for these children to participate in consultations.

Two Commission staff spent two days at the kindergartens, familiarising themselves with the environments and engaging with the children. Children were asked questions about what they liked and did not like about kindergarten and what they would change about kindergarten if they had a magic wand.

## Overview of consultation participants

One-on-one conversations were the preferred consultation method for most children and young people who participated, and the majority were conducted in person. A small number were conducted by phone or video conferencing where it was not possible to organise a meeting or if that was the child or young person's preference.

We consulted with 101 children and young people across the following placement types, in addition to children and young people in care who were in secure care and Youth Justice facilities at the time of the consultations:

- residential care
- foster care
- kinship care
- permanent care
- Lead Tenant.

**Table 1. Consultation participants by placement type (including post-care) at time of consultation**

Placement types	Number	Proportion (%)
Residential care	35	34
Foster care	27	27
Kinship care	22	22
Youth Justice	9	9
Post-care	5	5
Lead Tenant	1	1
Permanent care	1	1
Secure care	1	1
<b>Total</b>	<b>101</b>	<b>100</b>

**Table 2. Consultation participants by age at time of consultation**

Age group	Number	Proportion (%)
4–7	8	8
8–12	20	20
13–17	55	54
18 or over	15	14
Unknown	3	4
<b>Total</b>	<b>101</b>	<b>100</b>

**Table 3. Consultation participants by Aboriginal status and placement type (including post-care) at time of consultation**

Placement type	Aboriginal		Non-Aboriginal		Unknown		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Residential care	6	17	26	74	3	9	<b>35</b>	100
Foster care	9	33	14	52	4	15	<b>27</b>	100
Kinship care	11	50	8	36	3	14	<b>22</b>	100
Youth Justice	3	33	3	33	3	33	<b>9</b>	100
Post-care	5	100	0	–	0	–	<b>5</b>	100
Lead Tenant	0	–	1	100	0	–	<b>1</b>	100
Permanent care	0	–	1	100	0	–	<b>1</b>	100
Secure care	0	–	1	100	0	–	<b>1</b>	100
<b>Total</b>	<b>34</b>	<b>34</b>	<b>54</b>	<b>53</b>	<b>13</b>	<b>13</b>	<b>101</b>	<b>100</b>

We consulted with children and young people ranging in ages from three to 23. Of the children and young people that we spoke to, 82 per cent were under 18 and still in care at the time of the consultations.

Of the children and young people we consulted, 34 per cent were Aboriginal.

Of the children and young people we consulted, 29 per cent lived in metropolitan Melbourne and 71 per cent lived in regional locations, 40 per cent identified as male and 36 per cent identified as female, 11 per cent identified as LGBTIQ+.<sup>19</sup> Eighteen per cent advised that they had a disability.

### Overview of report validation workshop with young people

The Commission and the Youth Council presented draft recommendations to a smaller group of young people and sought advice on the validity of these recommendations.

### Limitations in consultation data

The Commission acknowledges the following limitations in the information provided through the consultations with children and young people:

- Participants did not always answer questions across all domains – this was due to children and young people being encouraged to discuss issues of importance to them that they felt comfortable discussing and to end the interview at their discretion.
- Sometimes Commission staff exercised discretion to cut back on or end a consultation based on nonverbal cues.
- The Commission aimed to talk to an even spread of children and young people across metropolitan and regional areas, although we spoke to more living in regional areas because we spent concentrated periods of time in several regional areas across the state.

- Children and young people in kinship and foster care typically depended on their carers' support to participate in the consultations. As such, these children and young people's experiences may be skewed towards more positive care experiences. In those instances where carers or teachers were present, some children and young people may also not have felt comfortable to speak openly. Consequently, the Commission tried to minimise this as much as possible.

### Survey of children and young people

Children and young people with a lived experience of care were invited to participate in a survey available on the Commission's website. We promoted the survey through social media and on our website, and among relevant stakeholders that support children and young people in care. The survey asked similar questions to those used in the consultations and children and young people who filled it out were given a retail voucher in recognition of their time.

### Overview of survey participants

Eighty-eight children and young people completed the online survey. All survey participants were either currently living or had previously lived in the placement types of kinship, foster or residential care. Many had lived in multiple placement types and 20 per cent of them had lived in all three placement types.

Children and young people ranged in ages from eight to 25. Eighty-one per cent of them were under the age of 18.

Of the children and young people who completed the survey, 18 per cent were Aboriginal.

Of the survey participants, 66 per cent lived in metropolitan Melbourne and 27 per cent lived in regional locations, 39 per cent identified as male, 49 per cent identified as female and one per cent identified as non-binary, nine per cent identified as LGBTIQ+. Forty-nine per cent identified as having a disability.

<sup>19</sup> The data did not record a more specific breakdown of how the remaining children and young people identified.

**Table 4. Survey participants by placement type (including post-care) at time of survey**

Placement types	Number	Proportion (%)
Multiple	26	30
All (foster, kinship & residential)	18	20
Kinship care	18	20
Residential care	13	15
Foster care	11	13
Homeless	1	1
Supported accommodation	1	1
<b>Total</b>	<b>88</b>	<b>100</b>

**Table 5. Survey participants by age at time of survey**

Age group	Number	Proportion (%)
8–12	12	14
13–17	59	67
>18	16	18
Unknown	1	1
<b>Total</b>	<b>88</b>	<b>100</b>

**Table 6. Survey participants by Aboriginal status and placement type at time of survey**

Placement type	Aboriginal		Non-Aboriginal		Unknown		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Multiple	3	12	23	88	0	–	<b>26</b>	100
All	4	22	13	72	1	6	<b>18</b>	100
Kinship care	4	22	13	72	1	6	<b>18</b>	100
Residential care	4	31	9	69	0	–	<b>13</b>	100
Foster care	1	9	9	82	1	9	<b>11</b>	100
Homeless	0	–	0	–	1	100	<b>1</b>	100
Supported accommodation	0	–	1	100	0	–	<b>1</b>	100
<b>Total</b>	<b>16</b>	<b>18</b>	<b>68</b>	<b>77</b>	<b>4</b>	<b>5</b>	<b>88</b>	<b>100</b>

### Limitations in survey data

The Commission notes the following limitations in the information provided through the survey:

- Participants did not always answer all of the questions.
- The Commission could not control the environment that the child or young person responded to the survey – including the presence of workers or carers who may have influenced how the child or young person answered the survey.

### Consultation with carers and stakeholders from the community services and education sectors

The Commission conducted consultations with various stakeholders who support children and young people in care.<sup>20</sup> Over 170 consultations took place with over 350 people from the following stakeholder groups:

- independent alternative schools
- Aboriginal Community Controlled organisations (ACCOs)
- community service organisations (CSOs) and health organisations
- DE staff, including those from primary, secondary and specialist schools, Flexible Learning Options and LOOKOUT Centres
- DFFH staff, including Child Protection practitioners, Health and Education Assessment Coordinators and staff from the Placement Coordination Unit
- Lived Experience Design Group as part of the Centre for Excellence in Child and Family Welfare's Voice of Parents project
- kinship and foster carers
- residential care workers.

The consultations were tailored to each groups' area of experience or expertise. The questions sought to elicit a combination of information and opinion on the issues covered under the inquiry's terms of reference. Quotes used throughout the report have been de-identified, referring only to the participant's organisation type and role.

### Submissions

The Commission made a call for submissions at the time that it established the inquiry and promoted this opportunity through our social media and website. Children and young people were encouraged to make a submission and were invited to do so in an audio, written or video format.

There were 25 submissions received from a diverse group of individuals and stakeholders, including:

- children and young people
- teachers
- carers
- CSOs
- ACCOs
- academics
- health and social peak bodies.

Evidence from submissions is used throughout the inquiry report and has been de-identified when requested by the submitter. Most submitters approved that evidence be attributed to them or their organisation.

### Review of Department of Education school files of children and young people currently in care

In the Commission's previous systemic inquiries, a key component of our methodology was to review the files of children and young people in care held by DFFH on its Client Relationship Information System (CRIS). This file review typically involves a quantitative analysis of relevant documentation kept on each file, as well as a qualitative review to assess a range of factors as indicators of the level of care provided to children and young people.

For this inquiry, the Commission intended to undertake a similar review of 120 education files of children and young people in care held by DE. However, in response to this request, DE advised that it does not currently have a centralised database of student files and that individual schools are responsible for the collection and storage of files for students enrolled at their school. The Commission notes there is no oversight from DE about the information collected by schools about individual students.

<sup>20</sup> Aside from educators working in alternative schools in the Catholic and Independent school systems, we did not consult with any other educators or school staff working in primary and secondary Catholic and Independent schools. Our focus in this inquiry was the Victorian public education system.



Consequently, the Commission decided to undertake a smaller review of education files and specifically selected students in care based on a mixture of NAPLAN results, and absentee, suspension, restraint and seclusion rates. DE requested the files from the schools that each student attended since 2019 or, if later, from the time they entered care. We requested 45 files and received 32 due to DE determining that most of the files were for a care type not in the inquiry's scope. The purpose of this review was to further inform our understanding of the school experience of children and young people in care. The file reviews have been incorporated as case studies throughout the report.

### Quantitative analysis of departmental data and review of policies and programs

The Commission received quantitative data for all children and young people in care from both DE and DFFH, and some aggregate data for the general student population from DE. The data period was predominantly from 2018 to 2022 to allow for comparisons before and after the COVID-19 lockdown periods and to also account for any changes in the out-of-home care and child protection systems following the publication of *In our own words*.

We also reviewed DE and DFFH policies and programs relevant to supporting children and young people in the care and education systems. Most documents were publicly available, and other documents and relevant information were received upon request to the departments from the Commission.

## Report structure

The report is divided into the following 12 chapters:

- Part A (Chapters 1 to 4) introduces the terms of reference and the inquiry's sources of information, in addition to an overview of what children and young people in care told us in consultations; a summary of relevant policies, programs and legal frameworks; and key data relating to the experiences of children and young people in the care and education systems.
- Part B (Chapters 5 and 6) examines issues in the out-of-home care system that impact children and young people's educational engagement, including Child Protection workload, placement instability, and support for carers. These chapters also explore the experiences of children and young people living in residential care, and the experiences of Aboriginal children and young people and Aboriginal carers in the care system.
- Part C (Chapters 7 to 12) explores the experiences of children and young people in care in the Victorian public education system, including barriers to educational engagement, the use of exclusionary and restrictive practices in education settings, and how children and young people in care fared during COVID-19 and the periods of remote learning. This part also examines the educational experiences of Aboriginal children and young people in care, in addition to reviewing the governance and effectiveness of the *Early Childhood Agreement for Children in Out-of-Home Care* and the *Out-of-Home Care Education Commitment*, and targeted supports to re-engage children and young people back into education.

# Chapter 2

## Youth voice

### Chapter at a glance

- Children and young people's positive experiences of school included:
  - relationships with peers and teachers
  - favourite subjects and sports
  - cultural programs and learning about Aboriginal culture in school
  - the place they felt most safe.
- Children and young people's negative experiences of school included:
  - not feeling supported to pursue their academic interests
  - feeling excluded or bullied due to their care status.
- Many Aboriginal children and young people in care told us about their experiences of racism.
- Children and young people identified financial support, flexible and individualised learning, and trauma-informed practice in schools as important ways to support them to stay engaged in learning.

These are my feelings about school  
(Artist: 14, residential care)

*[teacher's name] is a good teacher because she listens, she's there for me when I get upset and she understands when I need my space. (Lorelai, 15, residential care)*

The lived experiences of children and young people inform all the Commission's systemic inquiries, including the issues we explore and our findings and recommendations. The purpose of this chapter is to highlight and summarise the key themes regarding education that came out of our consultations with the 101 children and young people we spoke to for this inquiry and the 88 children and young people who participated in our survey. Children and young people's experiences and ideas about what needs to change are also included throughout this report.

## Positive experiences of kindergarten

As part of our consultations, the Commission spent time at two childcare centres to engage with children in care who were participating in kindergarten. We asked them questions about what they liked about kindergarten and if they had a magic wand, what they would change about kindergarten.

*I like to come here and play. I like to draw and play with my friends. I like playing with water. I learn new things every day. (Phoenix, 4, foster care, Aboriginal)*

*Toys, food and kinder! (Aurora, 5, kinship care)*

*I love coming to kinder. I think the playdough is good. And the dolls and the playground. We do songs, books and draw pictures. (Evie, 5, kinship care)*

In consultations with older children and young people in care, we asked them to reflect on their educational experiences starting from when they attended kindergarten through to secondary school. A common response was that they did not recall kindergarten, although others spoke positively about it.

*I liked kinder, doing arts and crafts. (Eliza, 16, residential care)*

*I like activities in kinder and playing with friends. (Grace, 16, secure care, previously residential care)*

*I got to do art and play outside on the swings. (Sage, 9, Aboriginal, kinship care)*

## Positive experiences of school

Most children and young people spoke about the positive experiences they had at school, including their friendships, which made them feel supported to learn and have fun. They also spoke about caring and supportive teachers who got to know them as individuals and supported their learning. They spoke about the subjects they enjoyed and did well in, their recent projects in woodwork or in art class, and awards and recognition that they received for their work. They spoke about the sports they liked to play, the teams they were a part of, and how they loved to go outside at recess, get fresh air and move around. Some identified school as the place where they felt most safe.

### Positive relationships with peers

Most of the children and young people we spoke to said the thing they liked most about school was their friends. School is a key source of socialisation for children and young people and where many of their first friendships develop. They benefit from friendships and positive peer connections in many ways. Friends are often who they go to for support, information and advice about their problems or decision-making and having positive relationships with their peers motivates them to attend school and helps to keep them engaged in education.

*I like having a laugh with my friends.  
(Rowan, 13, residential care)*

For some young people, their friendships were the only thing they liked about school.

*I like seeing my friends, that's it. (Sasha,  
15, Aboriginal, kinship and foster care)*

*The friends I have are good. I hate the rest  
of school. (Lindsay, 10, residential care)*

For others, their friendships were the crucial factor that kept them engaged with school.

*School's been alright overall. Hasn't been  
terrible but also hasn't been that great,  
it's just my friendships that make it better  
I reckon. (Brooklyn, 15, foster care)*

*My friends supported me in coming to school.  
They were good, fun, great, interesting. They  
made me feel welcome. They made me want to  
go to school. (Kian, 14, Aboriginal, kinship care)*

*I like when we can work with our friends,  
and you have at least one friend in your  
class. (Lorelai, 15, residential care)*

### Positive relationships with teachers

Children and young people who spoke positively about school often mentioned having a good relationship with their teachers. This meant a teacher they could talk to about how they were feeling, and who listened to them when they did. For some children and young people in care, their interactions with teachers were the most positive adult interactions they had experienced. It was clear throughout our consultations the difference that caring, supportive teachers can make.

*One teacher would speak to me one-on-one;  
they would talk to me and get to know me,  
and she would also share some of her own  
experiences... that made a huge difference.  
(Kylah, 22, previously residential care)*

*Nice teachers — I don't have to fear that  
these teachers will bully me, they are always  
nice. They respect my opinions. They listen  
to what I have to share. Nice teachers are  
ones who don't ignore students. They are  
interested in what students have to say. They  
check in. They listen. They smile. (Joseph,  
14, Aboriginal, foster and kinship care)*

*I've learnt that you need people at school  
to help you get through school. You need  
a good relationship with one teacher, it  
doesn't need to be a heap of teachers, but  
it needs to be one teacher that you can talk  
to about stuff, you just know them, and they  
know you. (Blair, 15, residential care)*



Some young people also spoke about teachers who made school more engaging for them in the classroom.

*I only have the one teacher I like, she's fun, she's funny and she makes the classroom fun with fun activities, experiments, hands on learning... like colouring in maps. It was calming. (Cole, 13, residential care)*

*I have a teacher who is kind and so passionate and fun. He never stops being himself. He's very nice, funny. He's strict but he gives the same rules to everyone. He says we show the same respect no matter what and who you are, we all have the same rights, that's his motto. (Paige, 12, kinship care)*

*You do get some teachers that have better methods of teaching. They just make it better for the students. It's easier for the kids to understand. You just notice that the workload they give you is good and the way they present the subject and actually teach it to you and make it easier to understand instead of just reading off the board or the book. My good teacher is my science teacher. He can explain things differently to different kids, and if you don't get it the first time. He can do all class explanations and then help out individually. (Brooklyn, 15, foster care)*

Others said having a teacher who supports their academic goals and aspirations was important.

*I like all my teachers. They are fun and we still get our work done. They are nice, they listen to me, support me with things I want to do. (Reed, 12, Aboriginal, foster care)*

*Most of my support was from my teachers and they helped me with my learning despite what was going on at home. I was also ambitious and wanting to learn so the teachers supported me to do that. (Rikki, 20, previously residential care)*

*My PE teachers help me learn, they are more supportive, they're sporty like me. They understand that I want to do sport. (Gerry, 12, Aboriginal, residential care)*

## Children and young people in care enjoy learning and having goals

Many children and young people spoke about their favourite subjects and how much they enjoy learning.

*I like school. I love reading Egyptian symbols, how you can draw stuff when you're writing down... I like that. (Eddie, 13, residential care)*

*I like sport at school, I like performing arts, I like learning languages. (Jamari, 13, Aboriginal, kinship care)*

*I like learning just in general. I like getting better at all the things that teachers tell us about and I like getting creative speech into my language. (Tom, 10, kinship care)*

Some young people spoke about their preference for 'hands-on' learning or subjects connected to life skills and employment.

*I liked PE and sometimes art and I really liked woodwork. I'm more hands on. I cannot sit there and be still with a piece of paper. I've made really cool stuff in woodwork; a pencil box and I've carved and detailed it and won a prize. (Dominic, 14, residential care)*

*I went because I got to explore my interests quite a lot at school, (acting, photography etc.) I still do photography now. (Finnley, 19, Aboriginal, foster care)*

*In year 9 they teach you more life skills which is really good. Our school has FLO as well, so for a few sessions they teach you heaps of stuff, like I did a barista course and learnt things like it is in the real world and work experience as well. (Brooklyn, 15, foster care)*

Many young people spoke about their positive experiences with sport at school.

*Netball academy — this is a subject at school where I have been made to feel welcome, it is inclusive, and I feel more resilient. (Hakeem, 14, Aboriginal, foster care)*

*I like sport. Footy and basketball. (Wyatt, 16, residential care)*

*I like that we have the opportunity to play sport — like football. (Sidney, 11, Aboriginal, kinship care)*

Several children and young people who enjoyed learning in school identified having a particular interest in maths and science.

*I love doing STEM at school, we learn how to do cool stuff, we made a piano where music can be played through play-doh! (Sage, 9, Aboriginal, kinship care)*

*I like to learn...I like math, it's fun and it stretches the brain, I'm good at it. And I like science. (Cole, 13, residential care)*

*Grade 8 Science — I was made to feel successful by my teacher who at the time described that my work was at a grade 11 level. We also completed a kahoot where I came 1st, my friend 2nd and the teacher 3rd. This made me feel very smart. (Hakeem, 14, Aboriginal, foster care)*

Aboriginal children and young people also spoke about their positive experiences with cultural programs and learning about Aboriginal culture in school.

*I like coming to the art program at school because I can talk to other mob in art class, paint with ochre, do dancing, perform at different places in costumes. (Sasha, 15, Aboriginal, kinship and foster care)*

*I like it in there [pointing to an Aboriginal art space in [school]] because I like crafts and hanging out with my cousins. We don't have any classes together and I just like it so I can see my cousins and aunties and uncles and friends. (Kacey, 13, Aboriginal, kinship care)*

*I learned a lot about Aboriginal culture in primary school which was good but not really in secondary, maybe they should with geography and history. (Tegan, 19, Aboriginal, residential care)*

### School is a protective factor and source of safety

Some of the children and young people we spoke to stated that school was their 'safe place', before and during their time in care, and that it provided the most reliable source of structure and consistency in their lives. They also identified school as a protective factor in their lives when things were not going well at home.



*The structure of school can be helpful when you don't have structure at home. (Elia, 22, previously residential care)*

*We always loved school growing up, mostly because our home life wasn't good. Education for me was a great distraction from other things going on in my life. (Indigo, 21, previously kinship care)*

*School is like an escape from reality. (Melody, 13, residential care)*

This was especially true for children and young people who experience instability in care.

*...but there were times when placement would break down, and school was my safe place. Even to go to the toilet, most kids hate shitting at school but for me it was my place, you know? It was the most consistent place throughout my whole life. (Hazel, 19, previously residential care)*

*The best thing about school is being able to have a stable place. A stable place to learn and achieve goals. (Ben, 17, residential care)*

*School was a place to escape my family. If there was an after-school activity I'd stay back. (Rowan, 13, residential care)*

## Negative experiences of education

Although many children and young people spoke about positive experiences at school, they also spoke about the barriers they face at school to feeling safe and staying engaged. This included not always feeling supported to pursue their academic interests and goals and that teachers and schools can have low expectations of them because they are in care. Children and young people also spoke about

experiences of bullying and stigma from their peers and teachers because they are in care, with inadequate responses from schools to address the bullying. This was common for Aboriginal students who spoke about their experiences of racism in schools. Students with disability and LGBTIQ+ students also experienced bullying and discrimination in schools, and spoke about not being able to fully participate in their education and feeling excluded.

## Not feeling supported to pursue academic goals

Although many children and young people in care spoke about their love of learning and academic aspirations, some mentioned that teachers and schools hold lower expectations of them because they are in care.

*They sweep you aside, they don't teach me anything. I'm not learning anything. (Dominic, 14, residential care)*

*If I could wave a magic wand to change something, I'd make my schoolwork harder. I don't want easy work. I tell my teacher this all the time. When I moved in with Nan, she taught me strategies and let me learn all these things at home and I eventually got higher and higher in my schoolwork. (Tom, 10, kinship care)*

Some children and young people said that they want to be challenged more at school with the subjects they enjoy. For others, low expectations contributed to bullying and stigma.

*I like learning new subjects and things, learning harder things like maths cos sometimes things are a bit too easy. (Max, 12, foster care)*

*I like doing English, talking about different stories, I really want to learn how to read big words, it will take me time. When I was younger, I didn't get that much support. (Bailey, 22, previously residential care)*

*I don't like having different levels for classes, it makes kids feel dumb and they get made fun of. I don't like to see it. Teachers don't see that kids are getting bullied for being in a lower class. (Grace, 16, secure care, previously residential care)*

Other children and young people spoke about how low expectations and limited support in school affected their capacity to pursue university and higher education.

*My education was very disrupted, and my attendance was awful from 2013 until 2016. I was very determined to finish my schooling and attend university but living in resi care could be extremely difficult...I also didn't have much of a support system to help me or advocate for me and many schools did not understand when I was late or had poor attendance...The most important thing that would have made a difference for me was a support system at my home and at school. Having somebody who supports you through your education helps to remind you of your goals. You are able to have that extra motivation and comfort in knowing you have an advocate, and someone who believes you can achieve your goals. I'm very grateful that I was motivated to attend university, but many young people lose this motivation and support systems, and support people are needed to help them to achieve their goals. Sitting with a young person and discovering what they want to do, whether this is TAFE, and apprenticeship, VCE or higher education, is so important and can be the difference between an individual achieving their goals or not. (Kimberley, 22, multiple placement types)*

## Bullying and stigma

A concerning number of children and young people spoke to the Commission about their experiences of bullying and stigma because they are in care.

*Kids make so many jokes about people having no father and no phone...Kids just bully and bully you...They bully you for being different. It makes you feel pretty crappy. (Addison, 12, Aboriginal, residential care)*

*I wish there was no bullying in the school, and we could make kids understand what kinship care is. (Elouise, 10, Aboriginal, kinship care)*

*Sometimes I don't want other kids to see me with workers, so they know I'm in resi. I get them to drop me back of school or I catch bus. Kids are like why's he have 10 parents? (Hanan, 14, Youth Justice)*

Sometimes the bullying was so severe that the children and young people disengaged from school.

*It was difficult to go to school while experiencing bullying for my situation in care. (Clara, 18, kinship care)*

*The school I was at it is pretty much for poor kids whose parents couldn't get them into other schools. The violence was definitely a barrier to learning. Some kids wanted to learn, but then others wanted to just mess around, and it was just entertainment to them. How can you do good in school when it's just fighting for survival? I dropped out in year 8. If it was a safe environment, I reckon it would've been good... but I guess there's not enough thought that goes into it around safety, these kids are all chucked together and are in similar scenarios and it all happens within the school. (Kylah, 22, previously residential care)*

Despite this, children and young people spoke about teachers and schools not doing enough to combat bullying.

*If I could change anything I would deal with the bullying, it doesn't get dealt with. (Melody, 13, residential care)*

*The bullies bully me about stuff in the past and that, the school has tried to help... but it's still been bad for me. (Noah, 16, foster care)*

*I had very little positive experience, as I experienced significant bullying, poor attendance, and a lack of support from majority of the many schools I attended. (Navi, 21, previously residential care)*

Children and young people in care also discussed instances where they were bullied or stigmatised by their teachers.

*Sometimes it's awkward about being in foster care, because you can see they act like 'oh I feel so bad for you.' That makes it harder with my peers cos I just leave class. I think it would be good for teachers to have knowledge of foster care, so they don't make kids feel different just because they live in foster care. (Montana, 17, foster care)*

Some children and young people in care identified school as unsafe or not inclusive, affecting their ability to stay engaged and achieve positive outcomes.

## Aboriginal children and young people in care experience bullying and racism at school.

Nineteen Aboriginal children and young people spoke about racism in schools. They experienced racism from their peers.

*I don't like when I get bullied, when boys call me names and stuff. He tells me not to touch him with my poo skin, says 'Black people are gay'. People don't want to be friends with me. (Chelsea, 7, Aboriginal, kinship care)*

They spoke about how it affected them emotionally and threatened their engagement at school.

*I liked school but the first few years I was very social and then I just kind of dropped all my friends. A lot of them were fake and there was a lot of racism. Going to a private school like that you're bound to get some racism. There were girls making comments and it would set me off, before I did a lot of counselling and stuff my anger would just set off. One girl would constantly piss me off and say the most racist shit and I ended up fracturing my hand because of it. I punched the wall instead of her because I didn't want to get expelled. She would make fun of our dances etc. (Finnley, 19, Aboriginal, foster care)*

Of most concern, we heard examples of teachers and schools being racist towards Aboriginal students.

*There's a race war here. It's pretty bad. Basically, the people at the school don't like Aboriginal people. My teacher is racist, she says the n word, says racial slurs like Abo. This school is one of those places where you encounter racism, but you don't get any response. (Drew, 14, Aboriginal)*

*Ms X is racist, called me the 'n' word. When I asked her about it she started ... saying 'this is how all you people act'. (Spencer, 14, Aboriginal)*

### LGBTIQ+ children and young people in care experience bullying and discrimination at school

Children and young people who identify as LGBTIQ+ spoke about their experiences of bullying and discrimination at school.

*I do not like waking up just to go and feel like crying in a school where no one likes me, and no one accepts me. (Addison, 12, Aboriginal, residential care)*

*If students brought their pride flags in, religious teachers would take them off them and throw them out of the classroom. Kids who were LGBTIQ+ would just hide it. (Tegan, 19, Aboriginal, previously residential care)*

*I'm bisexual and for years I didn't really say anything about it. A lot of people just look down on it, especially at the school. It wasn't until I ended up getting a friend, I kind of knew she was gay or lesbian and I ended up coming out because I was more comfortable with another person in the boarding house sharing the experience. (Finnley, 19, Aboriginal, foster care)*

The Commission heard that teachers and workers need to do more to prevent the bullying and discrimination.

*Teachers need to be more harsh on bullies, homophobia and transphobia. Being harsher on vandalism and also slurs. Having a safe place for LGBTIQ+ people who are having a hard time to get away from it all. (Hakeem, 14, Aboriginal, foster care)*

*I feel pretty unprotected in the school environment, and I have to fight with other students who target me and bully me all the time. I feel that teachers were not doing enough to stop hurtful comments. I would go back to residential care from school and have to face the same issues and I feel that no one was supporting me. Kids at school would call me tranny and same with the kids at resi, and none of the workers would stop this. (Trent, 12, residential care)*

*I want education for homophobia and the backlash that my community has gotten... for kids and the teachers, to learn about the history that's been happening over the years. I don't think it's gotten any better cos I am still bullied so much, I guess nothing will change. (Delilah, 12, Aboriginal, kinship care)*

### Children and young people in care with a disability state that schools are not inclusive

Children and young people with disability spoke about the low expectations placed on them and being held back from fully participating in their education. Others mentioned receiving limited support and understanding in the classroom.

*I experienced so much prejudice and discrimination around disability. If that changed it would have opened up so many more opportunities for me. There were lower expectations on me because I have a disability and it definitely held me back. A lot of it was assumptions that because I'm disabled, I can't do stuff like go on camps, being excluded from some physical activities. Primary school was better – more nurturing. I feel like there was a lot more support around specifically my disability. A lot of people assume I just can't do anything [now, but] at (primary school) they actually asked me what I was able to do. (Eliza, 16, residential care)*

*Sometimes I can be silly, but teachers need to be supportive and more understanding about my disability. (Caroline, 17, residential care)*

*We need more money so we can do the activities that others do but we can't because we are poor. (Elouise, 10, Aboriginal, kinship care)*

## Supporting children and young people in care to feel safe and engaged at school

Throughout our consultations, children and young people clearly articulated the supports they need to feel safe, engaged, and achieve positive educational outcomes. These were:

- financial support, both for the resources required to attend school (such as books, uniforms, and technology) and to address disadvantage (such as support with transportation to and from school and free food at school)
- flexible, individualised learning that supports their academic interests and aspirations
- trauma-informed practice in schools.

## Children and young people in care want more financial support to attend school

Children and young people in care spoke about not being able to afford the things they require to attend school. Some spoke about the need for dedicated funding to support them to fully participate at school.

*[I'd like] Having a safe place for before and after school where I can retreat to and access resources such as food, clothing etc. (Hakeem, 14, Aboriginal, foster care)*

*The importance of having extracurricular activities. That can help you get back into mainstream education. But there wasn't any funding for it. Some do have money set aside. It would be great to have like a funding pool you can draw funds from, like to learn to play a violin and then comes an interest in joining an orchestra. (Elia, 22, previously residential care)*

The difficulties associated with transportation was also raised by children and young people.

*DFFH didn't prioritise my education in any planning, and I had to do it all myself. In care at 15, but I refused to change schools because I'd been there a whole year. I had to travel every single day on a VLine – 6am and late in night. DFFH wouldn't pay for my Myki for 6 months. (Nia, 19, previously foster care)*

*My education was hugely disrupted due to changing primary schools four to five times. Ultimately, I couldn't emotionally handle not remaining at my original school. So much so that I requested to continue at the same school despite being placed in a foster home that was 2.5 hours commute on public transport. I woke up at 5 am each morning and walked to, and waited at the bus stop each morning where my grandma would secretly come and wait with me at 5:30am until my bus would come. (Layton, 25, previously foster and kinship care)*

*Once you stop going, there is just no going back. So when I stopped in year 5, no way I was going back...I don't reckon DHHS cared about me missing school. They knew it was hard for me to go to school but didn't care. At one stage I was living in Point Cook and they told me to attend Bundoora Secondary. (Mykel, 17, Aboriginal, Youth Justice)*



### Children and young people in care want flexible, individualised learning

Many young people spoke about individualised learning based on their interests and aspirations as an enabler for educational engagement.

*I like when you don't have to do all this shit, you focus on things you're interested in and you want to learn. (Mykel, 17, Aboriginal, Youth Justice)*

*I don't like when a teacher just talks at me from the front of a classroom, I prefer flexibility and choice with how I learn. (Yasmin, 14, Aboriginal, residential care)*

*I haven't had many positives with schooling, the only time I have felt engaged and enjoyed study was when I started independent schooling in a subject I choose. (Johanna, 17, multiple placement types)*

### Children and young people in care want trauma-informed practices in schools

Children and young people in care spoke about the impact of their experiences of trauma on their schooling. They told the Commission that this sometimes made it hard to focus at school when they are worried about so many other things in their life. Some said their teachers and schools do not understand or care about their experiences of trauma and out-of-home care.

*The school system in general doesn't seem to take into account that residential care, and even foster care, really exists. (Cade, 15, residential care)*

*Sometimes the teachers don't really understand what it's like to be living out of home. It can be hard sometimes because I feel left out when kids talk about their family and their home. A lot of the time you don't really have anyone to talk to at school. (Adriel, 17, Aboriginal, multiple placement types)*

*I've also noticed that many universities do not understand how difficult it can be for out-of-home care children and having more support in the tertiary field would be tremendous. (Kimberley, 22, multiple placement types)*

Children and young people in care identified the need for supportive staff who understand the impacts of trauma as essential for them to feel safe, stay engaged, and achieve positive outcomes at school.

*You should be able to have a break when you need – I used to get really heated up and need a break and they wouldn't let me have one and then I start to get angry and sick and words just go through one ear and out the other and I'm not learning anything. (Dominic, 14, residential care)*

*You know how you do homework, like maybe if that wasn't a thing, we just did it at school it would be way better. If you've got a hard outside life, for me it was domestic violence in my family, I wasn't able to concentrate on work at home, more concentrating if mum was gonna get hurt. There's a lot more to it you know, not just go home do your homework. The home life isn't always gonna be same as school life. Other kids have parents who go to work come home and cook meals and shit like that... not every kid has the same home. (Ivo, 17, Youth Justice)*



*I also believe that within the schoolwork you do in high school foster kids deserve to have some sort of trigger warning or something when learning about sensitive content that could affect the way they feel. Because personally I've struggled with things like sexual assault and my mum has committed suicide... We've watched movies and read books that have brought up memories from these times and affected the way I felt. (Serenity, 17, foster and kinship care)*

It is especially important to children and young people that their experiences of trauma be front of mind when schools and teachers consider punitive approaches to behaviour.

*Our brains are wired different because of what we have been through and how the trauma has impacted us. We need more support and encouragement and less rigid regulations. (Johanna, 17, multiple placement types)*

*I would change some of the teacher's mindsets on mental health and kids dealing with at home problems. It kinda did me over a little bit. I was in year 11 while in care and I had an episode where I had acted out with aggression verbally and was sent home. I had said something in front of my worker that she had to report and I was expelled from school. I had an IVO placed on me from the principal. I have BPD and a few other mental illnesses and have been in therapy since 14. Sometimes you just need to let the person cool down before making the next move. (Leroy, 21, Aboriginal, residential care)*

*Stop having teachers assume kids don't have other things going on in their lives. I would like the teachers to be more understanding of kid's mental health and have teachers be more understanding of the underlying issues that make kids act out. (Johanna, 17, multiple placement types)*

## Children and young people in care have strong aspirations for the future

Children and young people in care spoke positively about plans for their future, with many identifying career aspirations. These were varied and included apprenticeships to learn a trade, working to earn money and attending university.

*I was so determined. I always knew I wanted to go to uni to do a Bachelor of Arts or photography. When I was in year 10, I'd already chosen my subjects because I was so determined... I found Raise Expectations on my own, I love to search for supports. I knew no one was going to do it unless I did it. (Rikki, 20, previously residential care)*

*I have a job when I get out, I'm going back to concreting and I want to do a pre-apprenticeship. I am looking forward to that. (Luca, 17, Youth Justice)*

*I like writing so I would like to get something in the newspaper. It's always been my hobby and something I like to do. I'm currently working on a biography and on a sci-fi novel. (Finnley, 19, Aboriginal, previously foster care)*

The Commission's inquiry and the questions we asked have been guided by the experiences of children and young people outlined in this chapter, including the barriers they face at school, the need for more supports at school and the ways living in out-of-home care can impact their education. These experiences are also shared throughout the report and have directly informed our findings and recommendations.

## Chapter 3

# Supports for the right to education for children and young people living in out-of-home care

### Chapter at a glance

- The right of all children and young people to education is supported by legal frameworks at the international, national and state levels.
- In Victoria there are many programs and other measures in place to support:
  - children in care and their participation in early childhood education
  - school students in care
  - Aboriginal and Torres Strait Islander students
  - students with disability
  - improved mental health in schools
  - re-engagement in education.

#### Title: Shattered Time and Past

In this water painting the hour glass represents myself. In year 7 and 8 I experienced bad bullying and found it very hard to emotionally keep myself together, that's why the hour glass is shattering. The books and school items represent the good people in my life such as teachers, aides and friends who have helped me along the way. The cracks and tentacles represent the bullies and bad people in my life who have tried to bring me down. All the colours in the painting express my explosive feelings and how I feel the world is at times. (Artist: 13, Aboriginal, contingency placement)

This chapter outlines the legal frameworks and instruments at the international, Commonwealth and state levels that support access to education for children and young people living in out-of-home care in Victoria. It also details the various programs and funded measures that support their access to and engagement in education.

## Right to education

All children and young people have a right to education.<sup>21</sup> The United Nations guidelines for the alternative care of children also recognise that:

[c]hildren [and young people in out-of-home care] should have access to formal, non-formal and vocational education in accordance with their rights, to the maximum extent possible in educational facilities in the local community.<sup>22</sup>

For Aboriginal children and young people, the United Nations *Declaration on the Rights of Indigenous Peoples* 2007 (Article 14(3)) affirms that:

States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.<sup>23</sup>

## Additional children's human rights

Children and young people's right to education is complemented by additional rights that support children and young people to be safe, well and supported to reach their full potential. When children and young people do not have these rights upheld, it can impact their engagement in education.

Children and young people in care have the right to:

- maintain direct contact with their parents, where it is in the child's best interests<sup>24</sup>
- have contact with their siblings as well as other people close to the child or young person such as friends, neighbours or previous carers<sup>25</sup>
- have access to information about their family in the absence of contact with them<sup>26</sup>
- have contact with children and other people in the local community, including the right to develop through play and leisure activities both within and outside of care settings.<sup>27</sup>

## Government responsibilities in education

Primary and secondary education is primarily the responsibility of state and territory governments. They must provide education to all school-aged children and are responsible for funding all government schools. They also provide supplementary funding to non-government schools.

State and territory governments regulate school policies and programs. They are responsible for curricula, course accreditation, student assessment and awards for both government and non-government schools.

<sup>21</sup> *Convention on the Rights of the Child (CRC)* 1989, Article 28.

<sup>22</sup> UN General Assembly (2010) *Guidelines for the alternative care of children*, United Nations, [85].

<sup>23</sup> *UN Declaration on the Rights of Indigenous Peoples* 2007, Article 14(3).

<sup>24</sup> *CRC*, Article 9(3).

<sup>25</sup> UN General Assembly (2010), *Guidelines for the alternative care of children*, [81].

<sup>26</sup> *Ibid.*

<sup>27</sup> *Ibid.*, [10].



The Commonwealth Government provides supplementary funding to states and territories for education. In addition, the Commonwealth Government has unique education and training responsibilities for specific cohorts and circumstances, including Aboriginal and Torres Strait Islander peoples, migrants, international partnerships in education and financial assistance to students.<sup>28</sup>

Responsibilities in early childhood education are shared between Commonwealth, state and territory, and local governments. The Commonwealth Government is responsible for funding the Child Care Subsidy, whereas state and territory governments are responsible for funding and/or delivering kindergarten programs, as well as providing workforce training and development opportunities, and other information and support to these services.<sup>29</sup> Early childhood education services, including kindergartens and long day care centres, are regulated under two regulatory schemes: the National Quality Framework and the *Children's Services Act 1996*.<sup>30</sup>

In Victoria, the Department of Education (DE) is the key government department responsible for the provision of education. The Department of Families, Fairness and Housing (DFFH) holds responsibility for children and young people in care. Supporting the education of these children and young people is a shared responsibility between the two departments.

### Standards and frameworks that promote high quality, safe learning environments

#### Minimum standards and requirements for schools

In Victoria, the *Education and Training Reform Act (2006)* and the *Education and Training Reform Regulations (2017)* outline the minimum standards and requirements for all schools to provide the foundations for high quality education. Schools are required to comply with these standards to maintain their registration.

The *Guidelines to the Minimum Standards and Requirements for School Registration* outline the requirements for schools to meet the minimum standards, including:

- robust governance structures and strong financial management processes
- enrolment processes and tracking student attendance
- appropriate curriculum and tracking student outcomes
- safe environments for children
- well-qualified staff, including teachers.<sup>31</sup>

As part of these minimum standards, schools are required to develop policies and procedures relating to the legislated Child Safe Standards in accordance with the *Ministerial Order No. 1359 – Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises*.<sup>32</sup>

The Victorian Registration and Qualifications Authority (VRQA) is the state's education and training regulator and is responsible for registering education and training providers, including school education, and ensuring that registered schools meet the minimum standards. DE reviews government schools on behalf of the VRQA and reports annually on school compliance.<sup>33</sup>

<sup>28</sup> Australian Bureau of Statistics, *Year Book Australia, 2012* [data set], accessed 13 January 2023.

<sup>29</sup> Productivity Commission, *Report on Government Services 2022: Early childhood education and care* [data set], Commonwealth of Australia, Canberra, accessed 13 December 2022.

<sup>30</sup> Victorian Government (2023), *Which early childhood services are regulated*, State of Victoria, Melbourne, accessed 5 October 2023.

<sup>31</sup> Victorian Registration and Qualifications Authority, (2022) *Guidelines to the Minimum Standards and Requirements for School Registration*.

<sup>32</sup> Under the *Child Wellbeing and Safety Act 2005*.

<sup>33</sup> Victorian Registration and Qualifications Authority, (n.d.) *Regulating School Education*, accessed 3 July 2023. The Victorian Registration and Qualifications Authority reviews independent schools' compliance with the minimum standards, and the Catholic Education Commission of Victoria reviews Catholic schools' compliance with the minimum standards on behalf of VRQA. Information provided by DE to the Commission dated 3 October 2023.

## Framework for Improving Student Outcomes

The Framework for Improving Student Outcomes (FISO) was introduced in 2015 as part of the Education State reforms to guide schools on making continuous improvements to enhance student outcomes.<sup>34</sup>

Originally, FISO had six key areas for schools to focus on improving:

- building communities
- building practice excellence
- curriculum planning and assessment
- empowering students and building school pride
- health and wellbeing
- setting expectations and promoting inclusion.

In 2022, DE updated FISO (now FISO 2.0) to place learning and wellbeing at the centre of school improvement efforts. This focus followed the findings from the Royal Commission into Victoria's Mental Health System<sup>35</sup> and contemporary research demonstrating that good student wellbeing significantly improves student learning outcomes.<sup>36</sup>

The FISO 2.0 has five core elements:

- leadership
- teaching and learning
- assessment
- engagement
- support and resources.

Schools use an improvement cycle to develop, implement, monitor and evaluate school improvements under each of the categories. Schools are required under the *Education and Training Reform Act 2006* to have a School Strategic Plan to support continuous improvement. Schools are strongly encouraged to use FISO 2.0 to inform their plan.

DE reviews schools' plans every four years using the FISO 2.0 framework, with a focus on the two outcomes of learning and wellbeing.<sup>37</sup> Schools also report on their progress with FISO 2.0 as part of their

Annual Report to the School Community.<sup>38</sup>

## Targeted initiatives for children and young people in out-of-home care

### The *Out-of-Home Care Education Commitment (Partnering Agreement)*

The *Out-of-Home Care Education Commitment (Partnering Agreement)* aims to improve education, health and wellbeing outcomes for children and young people in out-of-home care. The Partnering Agreement was first introduced in 2003, with new iterations in 2011 and 2018. This is discussed in more detail in Chapter 11.

### The *Early Childhood Agreement for Children in Out-of-Home Care (Early Childhood Agreement)*

Introduced in 2014, the Early Childhood Agreement supports the engagement of children in care in Maternal and Child Health Services, kindergarten programs and Supported Playgroups to increase development and school readiness. The Agreement is discussed further in Chapter 11.

## LOOKOUT Centres

The LOOKOUT Education Support Centres (LOOKOUT Centres) were introduced in 2016 to address the educational disadvantage experienced by children and young people in care. Based on the virtual schools approach in the United Kingdom, the LOOKOUT Centres comprise multidisciplinary teams including a principal, Koorie cultural advisor, and psychologist, as well as multiple learning advisors and early childhood learning advisors, in each of the four DE regions.<sup>39</sup> LOOKOUT is discussed further in Chapter 11.

<sup>34</sup> Department of Education (2015) [Framework for Improving Student Outcomes \(FISO\)](#), State of Victoria, Melbourne, accessed 13 January 2023.

<sup>35</sup> Department of Education (2022) [Framework for Improving Student Outcomes \(FISO 2.0\)](#), State of Victoria, Melbourne, accessed 13 January 2023.

<sup>36</sup> Department of Education (2022) [Framework for Improving Student Outcomes \(FISO 2.0\): Evidence base](#), State of Victoria, Melbourne, accessed 13 January 2023.

<sup>37</sup> Department of Education (2023) [School Review](#), State of Victoria, Melbourne, accessed 13 January 2023.

<sup>38</sup> Department of Education (2023) [Annual Report to the School Community](#), State of Victoria, Melbourne, accessed 13 January 2023.

<sup>39</sup> Department of Education and Training (2020) [LOOKOUT Centre Handbook](#), State of Victoria, Melbourne, accessed 17 January 2023.

### Additional initiatives for students in out-of-home care

In August 2023, the Victorian Government announced an additional \$18.7 million investment over 2024 and 2025 to boost education supports for students in out-of-home care. These supports include:

- providing individual education support to up to 500 additional students per year, delivered by qualified teachers, which will complement in-school supports, such as the Tutor Learning Initiative, by delivering learning support ‘beyond the school gate’ to reach those students in the care system who are not regularly attending school
- reviewing the current model of Educational Needs Analysis (ENA) and expanding delivery of ENAs to more students in care
- responding to growth in numbers of school-aged students in care through an additional four Health and Education Assessment Coordinators and two LOOKOUT Learning Advisors in high growth areas
- offering professional learning packages for school-based staff supporting children in care to enhance their understanding of the care system and trauma informed practice.<sup>40</sup>

### Targeted initiatives in early childhood education

The Early Childhood Agreement is the primary mechanism to support the engagement of pre-school children in care in early years services. In addition, DE has a number of programs that support children experiencing vulnerability or disadvantage to participate in early childhood education.

### Free Kinder

In August 2022, the Victorian Government announced Free Kinder for three-year-old children.<sup>41</sup> From 2023, kindergarten programs are free for three- and four-year-old children. This allows families to access:

- five to 15 hours of three-year-old kindergarten programs
- 15 hours of four-year-old kindergarten programs.

Over the next decade, four-year-old kindergarten will transition to pre-prep and increase from 15 hours to a ‘universal 30-hour a week program of play-based learning for every four-year-old child in Victoria’.<sup>42</sup> From 2026, up to 30 hours will be available for children experiencing vulnerability and disadvantage, including children in care.<sup>43</sup>

Free Kinder has replaced the kindergarten fee subsidy that was previously provided to eligible children and families, including children in out-of-home care with a Commonwealth Health Care Card. The kindergarten fee subsidy previously provided 15 hours of free kindergarten program to eligible children.<sup>44</sup>

Early Start Kindergarten involves the provision of funding to early childhood education services attended by children known to Child Protection, who identify as Aboriginal or Torres Strait Islander or who are from a refugee or asylum seeker background.<sup>45</sup> A child known to Child Protection includes a child:

- with current or historic involvement with Child Protection, including out-of-home care
- who has been referred by Child Protection, family services or The Orange Door.

<sup>40</sup> Information provided by DE to the Commission on 3 October 2023.

<sup>41</sup> Stitt I, Minister 2022 (10 August 2022), [Free kindergarten for thousands of Victorian Children](#), [media release], Victorian Government, State of Victoria, Melbourne, accessed 17 January 2023.

<sup>42</sup> Victorian Government (2023) [Give your child the best start](#), State of Victoria, Melbourne, accessed 3 July 2023.

<sup>43</sup> Information provided by DE to the Commission on 3 October 2023.

<sup>44</sup> Department of Education (2016) [Free or low-cost kindergarten: Kindergarten Fee Subsidy](#), State of Victoria, Melbourne, accessed 17 January 2023.

<sup>45</sup> Victorian Government (2023) [Early Start Kindergarten information for professionals](#), State of Victoria, Melbourne, accessed 17 January 2023.



Early Start Kindergarten funding provides 15 hours per week towards a kindergarten program for three-year-old children.<sup>46</sup> With the introduction of Free Kinder, it is necessary for eligible children enrolling in three-year-old kindergarten to be enrolled under the Early Start Kindergarten program. This enables access to 15 hours each week throughout the roll-out period of free kindergarten.<sup>47</sup>

### Access to Early Learning

Access to Early Learning (AEL) provides targeted, outreach support to three-year-old children and families with complex needs. Lead agencies, a mix of community service organisations and local governments, are funded to implement AEL. Specially trained facilitators from these agencies work with families to facilitate three-year-old children's transition to kindergarten and support families to nurture children's development in the home.

To be eligible, families must have two or more complex needs including:

- being known to Child Protection
- disability
- family violence
- mental health issues
- sexual assault
- alcohol and drug abuse.

Children and families are referred to the program through the Enhanced Maternal and Child Health service, family services, The Orange Door, or Child Protection.<sup>48</sup> There are 23 AEL sites across Victoria, with each site supporting 16 three-year-old children and their families each year.<sup>49</sup>

### School Readiness Funding

Through the School Readiness Funding program, DE supports kindergartens to access evidence-informed supports under the three priority areas (communication, wellbeing, and access and inclusion), including:

- speech, language and literacy programs
- allied health professionals
- education for staff and families about trauma-informed practice, secure attachment and mental health
- social and emotional wellbeing programs
- targeted support for culturally and linguistically diverse children and families
- assistance to parents to support child development.<sup>50</sup>

### Flexible Support Packages

Flexible Support Packages provide short-term, interim support to young children while long-term support is being determined. Approximately 50 packages are available to young children who:

- have a complex trauma background
- consistently demonstrate behaviours of concern
- need immediate support to stabilise their placement and engagement in kindergarten.

They provide access to trauma specialists, allied health practitioners, additional educators, professional learning, and equipment or resources to support children's inclusion in kindergarten. The funding also covers backfill for educators to engage in these activities. These supports aim to support kindergartens to build capacity to regulate emotions, attention and behaviour and develop skills to effectively manage children's behaviours.<sup>51</sup>

At the time of this report, approximately half of the packages were allocated to children in care.<sup>52</sup>

46 Victorian Government (2022) [Early Start Kindergarten](#), State of Victoria, Melbourne, accessed 13 February 2023.

47 Victorian Government (2022) [Costs of kindergarten](#), State of Victoria, Melbourne, accessed 3 July 2023.

48 Victorian Government (2022) [Access to Early Learning](#), State of Victoria, Melbourne, accessed 4 July 2023.

49 Ibid.

50 Victorian Government (2023) [School Readiness Funding](#), State of Victoria, Melbourne, accessed 17 January 2023.

51 Victorian Government (2023) [Flexible Support Packages](#), State of Victoria, Melbourne, accessed 17 January 2023.

52 Information provided by DE to the Commission on 21 December 2022.

### bubup balak wayipungang

The bubup balak wayipungang initiative, previously called Koorie Preschool Assistants, supports better outcomes for Koorie children from birth to transition to school by:

- supporting Koorie children and families to access and be involved in their local kindergartens
- promoting inclusion and cultural safety in kindergartens
- supporting kindergarten services and programs to include Aboriginal perspectives in their practice and curriculum.

The name of the key role is 'wayipungitj', which means 'supporters' in Dja Dja Warrung. In the areas that they operate, the wayipungitj work with local services and Koorie staff to develop an annual plan that identifies priority kindergartens to work with. The wayipungitj's role focuses on four areas: participation, practice, community and family.<sup>53</sup>

### Targeted initiatives for Aboriginal and Torres Strait Islander students

#### Marrung: Aboriginal Education Plan 2016 – 2026

The *Marrung: Aboriginal Education Plan 2016 – 2026* (Marrung) is the Victorian Government's strategy to support Koorie children and young people to achieve their learning potential. Introduced in 2016, Marrung was developed by DE in partnership with the Victorian Aboriginal Education Association Incorporated (VAEAI), the Victorian Aboriginal Child Care Agency (VACCA) and the Victorian Aboriginal Community Controlled Health Organisation (VACCHO).

Marrung currently only applies to Koorie students in government schools. Marrung is discussed further in Chapter 8.

### Aboriginal self-determination in education

On 27 April 2021, the Victorian Government announced \$3.7 million for a statewide consultation and co-design process to strengthen self-determination in education.<sup>54</sup> DE, in partnership with ACCOs and Traditional Owner groups, hosted a series of campfire conversations to hear from the Koorie community about:

- how schools can better support Koorie students
- the barriers to educational engagement and achievement for Koorie students
- how to strengthen Koorie culture in classrooms.

The consultation commenced on 31 January 2022.

Policy and program reforms following the consultations are being developed in 2023.<sup>55</sup>

This project is discussed further in Chapter 8.

### Targeted initiatives for students with disability

Schools have legal obligations<sup>56</sup> to make reasonable adjustments to accommodate students with disability. These apply to all students with disability, not just those who access school-based disability funding.

The Program for Students with Disabilities (PSD) was initially introduced in 1995 and has been revised on several occasions between 1995 and 2016. The most recent review in 2016 led to the establishment of the Disability Inclusion Funding Model. DE is transitioning school-based disability funding from PSD to *Disability Inclusion*.<sup>57</sup> These changes are explored further in Chapter 7.

#### Program for Students with Disabilities

Under PSD, students are eligible for school-based disability funding if they qualify under one of seven categories:

- physical disability
- visual impairment
- hearing impairment
- severe behavioural disorder

<sup>53</sup> Information provided by DE to the Commission on 12 October 2023.

<sup>54</sup> Merlino J, Minister 2021 (27 April 2021), [Supporting Koorie Kids to succeed](#) [media release], Victorian Government, State of Victoria, Melbourne, accessed 17 January 2023.

<sup>55</sup> Department of Education (n.d.) [Aboriginal Self-Determination in Education](#), State of Victoria, Melbourne, accessed 17 January 2023.

<sup>56</sup> *Equal Opportunity Act 2010* (Vic); *Disability Discrimination Act 1992* (Cth); *Disability Standards for Education 2005* (Cth).

<sup>57</sup> Department of Education (2016) [Review of the program for students with disabilities](#), State of Victoria, Melbourne.

- intellectual disability
- autism spectrum disorder<sup>58</sup>
- severe language difficulties with critical education needs.<sup>59</sup>

Schools must apply for funding on behalf of students. The application process requires schools to demonstrate diagnosed disability, often through assessments.

Funding is provided to schools directly for individual students through the Student Resource Package and schools have discretion on how they use the funding to support the student. For example, the funding can be used for specialist allied health staff, specialist equipment and technology, disability training to teachers, specialist teachers and education support staff such as teacher's aides.

Once the funding is granted, schools must hold a Student Support Group (SSG)<sup>60</sup> for each student with PSD funding to determine how to use the funding to meet the students' needs. Funding is reviewed when students enter secondary school.<sup>61</sup>

In its 2016 review of PSD funding, DE found:

- there were inadequate inclusive education opportunities for students with disability
- the PSD funding model did not enable consistent maximisation of students' learning
- the year 6–7 funding review did not support smooth school transitions
- students with autism and dyslexia were not adequately supported by PSD<sup>62</sup>
- a new approach, particularly one that links in with the NDIS, was needed.<sup>63</sup>

## **Disability Inclusion**

DE is currently rolling out *Disability Inclusion*, which will be completed in 2025. It has several components including:

- professional development and expertise in disability education
- a disability inclusion profile to identify students' individual learning needs
- a tiered funding model – this includes school-level funding and student-level funding
- the introduction of disability support roles in each region to support schools.<sup>64</sup>

The funding model consists of three tiers:

- Tier 1 – core student funding provided through the Student Resource Package
- Tier 2 – school-level funding provided to build schools' capacities to create inclusive environments for students with disabilities
- Tier 3 – student-level funding to provide tailored supports for individual students with complex and high needs.

The Tier 3 student-level funding does not require a disability diagnosis or mandatory assessment. Instead, schools are required to demonstrate that they have made at least 10 weeks of supplementary, substantial or extensive adjustments to enable participation in learning due to disability. Four broad categories of disability are included: physical, cognitive, sensory and social/emotional.

Schools develop Disability Inclusion Profiles with families and students to identify the strengths, needs and educational adjustments needed for each student. This is developed through an SSG and informs the student's individual education plan. The Disability Inclusion Profile is then used to determine the student's eligibility and allocation of funding.<sup>65</sup>

<sup>58</sup> Introduced following the 2016 review.

<sup>59</sup> Introduced following the 2016 review.

<sup>60</sup> An SSG (Student Support Group) is a partnership between schools, parents/carers, the student and relevant agencies. The group works together to plan and support the educational, health, social, cultural and emotional wellbeing of students with diverse learning needs, including students in out-of-home care.

<sup>61</sup> Victorian Government (2021) [Program for Students with Disabilities \(PSD\)](#), State of Victoria, Melbourne, accessed 11 January 2023; Department of Education (2023) [Program for Students with Disabilities guidelines](#), State of Victoria, Melbourne, accessed 11 January 2023.

<sup>62</sup> These categories were introduced following this review.

<sup>63</sup> Department of Education (2016) [Review of the program for students with disabilities](#), State of Victoria, Melbourne.

<sup>64</sup> Department of Education (2023) [Disability Inclusion Funding and Support](#), State of Victoria, Melbourne, accessed 11 January 2023.

<sup>65</sup> Department of Education (2023) [Disability Inclusion Profile](#), State of Victoria, Melbourne, accessed 11 January 2023.

## Mental health and re-engagement initiatives

### Mental health practitioners in secondary schools

By the end of 2021, all Victorian Government secondary schools and specialist schools with secondary enrolments received funding to employ a mental health practitioner who is either a qualified occupational therapist, psychologist, social worker or nurse with a mental health specialisation.<sup>66</sup> This was an additional resource to the existing wellbeing teams in schools and includes a focus on:

- whole-school approaches to mental health prevention and promotion
- provision of direct counselling support and other early intervention services to students
- coordination of supports for students with complex needs.<sup>67</sup>

### Schools Mental Health Menu and Fund

In October 2022, DE introduced the Schools Mental Health Menu (the Menu) and the Schools Mental Health Fund (the Fund) for all government schools in response to recommendations from the Royal Commission into Victoria's Mental Health System. This included \$200 million over four years and \$86 million in ongoing funding.<sup>68</sup>

Through the Fund, schools are allocated a base level of \$25,000 annually. There are additional loadings for schools with more than 200 students, schools in rural and regional areas, and primary schools.<sup>69</sup>

The Schools Mental Health Menu provides schools with a list of evidence-based<sup>70</sup> programs, staff and resources that schools can access to support students' mental health and wellbeing. There are three tiers of initiatives available under the Menu:

- Tier 1 – positive mental health promotion
- Tier 2 – early intervention and cohort specific support
- Tier 3 – targeted support.

The initiatives relate to a variety of mental health and wellbeing categories, some of which include:

- social and emotional learning
- mental health literacy
- bullying prevention
- therapeutic programs
- trauma-informed programs
- support for diverse cohorts.<sup>71</sup>

The Fund is then used by schools to purchase relevant initiatives to provide tailored support to each school. Additionally, schools may choose to employ mental health practitioners to provide targeted supports to individual students. The Menu is publicly available and Catholic and independent schools can access this information to inform their mental health and wellbeing support to students.<sup>72</sup>

### The Mental Health in Primary Schools Program

In October 2022, DE committed \$200 million over four years and \$93.7 million in ongoing funding to expand the Mental Health in Primary Schools Program. Previously piloted across 100 schools, the funding will enable every primary school to employ a Mental Health and Wellbeing Leader by 2026. The Mental Health in Primary Schools Program is available to all government and low-fee non-government schools. Under the program, schools receive funding to employ a Mental Health and Wellbeing Leader who is a qualified teacher. The leaders work within their respective schools to implement a whole-of-school approach to improve mental health and wellbeing for students, staff and families.

66 Victorian Government (2023) [Mental health practitioners in secondary and specialist schools](#), State of Victoria, Melbourne, accessed 4 July 2023.

67 Victorian Government (2022) [Health and wellbeing staff in schools](#), State of Victoria, Melbourne, accessed 4 July 2023.

68 Hutchins N, Minister 2022 (8 October 2022), [More mental health support for schools](#), [media release], Victorian Government, State of Victoria, Melbourne, accessed 17 January 2023.

69 Department of Education (2021) [Mental Health Fund and Menu](#), State of Victoria, Melbourne, accessed 13 February 2023.

70 Each of the funded programs is classified by the strength of evidence, including a) requires further research, b) supported by expert opinion, c) foundation and emerging evidence, d) established evidence. Source: Department of Education (2023) [Schools Mental Health Menu](#), State of Victoria, Melbourne, accessed 17 January 2023.

71 Department of Education (2023) [Schools Mental Health Menu](#).

72 Department of Education (2021) [Mental Health Fund and Menu](#).

This includes:

- building classroom teachers' and other staff members' capacity to identify and support student mental health concerns
- assisting schools to develop clear internal and external referral pathways where students need individual support
- coordinating mental health supports for students with other school staff, regional department staff, families and community organisations
- advocating for student voice and agency in their mental health and wellbeing.

Training for Mental Health and Wellbeing Leaders is developed and facilitated by the University of Melbourne by building skills in mental health literacy, supporting student need and building school capacity.<sup>73</sup>

The evaluation of the pilot program found that 95 per cent of Mental Health and Wellbeing Leaders felt that the program had increased schools' capacities to support students' mental health and wellbeing.<sup>74</sup>

### Other targeted initiatives

DE has several different programs and initiatives targeted at students who are at risk of disengaging or who have disengaged. Key initiatives include Flexible Learning Options, the Navigator Program, VCE Vocational Major and Victorian Pathways Certificate Delivered by Registered External Providers, and re-engagement programs for students in years 7 to 10. These are discussed further in Chapter 12.

### School Focused Youth Service

Established in 1998, the School Focused Youth Service works with students from years 5 to 12 who are at risk of disengaging from school. Available to government, Catholic and independent schools, this service funds 34 local government and community sector organisations to provide targeted interventions for individual students and support schools to better support their students who are at-risk of disengaging.

The program aims to reduce the number of children and young people who disengage from school and to support vulnerable students to remain actively engaged in their learning. The most recent evaluation, completed in May 2021, called for a greater focus on student absence as a trigger for program engagement. It also proposed funding reforms to allow greater capacity to work directly with students and coordination and strategic intervention between service providers and schools. The evaluation informed the 2022-2023 program guidelines and will be used to further improve the program.<sup>75</sup>

## Child Protection initiatives

### Targeted education initiatives

DFFH funds a number of programs aimed at supporting educational engagement for children and young people:

- The Educational Achievement of Children at Risk (TEACHaR) program is delivered by Anglicare Victoria to provide one-to-one tutoring and support to children and young people in care.
- The Children in Residential Care (CIRC) program funds agencies to provide individual supports to children and young people in care who are disengaged from education to help them to re-engage.
- Health and Education Assessment Coordinators (HEACs) ensure that when a child or young person enters care they are provided with health and education assessments so that appropriate supports can be provided.

These initiatives are discussed further in Chapters 11 and 12.

<sup>73</sup> Hutchins N, Minister 2022 (23 October 2022), [More mental health support for primary schools](#) [media release], Victorian Government, State of Victoria, Melbourne, accessed 17 January 2023.

<sup>74</sup> Victorian Government (2023) [Mental health support in primary schools](#), State of Victoria, Melbourne, accessed 17 January 2023.

<sup>75</sup> Department of Education (2020) [School Focused Youth Service](#), State of Victoria, Melbourne, accessed 9 January 2023.



### Victorian Charter for children in out-of-home care

The Victorian *Charter for children in out-of-home care* was introduced in 2007 and outlines the rights and privileges for children and young people in care. While not legally enforceable, the Charter outlines what children and young people in care can expect from the services that support them, including the right to be provided with the best possible education and training.<sup>76</sup>

The Commission's systemic inquiries, as well as our residential care inspection visits, have reviewed the extent to which these rights are upheld in Victoria's out-of-home care system. These inquiries have made many recommendations to improve service provision and adherence to these rights. Progress against these recommendations can be found in the Commission's annual reports.<sup>77</sup>

### Commonwealth responsibilities

In addition to providing funding to states and territories, the Commonwealth Government is responsible for coordinating efforts to improve outcomes for Australian children across several domains including education and disability. This section outlines national agreements on school reform, improving outcomes for Aboriginal and Torres Strait Islander peoples and the NDIS.

### Review of the National School Reform Agreement

The *National School Reform Agreement* (NSRA) is an agreement between the Commonwealth Government and state and territory governments to improve educational outcomes for Australian students. Introduced in 2018, it aims to provide high quality and

equitable education for all students. It sets out eight national policy initiatives under three reform categories to be implemented within five years (by December 2023).<sup>78</sup>

On 7 April 2022, the Productivity Commission was tasked with reviewing the NSRA to determine:

- the appropriateness of the Measurement Framework for Schooling to determine progress towards achieving the NSRA outcomes
- the effectiveness and appropriateness of the eight national policy initiatives.<sup>79</sup>

The review found that the NSRA has had a limited impact on improving student outcomes despite supporting inter-governmental collaboration. It recommended that the next school reform agreement have clear targets for academic achievement and increase accountability for states and territories. Students in care were identified as a priority group along with students from non-English speaking backgrounds, students in youth detention and students from a refugee background. Additionally, several areas were identified for reform across all jurisdictions, including:

- supporting quality teaching and effective school leadership
- supporting all students to master basic numeracy and literacy
- promoting student wellbeing.<sup>80</sup>

In March 2023, the Federal Minister for Education, the Honourable Jason Clare MP, announced the establishment of an expert panel to advise Education Ministers on the key targets and specific reforms that should be tied to funding in the next NSRA. Minister Clare stated that the panel 'will zero in on how we can drive real and measurable improvements for students most at risk of falling behind and who need additional support'.<sup>81</sup> The Expert Panel was due to report back on 31 October 2023 and its recommendations will

<sup>76</sup> Department of Human Services (2007) *Charter for children in out-of-home care*, State of Victoria, Melbourne.

<sup>77</sup> See [ccyp.vic.gov.au/about-us/annual-reports](https://ccyp.vic.gov.au/about-us/annual-reports).

<sup>78</sup> Department of Education (2018) *The National School Reform Agreement*, Commonwealth of Australia, Canberra, accessed 17 January 2023.

<sup>79</sup> Productivity Commission (2023) *National School Reform Agreement: Final Report*, Commonwealth of Australia, Canberra.

<sup>80</sup> Productivity Commission (2022) *Review of the National School Reform Agreement: Study Report*, Commonwealth of Australia, Canberra, p. 34.

<sup>81</sup> Clare J, Minister 2023 (29 March 2023) *Expert panel to inform a better and fairer education system* [media release], Commonwealth of Australia, Canberra, accessed 3 July 2023.



inform negotiations between the Commonwealth and state and territory governments on the next NSRA.<sup>82</sup>

### Preschool Reform Agreement

The *Preschool Reform Agreement* is a \$2 billion, four-year national reform agreement between the Commonwealth Government and state and territory governments, which aims to strengthen preschool delivery and better prepare children for the first year of school.<sup>83</sup> The Agreement runs from 2022 to 2025 with the aim to progress reforms that:

- enhance funding equity
- improve preschool participation
- improve child outcomes.<sup>84</sup>

The Commonwealth Government has committed an additional \$28.7 million to:

- improve the quality and transparency of preschool data available nationally
- develop a new Preschool Performance Framework.<sup>85</sup>

### National Agreement on Closing the Gap

The *National Agreement on Closing the Gap* brings together state, territory and the Commonwealth governments to close the gap on inequality in Aboriginal and Torres Strait Islander life outcomes when compared with non-Indigenous Australians. The current agreement was developed between the state, territory and Commonwealth governments and the Coalition of Aboriginal and Torres Strait Islander Peak Organisations in 2019.

Closing the Gap has 17 targets across education, employment, health and wellbeing, justice, safety, housing, land and waters, and languages. The key education targets include:

- Target 3: children are engaged in high quality culturally appropriate early childhood education in their early years

- Target 4: children thrive in their early years
- Target 5: students achieve their full learning potential
- Target 6: students reach their full potential through further education pathways
- Target 7: youth are engaged in employment or education.<sup>86</sup>

The Victorian Closing the Gap Implementation Plan outlines existing commitments aimed at achieving the above targets and improving educational outcomes for Aboriginal students from early childhood education through to higher education.<sup>87</sup>

### National Disability Insurance Scheme (NDIS)

The NDIS provides funding to people with disability to help them live their full potential. Established in 2016, the NDIS takes a whole-of-life, insurance approach to disability funding to improve outcomes for people with disability later in life.

Nationally administered by the National Disability Insurance Agency (NDIA), the NDIS provides funding to individual participants who can choose what help they need and who they want to provide it to them. Children and young people with disability may receive specific disability funding from their state or territory government to support their participation in education, in addition to receiving NDIS funding. Education-related funding, such as Victoria's *Disability Inclusion*, supports students with disability to learn and achieve education outcomes, whereas NDIS funding provides support for everyday activities that individuals need due to the functional impact of their disability, such as personal care at school or transport to and from school.<sup>88</sup>

<sup>82</sup> Ibid.

<sup>83</sup> Department of Education (2023) [Preschool Reform Agreement](#), accessed 5 October 2023.

<sup>84</sup> Ibid.

<sup>85</sup> Ibid.

<sup>86</sup> Closing The Gap (2020) [National Agreement on Closing the Gap](#), accessed 17 January 2023.

<sup>87</sup> First Peoples – State Relations (2021) [The Victorian Closing the Gap Implementation Plan](#), Melbourne 2021, accessed 13 February 2023.

<sup>88</sup> NDIS (2021) [‘School Education’](#), accessed 3 March 2023.

# Chapter 4

## Victoria's out-of-home care and education systems

### Chapter at a glance

- In 2022:
  - 8,888 children and young people were in care, an increase of 13 per cent since 2018
  - 2,606 Aboriginal children and young people were in care, an increase of 21 per cent since 2018
  - 72 per cent of children in care eligible for three-year-old kinder were enrolled
    - up from 34 per cent in 2018
  - 86 per cent of children in care eligible for four-year-old kindergarten were enrolled compared to 92 per cent in the general population, and 89 per cent of Aboriginal children in care eligible for four-year-old kindergarten were enrolled
  - 64 per cent of secondary students in care and 48 per cent of primary students in care were chronically absent
  - the apparent retention rate of students in care progressing to year 12 was 25 per cent, compared to 82 per cent of the general student population
  - students in care were less likely to participate in NAPLAN, and those who did received substantially lower results than the general student population.
- The Commission recommends improved data collection in relation to kindergarten attendance rates, and stronger monitoring of schools' compliance with attendance guidelines and reporting on student wellbeing.

This painting represents the ups and downs of life for me  
(Artist: 12, Aboriginal, residential care)

The Victorian education system aims to ‘support Victorians to reach their potential, regardless of their background, postcode or circumstance, and to develop the knowledge, skills and attributes they need to participate and thrive in a complex economy and society’.<sup>89</sup> However, according to the Department of Education’s (DE) own key measurement indicators of ‘engagement’, ‘achievement’ and ‘wellbeing’, the education experiences of children and young people in out-of-home care are very different to those of children and young people in the general population.

This chapter provides an overview of the out-of-home care system, the current number of children and young people in care and their experiences in the Victorian public education system. This includes an examination of data relevant to the government’s measurement indicators, some of which can be disaggregated to students in care, including attendance and absence rates, NAPLAN results and attainment levels.

Overall, the data presented in this chapter confirms that children and young people in care are not engaged in education in the same way as their peers and many are not reaching their potential. Children and young people in care are less likely to be enrolled in education, from kindergarten through to secondary school. They are also absent from school at consistently higher rates compared to other students, receive lower NAPLAN results and are much less likely to finish secondary school.

## Victoria’s out-of-home care system

Children and young people are placed in care for a range of reasons and parental responsibility is determined by the Children’s Court. In some cases, the child’s parent will retain parental responsibility, while in others the Secretary of the Department of Families, Fairness and Housing (DFFH) will have parental responsibility for the care and wellbeing of the child for the duration of the court order.

This responsibility includes making provision for the ‘physical, intellectual, emotional and spiritual development of the child in the same way as a good parent would’.<sup>90</sup> When removed from the care of their parents, children and young people are cared for in three placement types:

- Kinship care is provided by the child’s relatives or a member of their social network, who have been approved to provide accommodation and care. Kinship care is the preferred placement type for children who cannot live with their parents.<sup>91</sup>
- Foster care is provided by volunteer and accredited carers. Foster carers provide care in their own homes and are usually not known to the child or young person before the placement.
- Residential care is provided in community-based housing and carers are paid staff.

Young people aged 16 to 18 years may also be eligible to live in a Lead Tenant arrangement when they transition from state care to independence. Young people live with a ‘Lead Tenant’ who is a volunteer and shares the accommodation while providing support to the young person.<sup>92</sup>

Children and young people can also be placed in permanent care where custody and guardianship is granted to a permanent carer, often the child or young person’s kinship or foster carers.<sup>93</sup> Permanent care orders (PCO) are made by the Children’s Court and expire when the child turns 18. Children and young people on a PCO are no longer under the formal care of the Secretary of DFFH and are not supported or case managed by Child Protection.

A comprehensive overview of Victoria’s out-of-home care system, including the different placement types and how children and young people are supported in the system, is detailed in Chapter 3 of the Commission’s 2019 inquiry, *In our own words*.

<sup>89</sup> Victorian Government (2022) [Our work, vision, and values: Department of Education](#), State of Victoria, Melbourne, accessed January 2023.

<sup>90</sup> *Children, Youth and Families Act 2005* (Vic) (CYFA) s 174(b).

<sup>91</sup> Department of Families, Fairness and Housing (2022) [Kinship Care](#), State of Victoria, Melbourne, accessed 6 December 2022.

<sup>92</sup> Department of Families, Fairness and Housing (2018) [Residential Care](#), State of Victoria, Melbourne, accessed 7 December 2022.

<sup>93</sup> Department of Families, Fairness and Housing (2019) [Permanent Care](#), State of Victoria, Melbourne, accessed 7 December 2022.

### Aboriginal children and young people

For Aboriginal children and young people, the Aboriginal Child Placement Principle stipulates that if a child's removal from their family is unavoidable, the priority is to place them in the care of their extended family, followed by placement with members of their Aboriginal community, or with members of another Aboriginal community.<sup>94</sup> If an Aboriginal placement is not available, 'the child may be placed with a non-Aboriginal family on the assurance that the child's culture, identity and contact with the Aboriginal community are maintained'.<sup>95</sup> This decision should be made in consultation with Aboriginal and Islander Child Care Agencies (AICCAs).<sup>96</sup>

PCOs cannot be made about an Aboriginal child unless the court has received a report from an Aboriginal agency that recommends the order, and a cultural plan has been prepared for the child. If an Aboriginal child is to be placed with non-Aboriginal carers, the court can only make a PCO if the disposition report states that:

- no suitable placement can be found with an Aboriginal person or persons
- the decision to seek the order has been made in consultation with the child, where appropriate
- the Secretary is satisfied that the order will accord with the Aboriginal Child Placement Principle.<sup>97</sup>

### Increase in the number of children and young people in care

*In our own words* published comprehensive data on the number of children and young people living in the care system and key indicators of the system's capacity to meet demand. Some of these indicators are explored in this chapter and others are discussed in Chapters 5 and 6.

*In our own words* identified that Victoria's care system had seen escalating demand from 2008-09 to 2017-18, with the number of children in care doubling from 3,767 to 7,863 and the number of Aboriginal children in care tripling from 687 to 2,027.<sup>98</sup> Since *In our own words*, the numbers of children and young people in care has increased by 13 per cent to a total of 8,888 children in care as at 31 December 2022, as illustrated in Table 7. This has stabilised since 2020.

The number of Aboriginal children and young people in care increased by 21 per cent since 2018, as shown in Table 8. In 2022, Aboriginal children and young people in care represented 29 per cent of the total number of children and young people in care. This has risen steadily from 22 per cent in 2012.

**Table 7. Number of children and young people in out-of-home care by placement type (excluding permanent care) as at 31 December**

Placement type	2018		2019		2020		2021		2022	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Kinship care	5,810	74	6,579	76	6,979	77	6,943	77	6,922	78
Foster care	1,618	20	1,630	19	1,636	18	1,549	17	1,457	16
Residential care	461	6	433	5	465	5	481	5	503	6
Other	7	<1	6	<1	5	<1	3	<1	6	<1
<b>Total</b>	<b>7,896</b>	<b>100</b>	<b>8,648</b>	<b>100</b>	<b>9,085</b>	<b>100</b>	<b>8,976</b>	<b>100</b>	<b>8,888</b>	<b>100</b>

Source: Data provided by DFFH to the Commission on 18 January 2023 and 5 and 14 July 2023

<sup>94</sup> Victorian Aboriginal Child Care Agency (n.d.) *Aboriginal Child Placement Principle*, accessed 7 December 2022.

<sup>95</sup> Ibid.

<sup>96</sup> Ibid., accessed 3 July 2023.

<sup>97</sup> CYFA op. cit. s 323(1).

<sup>98</sup> In this report, children and young people in permanent care are excluded from the analysis of data unless expressly stated otherwise due to them no longer being in the care of state and having no further interaction with Child Protection

**Table 8. Children and young people in out-of-home care by Aboriginal status and year as at 31 December**

Aboriginal status	2018		2019		2020		2021		2022	
	No.	Prop. %	No.	Prop. %	No.	Prop. %	No.	Prop. %	No.	Prop. %
Aboriginal	2,146	27	2,398	28	2,539	28	2,618	29	2,606	29
Non-Aboriginal	5,750	73	6,250	72	6,546	72	6,358	71	6,282	71
<b>Total</b>	<b>7,896</b>	<b>100</b>	<b>8,648</b>	<b>100</b>	<b>9,085</b>	<b>100</b>	<b>8,976</b>	<b>100</b>	<b>8,888</b>	<b>100</b>

Source: Data provided by DFFH to the Commission on 18 January 2023 and 5 and 14 July 2023

### Trends in the placement of children and young people in the care system

While the number of children and young people in the out-of-home care system has increased, there have also been the following changes to placement trends from 2018 to 2022:

- There was a 19 per cent increase in the number of children and young people in kinship care placements, a nine per cent increase in the number of children and young people in residential care placements and a 10 per cent decrease in the number of children and young people in foster care placements.
- In residential care, there was an 83 per cent increase in the number of children aged nine to 11 and a 33 per cent increase in the number of children aged six to eight. Children aged 12 to 14 years increased 17 per cent. There were small decreases in the number of children and young people aged 15 to 17 years.<sup>99</sup>
- For Aboriginal children and young people in care, there was an increase of 25 per cent in the number of children and young people in kinship care placements and a smaller increase of nine per cent of children and young people in foster care. The number of Aboriginal children and young people in residential care placements increased by 12 per cent.<sup>100</sup>

### Finding 1: Rising numbers of children and young people in out-of-home care

The number of children and young people in Victoria's out-of-home care system increased between 2018 and 2022, including:

- an increase of 13 per cent in the number of children and young people living in care
- an increase of 21 per cent in the number of Aboriginal children and young people living in care (29 per cent of the total number of children and young people in care are Aboriginal)
- a nine per cent increase in the number of children and young people in residential care, which includes increases of 83 per cent in the number of children aged nine to 11 and 33 per cent in the number of children aged six to eight.

<sup>99</sup> Appendix: Table 42.

<sup>100</sup> Appendix: Table 43.



**Table 9. Children and young people in out-of-home care, disability status by year as at 31 December**

Disability status	2018		2019		2020		2021		2022	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Disability client	1,403	18	1,451	17	1,470	16	1,410	16	1,420	16
Not a disability client	5,643	71	6,368	74	6,813	75	6,813	76	6,860	77
Unknown	850	11	829	10	802	9	753	8	608	7
<b>Total</b>	<b>7,896</b>	<b>100</b>	<b>8,648</b>	<b>100</b>	<b>9,085</b>	<b>100</b>	<b>8,976</b>	<b>100</b>	<b>8,888</b>	<b>100</b>

Source: Data provided by DFFH to the Commission on 18 January 2023 and 5 and 14 July 2023

### Children and young people in care with disability

The proportion of children and young people who live in care and who were identified by Child Protection as having a disability was 18 per cent in 2018 and decreased to 16 per cent in 2022. The Commission is concerned that disability remains under-reported, and the figure is likely to be much higher.

We note that the Australian Institute of Health and Welfare, as part of its collection of national health and welfare data, collected data on the disability status for 63 per cent of children in care at 30 June 2020. Based on this data, 30 per cent of these children were reported as having a disability.<sup>101</sup>

In 2018, the Commission recommended that the Department of Health and Human Services (now DFFH) ‘systematically collect and report on the number of children with complex medical needs and/or disability who are clients of Child Protection’.<sup>102</sup> The Commission acknowledges the work of DFFH in amending CRIS in December 2018 to allow the disability status of new children coming into the care system to be recorded. A child’s disability may also be recorded by Child Protection practitioners through CRIS case notes and determination of required supports is part of the care team’s responsibility.<sup>103</sup>

The Commission notes, however, that the disability status of children already in the care system before December 2018 is still not accurately captured. We also note that the percentage of children and young people in care identified as having a disability declined by two per cent from 2018 to 2022. This suggests that practices in relation to capturing and recording this information continue to be inconsistent.

It is critical that DFFH accurately identify and record whether children and young people in out-of-home care experience disability so they receive the resourcing and tailored supports they need and are entitled to.

### Finding 2: Disability status under-recorded

**The disability status of children and young people in out-of-home care continues to be under-recorded by the Department of Families, Fairness and Housing.**

<sup>101</sup> Australian Institute of Health and Welfare (2022) *Characteristics of children in out-of-home care* [data set], accessed 6 December 2022.

<sup>102</sup> This was part of the *Systemic inquiry into services provided to vulnerable children and young people with complex medical needs and/or disability*. Commission for Children and Young People (2019) *Annual Report 2018-19*, Commission for Children and Young People, Melbourne 2019.

<sup>103</sup> Information from DFFH provided to the Commission on 26 September 2023.

## Victoria’s education system

### Early years education

In recent years, the Victorian Government has invested heavily in universal kindergarten programs and initiatives to increase the number of Victorian children engaged in early learning opportunities before they start school. A key engagement indicator for DE is therefore the participation of children in a kindergarten service in the year before school. Currently, the only measurement tool for kindergarten participation is enrolment data, which shows that the enrolment rates for children in care are lower than those of other children.

#### Kindergarten enrolment rates

Table 10 represents the number of children in care who were eligible to participate in three and four-year-old kindergarten from 2018 to 2022, and the rate of enrolments in the same period.<sup>104</sup> In 2022, the rate of children in care enrolled in three-year-old kindergarten

Early Start Kindergarten (ESK) was 72 per cent, which increased from 34 per cent in 2018.<sup>105</sup>

In 2022, the rate of children in care enrolled in four-year-old kindergarten was 86 per cent. The enrolment rate for Aboriginal children in care in 2022 was 89 per cent. While positive, these enrolment rates are lower than those of the general population. In 2022 the kindergarten enrolment rate in the year before school for all children was 92 per cent.<sup>106</sup>

### Finding 3: Kindergarten enrolment rates

The kindergarten enrolment rates for children in out-of-home care improved between 2018 to 2022, including for Aboriginal children in care, but remain lower than the overall kindergarten enrolment rates.

**Table 10. Enrolment rate of children in out-of-home care in eligible funded kindergarten by Aboriginal status, 2018–22<sup>107</sup>**

Kindergarten type	2018	2019	2020	2021	2022
<b>Three-year-old kinder (ESK)<sup>108</sup></b>	<b>34%</b>	<b>50%</b>	<b>53%</b>	<b>53%</b>	<b>72%</b>
Aboriginal and/or Torres Strait Islander	52%	59%	61%	59%	71%
Neither Aboriginal nor Torres Strait Islander origin	28%	46%	50%	52%	72%
<b>Four-year-old kinder<sup>109</sup></b>	<b>83%</b>	<b>78%</b>	<b>80%</b>	<b>81%</b>	<b>86%</b>
Aboriginal and/or Torres Strait Islander	77%	73%	80%	81%	89%
Neither Aboriginal nor Torres Strait Islander origin	85%	80%	80%	81%	85%

Source: Data provided by DE to the Commission on 31 May 2022 and 1 August 2023

<sup>104</sup> DE advised the Commission that it collects kindergarten enrolment data for children living in care by matching on a fortnightly basis its enrolment data with data provided by DFFH to establish children in care eligible for kindergarten but not currently enrolled. At the end of each year, an annual data matching process establishes the final participation rate. To determine this rate, children born in the period between 1 January and 30 April are not included as these children can choose which year they attend kindergarten.

<sup>105</sup> Prior to 2020, only ESK-eligible three-year-old children were receiving access to free 15-hour kindergarten programs delivered by a teacher. Reforms announced in 2018/19 introduced three-year-old kindergarten on a progressive roll-out, commencing in 2020 to achieve statewide coverage by 2029

<sup>106</sup> Information provided by DE to the Commission dated 18 August 2023. DE refers to this figure as the participation rate.

<sup>107</sup> The rate is calculated by dividing the count of children in out-of-home care found to be enrolled in kindergarten by the total number of children in care eligible for kindergarten in the calendar year. The proportions’ calculation only takes those children born from May to December in the calendar year. Information provided by DE to the Commission on 3 October 2023. For the purposes of this inquiry, this calculation does not include children in permanent care.

<sup>108</sup> Includes children with an unknown Aboriginal status.

<sup>109</sup> Includes children with an unknown Aboriginal status.

### Kindergarten attendance data

Kindergarten enrolment data does not measure children's attendance rates. Currently, attendance data is only measured by kindergartens and collated by DE for the National Kindergarten Census Week in August each year. Attendance reporting in kindergarten programs is not otherwise required by individual services, with DE advising a parliamentary inquiry in 2019 that 'it is deemed an administrative burden for kindergarten services'.<sup>110</sup> At the same time, DE also noted the 'growing recognition of the need to collect this data to better understand and respond to attendance patterns'.<sup>111</sup> This is also identified as a priority action in the *Early Childhood Agreement for Children in Out-of-Home care*:

Improve the accuracy and timeliness of participation data for children in OOH, including regular attendance data for children in funded kindergarten.<sup>112</sup>

DE is currently looking at ways to capture attendance data digitally at standalone kindergarten programs and anticipates being able to do this from 2025. It is also exploring access to Commonwealth-held data about children attending kindergarten in long day care settings. Until this data is available, DE is gathering attendance data for priority children, including those in care. This is through an ESK attendance survey completed each term for each child, reflecting their attendance for that period. This information captures attendance for children enrolled in ESK only and is currently being analysed by DE and will be used to direct efforts to strengthen attendance for children in care.<sup>113</sup> The Commission also acknowledges that as part of the *National Preschool Reform Agreement*, the Commonwealth Government has allocated funding to 'improve the quality and transparency of preschool data available nationally'.<sup>114</sup>

The Commission welcomes DE's plans to collect attendance data regularly and consistently. This data will be important to determine whether participation of children in care matches that of other children with the introduction of universal access to free kindergarten.

### National census data for early development

At the national level, the Australian Early Development Census (AEDC), collects key data every three years in relation to early education. The AEDC involves children's teachers completing a research tool that collects data relating to the five key areas of early childhood development or 'domains', including:

- communication skills and general knowledge
- language and cognitive skills
- emotional maturity
- social competence
- physical health and wellbeing.<sup>115</sup>

DE uses the AEDC to measure progress across its achievement and wellbeing objectives including that children are developmentally 'on track' in the language and cognitive domains, and in the social competence and emotional maturity domains.<sup>116</sup> While the AEDC identifies equity trends for specific cohorts of children, including Aboriginal children and children living in socio-economically disadvantaged communities, children living in care are not currently classified separately as an equity group, meaning that this information is not collected and tracked.<sup>117</sup>

<sup>110</sup> Legislative Assembly Legal and Social Issues Committee, *Inquiry into early childhood engagement of culturally and linguistically diverse communities*, Legislative Assembly Legal and Social Issues Committee, State of Victoria, Melbourne, p. 42.

<sup>111</sup> Ibid.

<sup>112</sup> Department of Education and Training and Department of Health and Human Services (2019) *Early Childhood Agreement for Children in Out-of-Home Care*, State of Victoria, Melbourne.

<sup>113</sup> DE information provided to the Commission, 6 April 2023.

<sup>114</sup> Department of Education (2023) *Preschool Reform Agreement*, accessed 9 October 2023.

<sup>115</sup> Australian Early Development Census (n.d.) *About the AEDC*, accessed 7 February 2023; Australian Early Development Census (n.d.) *Why participate in the AEDC*, accessed 7 February 2023.

<sup>116</sup> Victorian Government (2022) *Objectives, indicators and outputs*, State of Victoria, Melbourne, accessed 6 April 2023.

<sup>117</sup> Australian Early Development Census (2022) *Australian Early Development Census National Report 2021*, accessed 1 February 2023.

The Commission considers that specifically measuring the progress of children in care against the AEDC domains would strengthen understanding of their developmental vulnerabilities and school readiness needs. It would also assist the Victorian Government to determine whether its universal kindergarten initiative is achieving equitable outcomes for this cohort of children and what additional supports may be required. There is support at the national level for children and young people in care to be identified as an equity group in other education settings, with the Productivity Commission recommending that they be a priority equity cohort in the next *National School Reform Agreement*.<sup>118</sup>

### Recommendation 1: Strengthening data collection

That DE strengthen data collection for pre-school age children in out-of-home care through:

- routinely collecting kindergarten attendance data to determine the participation rates of children in care
- developing measures to track and evaluate the connection between improved attendance at kindergarten and school readiness including successful transition to primary school
- advocating nationally for children in care to become an identified equity group in the Australian Early Development Census to determine additional supports required to improve their school readiness.

## School education

As with all Australian states and territories, Victoria's school system comprises a mixture of government and non-government schools (primarily Catholic and independent schools) that are responsible for delivering education in either primary, secondary, language or specialist schools.

Overall, 93 per cent of children and young people in care are enrolled in government schools, compared to 64 per cent of students in the general population. In 2022, 6,934 children and young people in care were enrolled in government schools and 62 were enrolled in Virtual Schools Victoria.<sup>119</sup> In the same year, 486 children and young people in care were enrolled in Catholic and independent schools and six children and young people in care were home-schooled.<sup>120</sup>

**Table 11. Proportion of students by school type and out-of-home care status, 2022**

School type	Total student population (%)	Student in care population (%)
Government	64	93
Non-government – Catholic and independent	36	7
<b>Total</b>	<b>100</b>	<b>100</b>

Source: Data provided by DE to the Commission on 1 August 2023.

The Commission notes the substantial difference in the number of children and young people in care enrolled in a specialist school compared to other children and young people. In 2022, nine per cent of children and young people in care were enrolled in a specialist school, compared to two per cent of the general student population.<sup>121</sup>

<sup>118</sup> Productivity Commission (2022) *Review of the National School Reform Agreement: Study Report*, Commonwealth of Australia, Canberra, p. 36.

<sup>119</sup> Virtual Schools Victoria is an online school and one of the largest government schools in Victoria, with around 4000 students studying at the school annually either full time or to complete one or more subjects not available in their home school.

<sup>120</sup> Information provided by DE to the Commission, dated (8 December 2022)

<sup>121</sup> Appendix: Tables 44 and 45.

Table 12. Number of unique students in care enrolled by age group and NCCD status, 2018–22

NCCD status and age group	2018		2019		2020		2021		2022		% Change 2018-2022
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	
<b>NCCD</b>	<b>2,602</b>	<b>100</b>	<b>3,104</b>	<b>100</b>	<b>3,282</b>	<b>100</b>	<b>3,460</b>	<b>100</b>	<b>3,480</b>	<b>100</b>	<b>34</b>
5–12 years	1,732	67	2,035	66	2,096	64	2,246	65	2,202	63	27
13–16 years	797	31	967	31	1,064	32	1,093	32	1,157	33	45
17 years	73	3	102	3	122	4	121	3	121	3	66
<b>No–NCCD</b>	<b>2,648</b>	<b>100</b>	<b>2,681</b>	<b>100</b>	<b>2,610</b>	<b>100</b>	<b>2,399</b>	<b>100</b>	<b>2,293</b>	<b>100</b>	<b>-13</b>
5–12 years	1,588	60	1,586	59	1,548	59	1,285	54	1,221	53	-23
13–16 years	964	36	965	36	935	36	947	39	915	40	-5
17 years	96	4	130	5	127	5	167	7	157	7	64
<b>Total</b>	<b>5,250</b>		<b>5,785</b>		<b>5,892</b>		<b>5,859</b>		<b>5,773</b>		<b>10</b>

Source: Data provided by DE to the Commission on 31 May 2022, 1 and 16 August 2023

### Students in care identified as having a disability

In Australia, data is collected about students with disability through the Nationally Consistent Collection of Data on School Students with Disability (NCCD).<sup>122</sup> This is collected annually and identifies the number of students who receive adjustments to access education.<sup>123</sup> According to DE's collection of NCCD data, there was a 34 per cent increase in the number of students in care enrolled with a NCCD status from 2018 to 2022. This included a 27 per cent rise in the number of students aged five to 12 years, a 45 per cent rise for students aged 13 to 16 years and a 66 per cent rise for 17-year-olds.

### Education engagement of students in care

For students to be engaged in education, they need to regularly attend school. In its submission to the inquiry, the Institute of Child Protection Studies noted the cumulative impacts of non-attendance: '[e]ach further absence makes it harder for the student to engage with school and catch up'.<sup>124</sup>

Attendance and absence rates are key measures of student engagement in Victorian Government schools, as reflected in DE's engagement indicator of 'mean number of student absent days per full-time equivalent (FTE) per year'.<sup>125</sup> Another useful measure is student school enrolment rates, as it identifies the number of young people who have either disengaged entirely from education or who have chosen an alternative pathway to complete their schooling.

Based on DE's engagement indicator, students in care experienced consistently higher absence rates compared to other students, particularly in the secondary years. By the age of 17, where participation in school is no longer compulsory, there was also a substantially lower proportion of young people in care enrolled in secondary school compared to the general student population.

<sup>122</sup> The definition of disability for the NCCD is based on a broad definition that may include chronic health conditions such as diabetes, dyslexia and behavioural issues (see s 4 *Disability Discrimination Act 1992* (Cth). Examples of Adjustments that may be made include adapting teaching methods, making building modifications or providing personal care support. Source: The Nationally Consistent Collection of Data on School Students with Disability (NCCD) (2019) *Fact Sheet for Parents, Guardians and Carers*, Commonwealth of Australia, Canberra, accessed 3 May 2023.

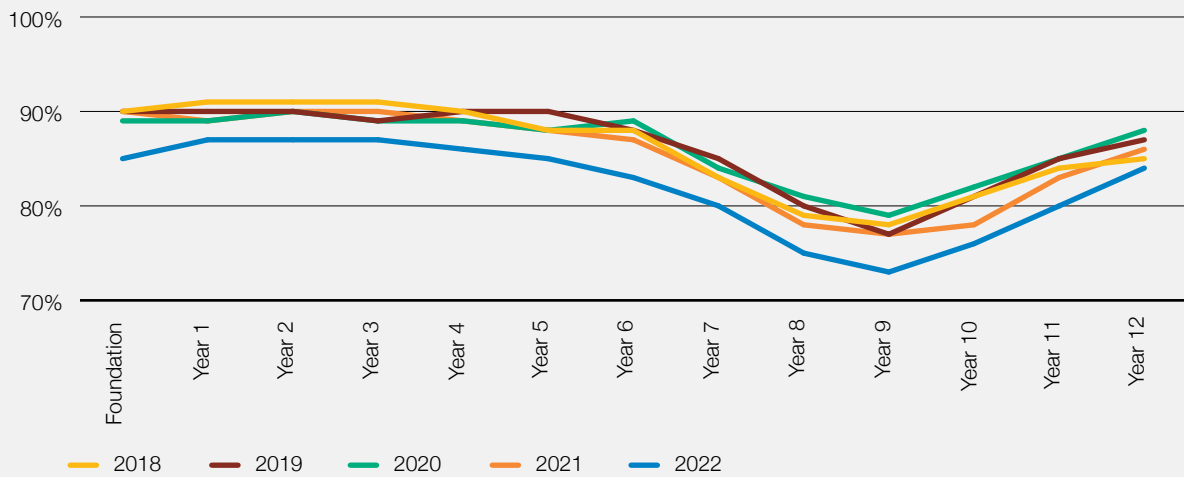
<sup>123</sup> The Nationally Consistent Collection of Data on School Students with Disability (NCCD) (n.d.) *What is the NCCD?*, Commonwealth of Australia, Canberra, accessed 23 December 2022.

<sup>124</sup> Institute of Child Protection Studies, *Submission to Inquiry into the educational experiences of children and young people living in out-of-home care*, received 27 June 2022.

<sup>125</sup> Victorian Government (2022) *Objectives, indicators and outputs*, accessed 1 February 2023.



**Figure 1. Attendance rates for students in out-of-home care by year level, 2018–22**



Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

### School attendance rates for students in care

From 2018 to 2022, the average attendance rates of students in care across primary and secondary years was around 85 per cent.<sup>126</sup> The average attendance rate of students in care enrolled in a specialist school was 83 per cent across the five years.<sup>127</sup>

Attendance rates were typically higher for primary school students in care than older students in care. Attendance rates declined by an average of four per cent when students in care transitioned from primary to secondary school.

Attendance rates for students in care continued to decline in the secondary years until years 11 and 12 where attendance rates rose again. This is also observed for Aboriginal students in care<sup>128</sup> and students with disability in care.<sup>129</sup> This is likely the result of most young people in care not continuing with schooling past the compulsory age of 17; those who do are motivated to complete secondary school.

Looking at the last five years, attendance rates for students in care were at their lowest in 2022.

### Comparison with the general student population

Compared with the general student population, students in care consistently experienced lower attendance rates from 2018 to 2022 in both primary and secondary school.<sup>130</sup> This is particularly evident in secondary school where the average attendance rate was eight per cent lower for students in care. In 2022, it was also eight per cent lower for students in care. As demonstrated in Figures 2 and 3, both student groups in primary and secondary school experienced a decline in attendance from 2020 to 2022.

<sup>126</sup> This data relates to students who were in out-of-home care at some point during the reference period.

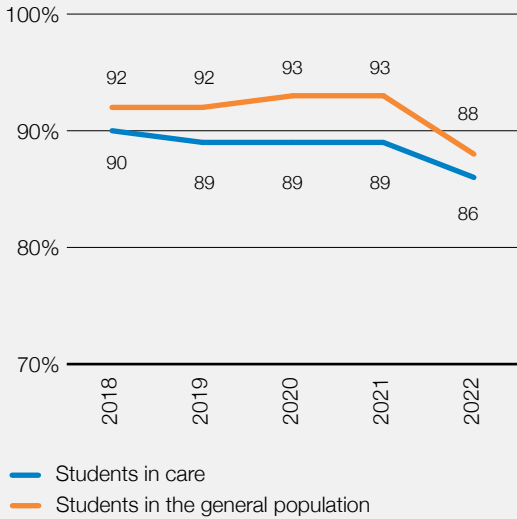
<sup>127</sup> Appendix: Table 46 (see 'ungraded').

<sup>128</sup> Appendix: Table 47.

<sup>129</sup> Appendix: Table 48.

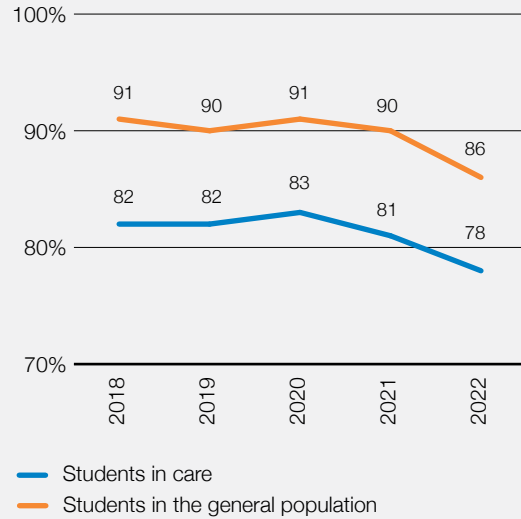
<sup>130</sup> This data relates to students who were in out-of-home care at some point in the reference period.

**Figure 2. Average attendance rate by primary school years for students in out-of-home care compared to the general student population, 2018–22**



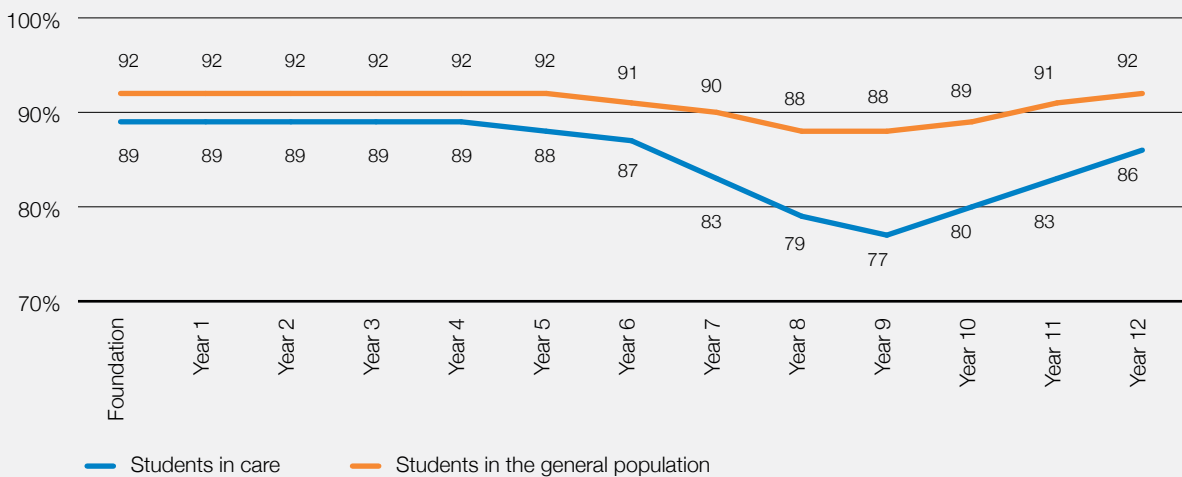
Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

**Figure 3. Average attendance rate by secondary school years for students in out-of-home care compared to the general student population, 2018–22**



Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

**Figure 4. Five-year average attendance rate for students in out-of-home care compared to the general student population, 2018–22**



Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

### Chronic school absence rates for students in out-of-home care

DE's *Schools' guide to attendance* stipulates that absences must be accurately recorded and used to identify students requiring additional supports. While there is no set point when absence becomes a concern, it outlines categories to help identify patterns of absence, including:

- regular attendees: miss less than 10 days a year (less than five per cent absence)
- risk of chronic absence: miss between 10 and 19 days a year (5-10 per cent absence)
- chronically absent: miss 20+ days (10 per cent absence; average one day per fortnight).<sup>131</sup>

Based on these categories, we found a high proportion of students in care in both primary and secondary school were recorded as having chronic absences. Two thirds (64 per cent) of secondary school students in care and almost half (48 per cent) of primary school students were chronically absent in 2022. Further, over 28 per cent of primary school students and 18 per cent of secondary school students were at risk of chronic absence.<sup>132</sup> A higher proportion of students with disability in care (58 per cent)<sup>133</sup> and Aboriginal students in care (59 per cent) were recorded as having chronic absences in 2022, with the proportion of Aboriginal students experiencing chronic absence increasing by 12 per cent from 2018 to 2022.<sup>134</sup>

**Table 13. Number of students in out-of-home care recorded as absent, by school type and absence category, 2018–22**<sup>135</sup>

School type and absence category	2018		2019		2020		2021		2022	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
<b>Primary years</b>	<b>2,899</b>	<b>100</b>	<b>2,845</b>	<b>100</b>	<b>2,698</b>	<b>100</b>	<b>2,914</b>	<b>100</b>	<b>2,754</b>	<b>100</b>
No risk	1,230	42	1,123	39	1,208	45	1,116	38	659	24
At risk	842	29	822	29	657	24	803	28	783	28
Chronic	827	29	900	32	833	31	995	34	1,312	48
<b>Secondary years</b>	<b>1,656</b>	<b>100</b>	<b>1,733</b>	<b>100</b>	<b>1,606</b>	<b>100</b>	<b>1,946</b>	<b>100</b>	<b>1,937</b>	<b>100</b>
No risk	474	29	477	28	428	27	464	24	337	17
At risk	353	21	347	20	282	18	346	18	353	18
Chronic	829	50	909	52	896	56	1,136	58	1,247	64
<b>Ungraded</b>	<b>544</b>	<b>100</b>	<b>501</b>	<b>100</b>	<b>427</b>	<b>100</b>	<b>460</b>	<b>100</b>	<b>454</b>	<b>100</b>
No risk	202	37	161	32	149	35	157	34	104	23
At risk	139	26	130	26	96	22	110	24	112	25
Chronic	203	37	210	42	182	43	193	42	238	52
<b>Total</b>	<b>5,099</b>		<b>5,079</b>		<b>4,731</b>		<b>5,320</b>		<b>5,145</b>	

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

<sup>131</sup> Department of Education and Training (n.d.) *Schools' Guide to Attendance*, State of Victoria, Melbourne, accessed 25 January 2023.

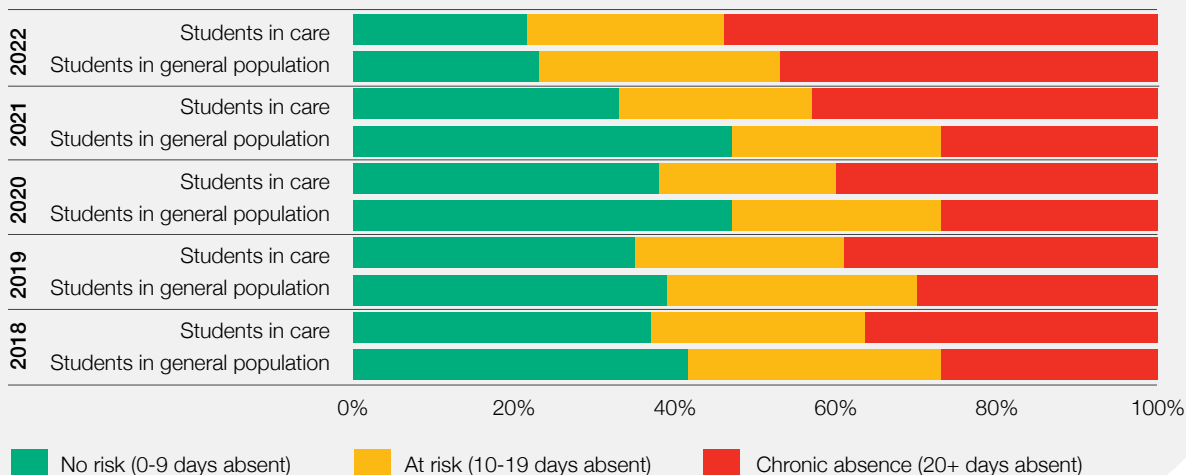
<sup>132</sup> Appendix: Table 49

<sup>133</sup> Appendix: Table 50

<sup>134</sup> Appendix: Table 51

<sup>135</sup> This data relates to students who were in out-of-home care at some point in the reference period.

**Figure 5. Proportion of students by absence category and out-of-home care status, 2018–22**<sup>136</sup>



### Comparison with the general student population

From 2018 to 2022, there was a substantial increase in the proportion of all students who were recorded as having chronic absences, from 27 per cent to 47 per cent. However, the proportion of students in care recorded as chronically absent was consistently higher compared to students in the general population in this five-year period. The proportion of students in care recorded as chronically absent increased from 36 per cent in 2018 to 54 per cent in 2022.<sup>136</sup>

### Strengthening school responses to student absences

DE's *Schools' guide to attendance* provides government schools with practical and universal actions to support high student attendance rates. According to the guide, schools are supported by Senior Education Improvement Leaders and Area teams to enhance their attendance improvement strategies, with communities of practice allowing schools to share resources and relevant information. Area teams provide specialised support for priority cohorts, including students in care, Aboriginal students, and students with disability.<sup>137</sup>

The guide states that the whole-of-school approach to attendance should be based on the following:

1. attendance is a shared priority, with documented processes and clear roles and responsibilities for all staff
2. absences are accurately recorded, and data is regularly monitored to identify students requiring additional support
3. clear escalation processes are in place, and additional support is provided for students who need it
4. all students feel welcome, included and engaged at school
5. strong relationships with parents and carers are supported by regular communication and engagement.<sup>138</sup>

The Commission considers the *Schools' guide to attendance* a valuable and important document. However, it is not currently mandatory for schools to follow and apply the guide. The Commission considers that DE should monitor the extent to which schools follow the guide with a view to mandating its implementation in schools.

<sup>136</sup> Appendix: Table 52

<sup>137</sup> Department of Education and Training (n.d.) *Schools' Guide to Attendance*, accessed 25 January 2023.

<sup>138</sup> Ibid.

## Recommendation 2: Use the Department of Education's *Schools' guide to attendance* to improve school attendance

That DE monitor the extent to which government schools follow the *Schools' guide to attendance*, particularly the escalation processes and student support component of the guide, to inform whether implementation of the guide should be made mandatory.

### Enrolment rates for students in care and students in the general population

Table 14 shows the apparent retention rates of all students in Victorian government schools from year 10 to year 12 from 2018 to 2022. In 2022, the apparent retention rate of year 10 students in care progressing to year 12 was only 25 per cent. This is concerningly low when compared to students in the general population who had an apparent retention rate of 82 per cent.

**Table 14. Apparent retention rates of Victorian students in government schools, years 10 to 12<sup>139</sup>**

	2018–20	2019–21	2020–22
Students in care	28%	32%	25%
Students in general population	84%	85%	82%

Source: Data and information provided by DE to the Commission on 1 and 7 August and 3 October 2023

## Finding 4: Disengagement from school for students in out-of-home care

Children and young people in out-of-home care experience substantially higher rates of disengagement from school compared to the general student population. In 2022, the attendance rate for students in care in secondary school was eight per cent lower and their chronic absence rate was 17 per cent higher. Further, substantially fewer students in care progressed to year 12 compared to other students. In 2022, the apparent retention rate of students in care progressing to year 12 was only 25 per cent, compared to 82 per cent of students in the general population.

### Achievement outcomes for students in care

Another important measure of how children and young people in care experience education is the extent to which they are engaged in learning and achieving the basic levels of literacy and numeracy. This provides the foundations for other learning, as well as ensuring that students can progress satisfactorily through school and fulfil their aspirations in later life.

Students achieving the expected standard in national and international literacy and numeracy is a key DE indicator of achievement, as is student completion of year 12 or equivalent. Based on the data, DE's progress on these two indicators is falling short for students in care.

<sup>139</sup> This data does not reflect the movement of students in out-of-home care from government schools to non-government schools or TAFE to complete years 11 and 12, nor students who have continued in years 11 and 12 in government schools but are no longer living in care.



### NAPLAN

The National Assessment Program – Literacy and Numeracy (NAPLAN) is the Australian-wide assessment that students undertake annually in years 3, 5, 7 and 9 to determine whether they are developing the appropriate literacy and numeracy skills.<sup>140</sup> NAPLAN results also assist to determine the adequacy of education programs and support improvements in teaching and learning. NAPLAN is made up of tests in the four domains of:

- numeracy
- reading
- writing
- conventions of language (spelling, grammar and punctuation).<sup>141</sup>

From 2008 to 2022, NAPLAN results of individual students were based on the assessment scale comprising ten bands, with one being the lowest and ten being the highest. The second lowest band reported for each year represents the national minimum standard expected of students at that year level. Students in the lowest band are deemed to not be achieving the national minimum standard for that year 'and were at risk of being unable to progress satisfactorily at school without targeted intervention'.<sup>142</sup> From 2023, the reporting of NAPLAN results changed to reporting against proficiency standards.<sup>143</sup>

The Commission acknowledges that there are concerns about the inequitable nature of NAPLAN, including that it does not reflect the diverse learning needs of different cohorts of students.<sup>144</sup> However, NAPLAN is currently the only available measure of the learning achievement of enrolled students, including those in care, which allows comparisons with the general student population. In this section, we focus on comparing NAPLAN results of Victorian students in care and all Victorian students from 2018, 2019 and

2021, noting that NAPLAN was not conducted in 2020 due to COVID-19.

While Victorian students performed better than the national average across all domains and year levels overall, students in care received substantially lower results compared to the general student population. Students in care also had lower participation rates than the general student population, which means that these results are likely skewed and could hide the extent of the difference between the two groups.<sup>145</sup>

### *NAPLAN participation rates of students in care*

One of the first areas of comparison between the two student groups is the level of exemptions from NAPLAN. According to the Victorian Curriculum and Assessment Authority, 'formal exemptions may be granted for students with a significant intellectual disability and/or coexisting conditions, or for a student who recently arrived in Australia and has a non-English speaking background'. Neither group is automatically exempt as adjustments can be made to 'encourage maximum participation'. Schools also need to discuss proposed exemptions with students' parents/carers to gain their approval.<sup>146</sup>

Students in care had substantially higher rates of exemption from NAPLAN, across all year levels, domains and years, compared to the general student population. The exemption rate for the general student population was three per cent or less, whereas the rate of exemption for students in care was typically 10 per cent or more.<sup>147</sup> The Commission notes that most of the students in care who were exempt from NAPLAN had a NCCD status and attended a specialist school.<sup>148</sup>

Students in care had lower participation rates in NAPLAN across all year levels, domains and years, compared to the general student population. The largest differences were typically in year 9.

<sup>140</sup> National Assessment Program (n.d.) [NAPLAN](#), accessed 25 January 2023.

<sup>141</sup> Ibid.

<sup>142</sup> National Assessment Program (n.d.) [NAPLAN student reports 2008-2022](#), accessed 20 August 2023.

<sup>143</sup> National Assessment Program (n.d.) [National minimum standards](#), accessed 20 August 2023.

<sup>144</sup> Varadharajan, M et al. (2021) [Amplify Insights: Education Inequity - Part One: Drivers of Inequity](#), Centre for Social Impact, UNSW Sydney, Sydney, p. 26.

<sup>145</sup> This data relates to students who were in out-of-home care at some point in the reference period.

<sup>146</sup> Victorian Curriculum and Assessment Authority (n.d.) [NAPLAN: Information for parents](#), State of Victoria, Melbourne, accessed 14 April 2023.

<sup>147</sup> Appendix: Table 53.

<sup>148</sup> Appendix: Table 54.

**Table 15. Average percentage of students participating in NAPLAN (all domains)**

Year	Year level	All students	Students in care	Students in care without an NCCD status	Students in care with an NCCD status
2018	Year 3	94	75	88	64
	Year 5	95	74	86	65
	Year 7	94	63	77	49
	Year 9	90	46	53	38
2019	Year 3	95	76	89	66
	Year 5	95	78	86	72
	Year 7	95	68	79	58
	Year 9	90	44	54	36
2021	Year 3	95	74	92	66
	Year 5	95	78	87	74
	Year 7	94	66	77	59
	Year 9	90	53	60	48
2022	Year 3	93	75	84	71
	Year 5	94	74	89	67
	Year 7	92	71	80	64
	Year 9	88	50	58	44
<b>2022 Average</b>		<b>92</b>	<b>67</b>	<b>78</b>	<b>62</b>

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

#### *NAPLAN results for students in out-of-home care and students in the general population*

This section considers NAPLAN results of students in care across three of the five domains – numeracy, reading and writing, and compares the mean and percentage at or above the national minimum standard with the general student population. We also consider NAPLAN results for Victorian Aboriginal students in care compared to all Aboriginal students.

NAPLAN results for the domains of spelling, and grammar and punctuation are in the appendix.<sup>149</sup>

#### *Numeracy*

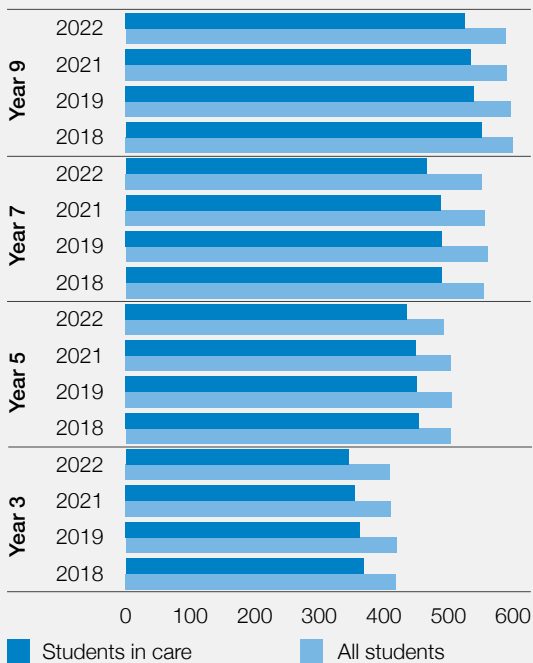
The 2022 mean score in numeracy for students in care was lower than the general student population by 62.9 points for year 9, 85.3 for year 7, 57.9 for year 5 and 64.5 for year 3. These mean scores declined from 2018 across all year levels, both for students in care and the general student population.<sup>150</sup>

In 2022, between 13 per cent (year 3) and 26 per cent (year 7) of students in care did not meet the NAPLAN national minimum standard in numeracy, compared with between four per cent (year 3 and 5) and seven per cent (year 7) of the general student population. Across the four years, the proportion of students in care that scored at or above the national minimum standard was, on average, between four per cent (year 3) and 10 per cent (year 7) lower than the general student population. Between 2018

<sup>149</sup> Appendix: Figures 20 and 21 and Tables 55 and 56.

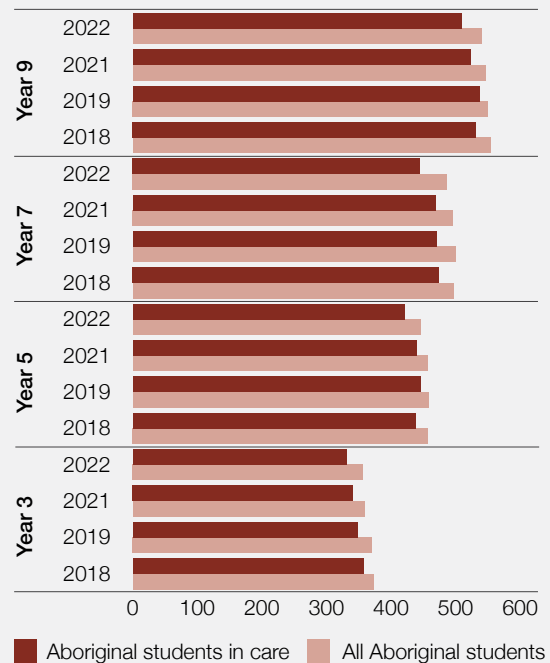
<sup>150</sup> Appendix: Table 57.

**Figure 6. Comparison of mean scores in numeracy between students in out-of-home care and the general student population, 2018–22**



Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

**Figure 7. Comparison of the mean scores in numeracy between Aboriginal students in out-of-home care and all Aboriginal students, 2018–22**



Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

and 2022, the percentage of students in care at or above the national minimum standard in numeracy declined for all year levels.

*Aboriginal students*

Aboriginal students in care had lower numeracy outcomes than all Aboriginal students in 2022 by 30.5 points for year 9, 41.7 for year 7, 24.1 for year 5 and 25.3 for year 3. The mean scores for all Aboriginal students, including those in care, decreased across each of the year levels from 2018.<sup>151</sup>

In 2022, between 15 per cent (year 3) and 31 per cent (year 7) of Aboriginal students in care did not meet the NAPLAN national minimum standard in numeracy, compared with between 14 per cent (year 3 and 5) and 25 per cent (year 7) of all Aboriginal students.

Since 2018, these percentages declined across all year levels for both groups of Aboriginal students.

*Reading*

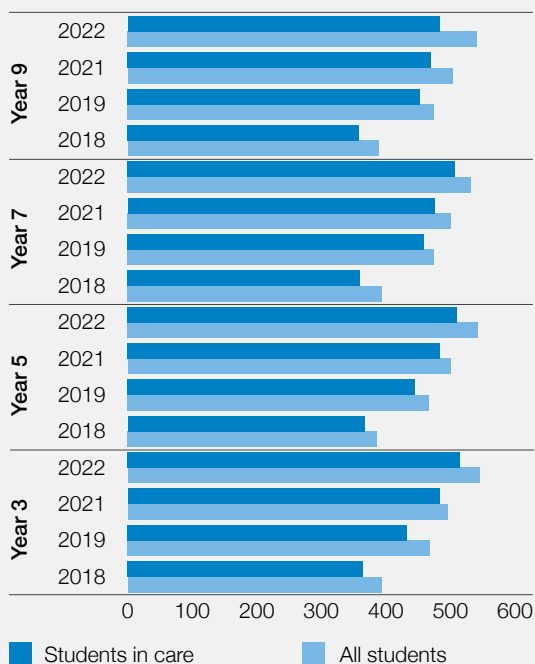
The 2022 reading mean score for students in care was lower than the general student population by 71.2 points for year 9, 60.4 for year 7, 51.2 for year 5 and 82.1 for year 3. This represented a decrease from 2018 for years 9, 7 and 3 but an improvement for year 5. Comparatively, the reading average declined for all students in years 5 and 9 but improved for years 3 and 7.<sup>152</sup>

In 2022, between nine per cent (year 3) and 26 per cent (year 9) of students in care did not meet the NAPLAN national minimum standard in reading, compared with between four per cent (years 3 and 5) and eight per cent (year 9) of the general student

151 Appendix: Table 58.

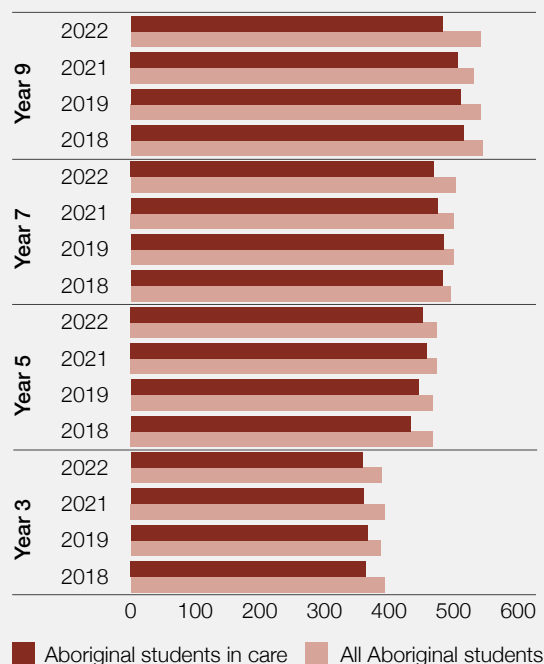
152 Appendix: Table 59.

**Figure 8. Comparison of the mean scores in reading between students in out-of-home care and the general student population, 2018–22**



Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

**Figure 9. Comparison of the mean scores in reading between Aboriginal students in out-of-home care and all Aboriginal students, 2018–22**



Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

population. The proportion of students that scored at or above the national minimum standard was, on average, between five per cent (year 3) and 12 per cent (year 9) lower than the general student population across the four years. From 2018 to 2022, the percentage of students in care at or above the national minimum standard decreased in years 5, 7 and 9 and increased for year 3.

#### Aboriginal students

Aboriginal students in care had lower reading outcomes than all Aboriginal students in 2022 by 58.5 points for year 9, 33.6 for year 7, 21.3 for year 5 and 30.1 for year 3. From 2018 to 2022, the mean score decreased for Aboriginal students in care in years 3, 7 and 9 and improved for year 5. In comparison, the averages for all Aboriginal students decreased in years 3 and 9 but improved for years 5 and 7.<sup>153</sup>

In 2022, between 12 per cent (year 3) and 30 per cent (year 9) of Aboriginal students in care did not meet the NAPLAN national minimum standard in reading, compared with between 11 per cent (year 5) and 24 per cent (year 9) of all Aboriginal students. Between 2018 and 2022, the percentages decreased for Aboriginal students in care in years 7 and 9 but improved in years 3 and 5.

#### Writing

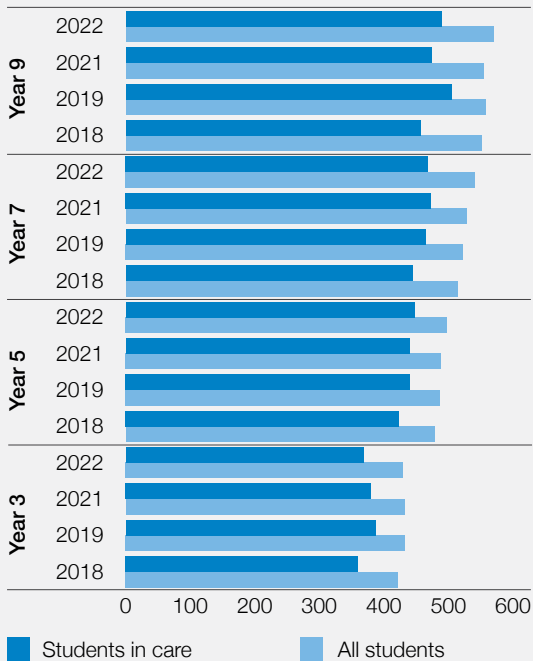
The 2022 mean score in writing for students in care was lower than the general student population by 80.8 points for year 9, 73.1 for year 7, 50.3 for year 5 and 60.8 for year 3. From 2018, the averages improved for students in care across all year levels.<sup>154</sup>

In 2022, between eight per cent (year 3) and 36 per cent (year 9) of students in care did not meet

153 Appendix: Table 60.

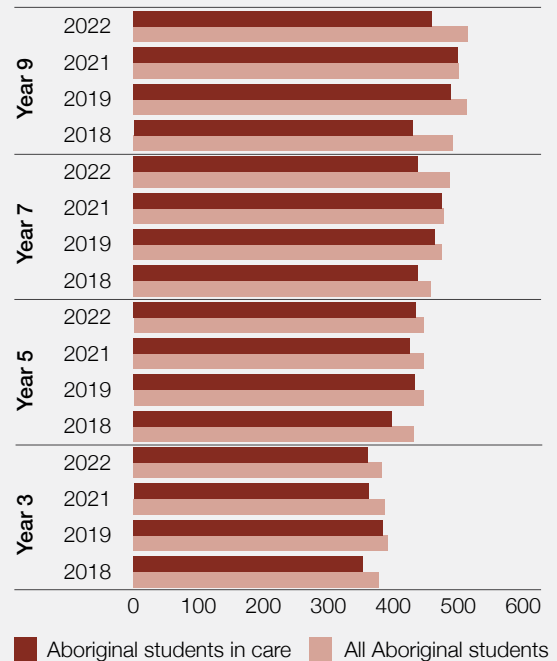
154 Appendix: Table 61.

**Figure 10. Comparison of mean scores in writing between students in out-of-home care and the general student population, 2018–22**



Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

**Figure 11. Comparison of mean scores in writing between Aboriginal students in out-of-home care and Victorian Aboriginal students, 2018–22**



Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

the NAPLAN national minimum standard in writing, compared with between three per cent (year 3) and 12 per cent (year 9) of the general student population. The proportion of students that scored at or above the national minimum standard was, on average, between three per cent (year 3) and 23 per cent (year 9) lower than the general student population across the four years. The percentage of students in care at or above the national minimum standard improved across all year levels from 2018 to 2022.

*Aboriginal students*

Aboriginal students in care had lower writing outcomes than all Aboriginal students in 2022 by 55.8 points for year 9, 49.1 for year 7, 12.1 for year 5 and 20.5 for year 3. The mean score for all Aboriginal students, including those in care, improved for all year levels from 2018.<sup>155</sup>

In 2022, between nine per cent (year 3) and 48 per cent (year 9) of Aboriginal students in care did not meet the NAPLAN national minimum standard in writing, compared with between 10 per cent (year 3) and 35 per cent (year 9) of all Aboriginal students. From 2018 to 2022, the percentages improved across most year levels for both groups of Aboriginal students, although it decreased for year 7 Aboriginal students in care.

**Finding 5: NAPLAN results**

**Students in out-of-home care are 25 per cent less likely to participate in NAPLAN, and those who do participate receive substantially lower NAPLAN results across all year levels and in each NAPLAN domain.**

155 Appendix: Table 62.



**Table 16. Number of year 12 students eligible to complete VCE, 2018–22**

Year	Students in out-of-home care			Students in the general population		
	Completed	Not completed	Total	Completed	Not completed	Total
2018	17	4	21	25,258	674	25,932
2019	24	5	29	24,226	640	24,866
2020	31	7	38	24,729	547	25,276
2021	32	3	35	24,953	687	25,640
2022	37	4	41	24,280	686	24,966
<b>Total</b>	<b>141</b>	<b>23</b>	<b>164</b>	<b>123,446</b>	<b>3,234</b>	<b>126,680</b>

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

### VCE and VCAL attainment levels

In Victoria, the main senior secondary certificate is the Victorian Certificate of Education (VCE) which recognises the successful completion of secondary education. Graduating VCE requires students to complete a minimum of 16 units of VCE subjects, which are generally assessed through classroom activities and exams. Study scores for each subject are then used to calculate each student's Australian Tertiary Admission Rank (ATAR).

Prior to 2023, the alternative certificate for students completing secondary school was the Victorian Certificate of Applied Learning (VCAL).<sup>156</sup> In 2003, VCAL was introduced in recognition that VCE was limited in its suitability for the whole senior secondary cohort. The VCAL was therefore intended to provide students with vocational pathway opportunities and improve participation in senior secondary school.<sup>157</sup> The VCAL was issued at the three award levels of Foundation, Intermediate and Senior. At the Intermediate and Senior levels, VCAL prepared students for an apprenticeship or traineeship, further training at TAFE and/or employment.<sup>158</sup>

### VCE and VCAL completion rates

From 2018 to 2022, 164 students in care were eligible to complete their VCE, 141 of whom were successful. The number of students in care who completed VCE more than doubled from 17 in 2018 to 37 in 2022 (see Table 16). Compared to the general student population, students in care had substantially lower VCE completion rates from 2018 to 2022. The VCE completion rate was above 97 per cent for the general student population across the five years, whereas for students in care it was highest in 2021 at 91 per cent and lowest in 2018 at 81 per cent.

The number of students in care eligible to complete VCAL was higher than those eligible to complete VCE, with the number of year 12 students in care more than tripling from 13 in 2018 to 48 in 2021. The number of students in care who successfully completed VCAL also substantially increased from 10 in 2018 to 42 in 2021. However, this dropped in 2022 with 17 students in care completing VCAL.<sup>159</sup>

Between 2018 and 2022, year 12 students in the general population who were eligible to complete VCAL had a completion rate of between 86 and 87 per cent. Year 12 students in care had a completion rate of between 68 per cent and

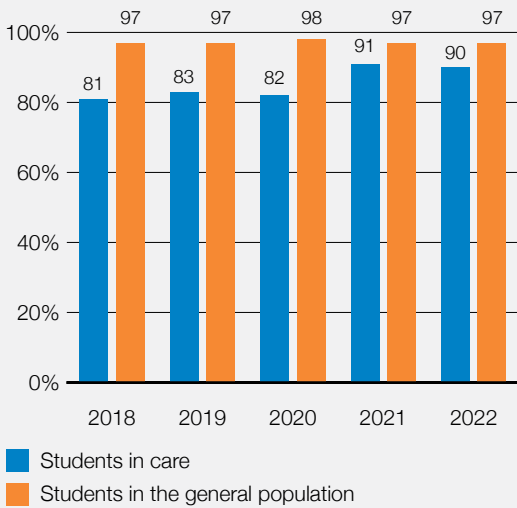
<sup>156</sup> In 2019, the Victorian Government commissioned a review into vocational and applied learning pathways in senior secondary schooling, the Firth Review, which made several recommendations to enhance the quality of these vocational offerings in schools, including their relevance to the needs of students and employers. In response, VCAL was replaced in 2023 with the Victorian Pathways Certificate (VPC) and/or the VCE Vocational Major (VCE VM).

<sup>157</sup> Department of Education and Training (2020) [Review into vocational and applied learning pathways in senior secondary schooling: Final Report](#), State of Victoria, Melbourne, p. 34.

<sup>158</sup> Victorian Curriculum and Assessment Authority (n.d.) [About VCAL](#), State of Victoria, Melbourne, accessed 3 February 2023.

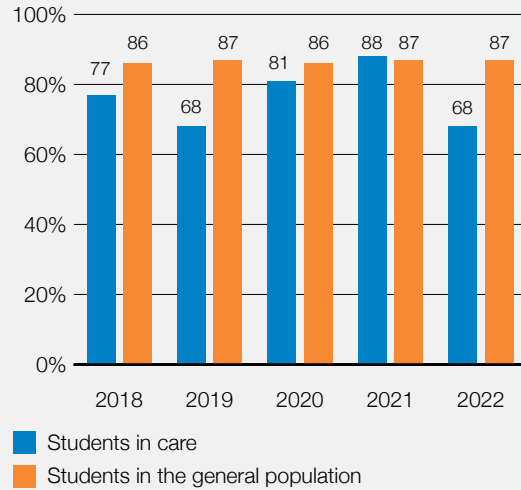
<sup>159</sup> Appendix: Table 63

**Figure 12. Proportion of eligible year 12 students completing VCE, students in out-of-home care compared to the general student population, 2018–22**



Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

**Figure 13. Proportion of eligible Year 12 students completing VCAL, students in out-of-home care compared to the general student population, 2018–22**



Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

81 per cent from 2018 to 2020, although in 2021 students in care achieved a higher VCAL completion rate (88 per cent) than the general student population (87 per cent). Unfortunately, this dropped back down to 68 per cent in 2022.<sup>160</sup>

For students in year 11, the difference between the completion rates for eligible students in care compared to the general population is more marked. Over the four years, students in care had an average completion rate of 46 per cent compared to 61 per cent for the general student population.

*Aboriginal students in care*

Tables 17 and 18 outline the number of eligible Aboriginal students in care in year 12 who completed VCE and VCAL from 2018 to 2022 and their rates of completion.<sup>161</sup> In 2022, only eight Aboriginal students were eligible to complete VCE in year 12 and seven successfully completed VCE. The number of students

eligible to complete VCAL was even lower, with only five Aboriginal students eligible in 2022.

**Table 17. Number of eligible Aboriginal students in out-of-home care in VCE year 12 by VCE completion status, 2018–22**

Year	Completed VCE		VCE not completed		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
2018	1	100	0	–	1	100
2019	6	100	0	–	6	100
2020	2	67	1	33	3	100
2021	4	100	0	–	4	100
2022	7	88	1	13	8	100

Source: Data provided by DE to the Commission on 31 May 2022, 1 and 7 August and 12 October 2023

<sup>160</sup> Ibid

<sup>161</sup> This data does not account for the movement of Aboriginal students in out-of-home care from government schools to non-government schools or TAFE to complete years 11 and 12, nor students who have continued in years 11 and 12 in government schools but are no longer living in care.

**Table 18. Number of eligible Aboriginal students in out-of-home care in VCAL-1, 2 and 3 by completion status, 2018–22<sup>162</sup>**

Year	Completed VCAL		VCAL not completed		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
2018	3	100	0	–	3	100
2019	3	100	0	–	3	100
2020	3	75	1	25	4	100
2021	5	100	0	–	5	100
2022	4	80	1	20	5	100

Source: Data provided by DE to the Commission on 31 May 2022, 1 and 7 August and 12 October 2023

### Finding 6: Completion of VCE and VCAL

**Students in out-of-home care are less likely to complete VCE or VCAL than students in the general population.**

### Wellbeing of students in care

The Victorian Government’s Framework for Improving Student Outcomes (FISO 2.0) policy and DE’s *Schools’ guide to attendance*, recognises that students are more likely to come to school and be engaged in learning if the school environment is equitable and inclusive, they feel valued and respected, have agency in their learning and contribute to their school community.<sup>163</sup> The importance of wellbeing in education settings is also recognised at the national level with the Productivity Commission identifying in its *Review of the National School Reform Agreement* that student wellbeing should be a desired outcome of schooling and a means to achieve improved learning outcomes.<sup>164</sup>

As part of its performance measures, DE has several wellbeing indicators, including ‘students feeling connected to their school’ and ‘students with a positive opinion about their school providing a safe and orderly environment for learning’.<sup>165</sup> However, the Commission understands that while data for these indicators is obtained through the *Attitudes to School Survey*, it is not disaggregated for students in care and therefore offers no way of understanding their particular experiences of school connectedness and engagement. This is despite the *Out-of-Home Care Education Commitment* (Partnering Agreement) stipulating that wellbeing measures be used to monitor schools’ compliance with the Partnering Agreement and its impact on improving educational outcomes for students in care.

The lack of disaggregated wellbeing data for students in care means the Victorian Government is lacking important data that, if collected, could enhance understanding of the risk factors that lead to disengagement and the protective factors that contribute to improved outcomes. This is especially important information given all other engagement and achievement indicators collected by the department suggest that schools are not meeting the needs of this cohort of students.

### Recommendation 3: Measure and report on school engagement

**That DE routinely collect a set of specific student wellbeing measures, to be used alongside students’ academic results and attendance data, to identify and report on engagement levels for children and young people in out-of-home care. This should be reported under the *Out-of-Home Education Commitment*.**

<sup>162</sup> VCAL is accredited and issued at three award levels. See [www.vcaa.vic.edu.au/curriculum/vcal/Pages/AboutVCAL.aspx](http://www.vcaa.vic.edu.au/curriculum/vcal/Pages/AboutVCAL.aspx)

<sup>163</sup> Department of Education and Training (n.d.) *Schools’ Guide to Attendance*, accessed 31 January 2022.

<sup>164</sup> Productivity Commission (2022) *Review of the National School Reform Agreement: Study Report*, p. 28.

<sup>165</sup> Victorian Government (2022) *Objectives, indicators and outputs*, accessed 3 April 2023.

# Chapter 5

## Child protection system and education

### Chapter at a glance

- Various aspects of the child protection and out-of-home care systems impact access to education and the extent to which practitioners can prioritise children and young people's education. Since the Commission tabled the *In our own words* inquiry:
  - the proportion of children and young people in care and case managed by Child Protection who did not have an allocated worker increased from 13 per cent in 2019 to 19 per cent in 2022
  - the number of Child Protection practitioners has increased due to Victorian Government investment but vacancies remain high (231 in 2021–22)
  - practitioner attrition rates in Child Protection have worsened from 14.4 per cent in 2018 to 21.4 per cent in 2022
  - children and young people in care are experiencing more placement changes, particularly those in residential care who have been subject to two or more placements.
- Children and young people told us that focusing on schoolwork can be very difficult when their placement changes due to the stress in their home environment and sometimes having to change school or travel long distances to attend school from an emergency or new placement.
- Since 2018, there have been slight improvements in the number of Aboriginal children and young people living with Aboriginal carers and those case managed by Aboriginal Community Controlled Organisations.
- In 2022, a third of Aboriginal children and young people in care did not have a cultural plan.
- The Commission recommends strengthening the capacity of Child Protection practitioners to prioritise education and improving the funding and quality of cultural plans for Aboriginal children and young people in care.

*A lot of kids don't have an understanding of their culture in out-of-home care. I can remember we were asking kids who their mob is and one of them said 'my mob is DHS'. (Koori Engagement Support Officer)*

While many children and young people in out-of-home care may have poorer educational outcomes than their peers, school remains an environment which can provide a sense of safety and stability. Placing children and young people in care is done to keep them safe from harm, although it can lead to a degree of instability, including disruption in education, changes in schools and disconnection from friends and community.

This chapter explores aspects of the child protection system that affect children and young people's experiences in care, including child protection workload and placement stability. It also discusses the specific impact of being in care for Aboriginal children and young people. Chapter 6 examines carers' supports, and the education experiences of children and young people living in residential care.

Many of the experiences of children and young people in care explored in *In our own words* are revisited over the next two chapters to assess whether critical aspects of the system have improved since that report was published and to examine how these issues impact educational outcomes.

In our consultations, we heard that the persistent strain on the child protection system, high staff turnover and a crisis-driven focus can mean that children and young people's rights to access education are not prioritised.

A stable placement with an ongoing connection to school can support children and young people to stay engaged in their education. Yet, we heard children and young people feel like the connection they have with their school is not prioritised during placement decisions. They also told us about the impossible task of trying to focus on schoolwork when their placement is breaking down, both because of the stress and pressure in their care environment, and because they often must travel long distances to attend their school from an emergency or new placement.

For Aboriginal children and young people, connection to culture and community is fundamental to feeling safe and supported, and therefore being able to do well at school. This is threatened by Victoria's high rates of removal and the over-representation of Aboriginal children and young people in care.

## Capacity of the child protection workforce

When consulting for this inquiry, we did not ask specifically about the impact of the child protection system on the education of children and young people in care. However, many children, young people and other stakeholders raised issues connected with the child protection system when asked about barriers to educational engagement. Child Protection practitioners can play a critical role in supporting placements and in maintaining a child's connection to school. However, we repeatedly heard that this role is impacted by chronically high workloads and staff turnover, issues discussed in *In our own words*. While there has been significant investment to address workforce shortages and some investment in staff training since *In our own words*, the Department of Families, Fairness and Housing (DFFH) continues to face significant challenges with workforce capacity.

## Child protection responsibilities in the out-of-home care system

When children and young people are placed in the Victorian out-of-home care system, they are required by law to have a case plan comprising all decisions made on behalf of the Secretary of DFFH, including their placement and contact arrangements with family. Child Protection and funded agencies are the key providers of placement support, case planning and case management for children and young people in care, with the majority being managed by Child Protection (69 per cent in 2022).<sup>166</sup>

<sup>166</sup> Appendix: Table 64.



Child Protection practitioners and s18 Aboriginal Children and Aboriginal Care (ACAC) case managers have responsibilities which cannot be delegated<sup>167</sup> including:

- investigating and assessing any subsequent reports of child abuse and neglect
- reviewing and endorsing the case plan, including reviewing the operation of statutory orders, and preparation of court reports
- significant decisions which require action outside the parameters of the case plan, such as removal of a child from their parents care or change of placement.<sup>168</sup>

The First Supports program is responsible for assessing kinship carers and for supporting new carers to access supports.<sup>169</sup> The placement of children or young people in foster care and residential care occurs through DFFH's Placement Coordination Units.<sup>170</sup>

As part of the case plan, Child Protection makes decisions about education or childcare.<sup>171</sup> Care teams, the group of people who jointly look after a child or young person while they are in care, should also have a focus on education-related matters and support children and young people to achieve their educational goals as outlined the case plan, informed by relevant services and educational providers.<sup>172</sup> These matters can include managing the day-to-day liaison with early childhood education services or schools, participating in Student Support Group meetings, facilitating education assessments, and developing the child's Individual Education Plan with the school.<sup>173</sup>

### What the Commission found in *In our own words*

The importance of workers to children and young people who live in the out-of-home care system was a particular focus of *In our own words*. Workers can help children and young people to navigate the system, provide a source of support and be a positive, trusted adult who listens to their views and seeks to influence decisions impacting them, including decisions about their education.<sup>174</sup> Children and young people described a good worker as someone who showed they cared, visited regularly and got to know them personally. This helped them to build a trusted relationship with their worker. Consistent workers who maintained regular contact enabled children and young people to experience stability and to feel supported to navigate the complexities of the child protection system more easily.<sup>175</sup>

Most of the children and young people consulted for *In our own words*, however, had limited contact with their worker and/or had too many different workers involved. The inquiry found that a recent increase in investment had not been matched by an increase in capacity due to recruitment challenges.<sup>176</sup> Caseloads for Child Protection practitioners remained high at 15,<sup>177</sup> retention rates for new Child Protection practitioners was low, and attrition rates were consistently high. The Commission recommended that DFFH establish mechanisms to ensure that workers were allocated caseloads to allow regular face-to-face contact with children and young people in care to build trust and rapport and to facilitate genuine opportunities to participate in decision-making.<sup>178</sup>

<sup>167</sup> S.18 enables the delegation of case planning functions including expansion to investigations for Aboriginal children for ACAC.

<sup>168</sup> Department of Families, Fairness and Housing (2021) *Child Protection Manual: Case planning – advice*, State of Victoria, Melbourne.

<sup>169</sup> Information provided by DFFH to the Commission on 26 September 2023.

<sup>170</sup> Ibid.

<sup>171</sup> Department of Families, Fairness and Housing (2021) *Child Protection Manual: Case planning – advice*, State of Victoria, Melbourne.

<sup>172</sup> Information provided by DFFH to the Commission on 26 September 2023.

<sup>173</sup> Department of Families, Fairness and Housing (2022) *Child Protection Manual: Care teams*, State of Victoria, Melbourne.

<sup>174</sup> Commission for Children and Young People, *In our own words*, p. 245.

<sup>175</sup> Ibid.

<sup>176</sup> Ibid., p. 75.

<sup>177</sup> Ibid.

<sup>178</sup> Ibid., Recommendation 4.

## Progress on recommendations since *In our own words*

In an update on progress against recommendations in *In our own words*,<sup>179</sup> DFFH provided information on its current work to develop a demand provisioning model to address workforce issues as part of its *Priority Setting Plan 2021–24*. The Commission is encouraged by this but remains concerned that progress has been limited in increasing the child protection workforce.

## Child Protection demand and workforce capacity

In recent years, the Victorian Government has made significant investment into building the child protection workforce to address years of underinvestment. The *Child protection workforce strategy 2021–24* was also launched in 2021 to further support this investment.<sup>180</sup> However, updated data provided by DFFH indicates that this investment has not translated into substantial change, with many of the newly created positions not being filled and worsening worker turnover rates.<sup>181</sup> This, combined with an increase in children and young people coming into the out-of-home care system, means Child Protection practitioners' caseloads continue to be unacceptably high.

As demonstrated in Table 19, investment has resulted in an increase in funded positions between 2017–18

and 2021–22, although the number of vacant positions increased substantially during the same period, as DFFH struggled to recruit and retain staff. This means that although the Victorian Government has funded a 28 per cent increase in the number of Child Protection practitioners, only a 17 per cent increase has been achieved.

**Table 19. Number of funded Child Protection positions by vacancy status, 2017–18 to 2021–22**

Year	Child Protection workforce* (Actual ongoing, fixed term, casual)	Child Protection Operating Model (CPOM) funded targets	Vacancy
2017–18	1,932.7	1,944.8	12.1
2018–19	2,107.1	1,956.8	-150.3
2019–20	2,047.5	2,001.1	-46.4
2020–21	2,121.1	2,240.1	119
2021–22	2,255.0	2,486.1	231.1

Source: Data provided by DFFH to the Commission on 18 January 2023 and 5 July 2023

Retaining staff has also been problematic, with high turnover across the child protection workforce and the highest attrition rates occurring in the more junior levels, as shown in Table 20.

**Table 20. Attrition rate by Child Protection practitioner level, 2018–22**

Practitioner level	CPP-2	CPP-3	CPP-4	CPP-5.1	CPP-5.2	CPP-6.1	CPP-6.2	Total
2018	39.3%	17.8%	12.1%	5.8%	5.0%	5.3%	13.6%	14.4%
2019	55.4%	19.0%	12.0%	7.1%	8.8%	6.2%	8.3%	15.9%
2020	19.5%	20.5%	7.7%	7.8%	6.4%	3.1%	6.9%	11.6%
2021	22.2%	28.1%	13.4%	11.8%	4.4%	0.0%	3.1%	15.6%
2022	49.5%	32.3%	16.0%	9.7%	6.6%	3.3%	11.1%	21.4%

Source: Data provided by DFFH to the Commission on 18 January 2023 and 5 July 2023

<sup>179</sup> Update provided to the Commission on 14 June 2023.

<sup>180</sup> Ibid. Initiatives intended to increase the supply of Child Protection practitioners has included the *Child Protection Employment Program*, aimed at attracting new graduates to roles in Child Protection as well as several recruitment advertising campaigns. DFFH also indicated that it has a workforce plan to identify priority initiatives including a focus on the supply and retention of Child Protection practitioners and that it is actively working to increase capacity and reduce workload. Information provided by DFFH to the Commission on 26 September 2023.

<sup>181</sup> Unfilled vacancies are common to all community services sectors, although these pressures are most pronounced in Child Protection. Information provided by DFFH to the Commission on 26 September 2023.

Continuing challenges in workforce recruitment and retention have in turn meant no significant improvements in caseload numbers or in the number of children with an allocated worker. The median caseload for Child Protection practitioners has remained at a similar level since *In our own words*, from 15 in 2019 to 14 in 2022.<sup>182</sup> However, the number of Child Protection practitioners with more than 25 cases has increased, with the average number of staff with more than 25 cases almost three times higher in 2022 (nine) than in 2020 (three).<sup>183</sup>

The data also indicates that children and young people in care often have to contend with turnover in their primary worker. The average number of workers assigned to each child or young person in care increased from four in 2019 to five in 2022. Data for 2022 shows that the maximum number of workers a child had had during their time in care was 53.<sup>184</sup>

**Table 21. Percentage of unallocated Child Protection cases per order type (Child Protection managed cases only) as at 31 December 2019 to 2022**

Order type	2019	2020	2021	2022
Care by Secretary order	14	12	17	25
Family preservation order	16	13	15	12
Family reunification order	12	9	12	13
Interim accommodation order	7	8	12	7
Long-term care order	10	12	26	33
No primary order	14	21	18	20
<b>Total awaiting allocation</b>	<b>13</b>	<b>18</b>	<b>17</b>	<b>19</b>

Source: Data provided by DFFH to the Commission on 18 January 2023 and 5 July 2023

As demonstrated in Table 21, the overall proportion of children without an allocated worker increased from 13 per cent in 2019 to 19 per cent in 2022. For children and young people on a Care by Secretary order, the increase was from 14 per cent in 2019 to 25 per cent in 2022.

### The impact of child protection resourcing on education

The chronic and persistent pressure on the child protection workforce was noted in the Commission’s consultations for this inquiry. There was consensus among stakeholders from the education sector, community service organisations and Child Protection itself that the child protection system is overwhelmed with the volume and complexity of work, leaving practitioners with limited capacity to prioritise the education of children and young people in care. We heard in consultations that contributing factors include:

- high turnover of staff leading to inconsistent workers and a lack of regular contact and support from workers to children and young people, carers and schools
- care team meetings lacking coordination and meaningful discussion about education<sup>185</sup>
- workers visiting schools during learning hours to support conditions of a court order and collect children for court ordered contact with parents, or to interview the child.

We heard of numerous instances of practitioners, particularly those in more senior roles, advocating for the rights of children and young people in care to access education. Overall, however, we heard there is a need to enhance Child Protection’s prioritisation of education as a critical protective factor for children and young people in care.

<sup>182</sup> Appendix: Table 65

<sup>183</sup> While this is a statewide average, the Commission notes that the average is skewed by the disproportionately high numbers in the East division.

<sup>184</sup> Appendix: Table 66

<sup>185</sup> Case management can be the responsibility of Child Protection, an ACCO or a CSO. Seventy per cent of children and young people’s cases are case managed by Child Protection.

## Lack of regular contact with a consistent Child Protection worker

### *What we heard from children and young people*

In our consultations with children and young people, we heard about the challenges of not having regular contact with a worker.

*It'd be nice to have some more support. Obviously as a kid in the system, you don't have much support from case workers at DHS and that. It's really hard to navigate your way in life and where you want to go, especially around schooling or if you're in a difficult situation. It's really hard to find where to go unless you have that support. (Marleigh, 17, kinship care)*

*They didn't tell us what was going on a fair bit. The worker was always changing...I couldn't get to know them and even trust them. I've had three, four, maybe five workers over 18 months. They are meant to come every month, but they haven't...I don't like them at all. They are not humans. I wish they actually tried to build a relationship and get the kids to trust them and not just swap and change all the time, not be so fake and stuff. (Reed, 12, Aboriginal, foster care)*

*In care, it would always be different workers. It would be good if it could have stayed with the same workers. It doesn't feel like home when you're meeting strangers every day. I have one worker who still meets up with me for coffee sometimes. It would be good if I'd had five of her – she genuinely cared, she wasn't just there for the money. (Vanessa, 23, previously residential care)*

### *What we heard from stakeholders*

A commonly raised issue among stakeholders, particularly school staff and principals, was high staff turnover in Child Protection, resulting in children and young people not having a consistent worker that they could trust and rely upon for assistance and guidance.

*The workers changing in Child Protection, we don't know who we're dealing with. She didn't even have a Child Protection worker. A poor kid who's been dragged out of the town where her friends are, there's not even a constant support worker for her. (Teacher, FLO)*

*We do a lot of work with the care teams on entry. The care situations are all different. These kids are trying to build a relationship with someone. Case managers change so often, allied health is impossible to get, mental health support hard to get. There is so much ingrained rejection. Then relationships break down again, so why wouldn't they protect themselves. (Alternative school teacher)*

*Kids are contained in a secure unit so it's an opportunity to reconnect. Heartbreaking to see such young kids coming in and not be visited by their care team. One 16-year-old was in the unit for 16 days before anyone in the care team visited them. Where's the trust! Just to say: 'Hey I'm here and I'm here for you'. (Secure Care teacher)*

### Child Protection practitioner visits to school

Child Protection practitioners sometimes attend school. This can occur for a range of reasons, including:

- because they need to contact a child or young person they are case managing within normal business hours
- because reports of harm need to be responded to with some urgency
- to uphold and comply with court orders and conditions made in the Children's Court regarding contact between children and their parents.<sup>186</sup>

#### *What we heard from children and young people*

Some children and young people told the Commission that this disruption impacted their school day, and they felt dysregulated and unable to learn upon their return to the classroom. This would further disrupt their day and that of their teacher and classmates.

*When I was at school, my placement didn't facilitate me going to therapy after school and my workers wouldn't take me to therapy. They organised for me to have it at school. I was taken out of class for my therapy and would be crying at the end of the session, then I was expected to go back into class. I was only given an hour block for therapy and at the end I was expected to go back in. All because my foster parents and my worker couldn't take me. What about providing space (time and environment) to recover? (Elia, 22, previously residential care)*

#### *What we heard from stakeholders*

The Commission also heard from stakeholders about the impact of children and young people being removed from class, sometimes to visit their parents or to be interviewed. Stakeholders spoke about these as examples of Child Protection not being trauma-informed in their work practices, and not upholding children and young people's right to access education. Concerns were also raised that these visits from workers were stigmatising for children and young people at school.

*DFFH and DE constantly undermine a child's engagement in education. You will have an engaged child and Child Protection will rock up at the school. Even if you specifically ask them not to do that, they will insist. They are at school, doing the right thing, and a group of people come into their safe space and interrogate that child. (Teacher, FLO)*

*Really ostracising for young people when interviews happen at school. Where it happens most commonly is when there's a report and there's a need to urgently interview the child and the school is the only place to do it. (Child Protection practitioner)*

*I get very frustrated when people come to the school to collect students and the student hasn't met them. I've had examples where I've refused to let the child go if the person from DFFH doesn't have appropriate ID on them. They need to recognise they can't just come in and grab a student on a whim. (Principal, primary school)*

We also heard about the impact on children and young people being removed from their family or placement at school.

*Schools shouldn't be a place Child Protection remove kids from their families. Called into a little room at school and saying you're not going home tonight. So many kids won't go to school because they know if they go that's the place they're getting bad information. It happens a lot. (LOOKOUT Learning Advisor)*

<sup>186</sup> Information provided by DFFH to the Commission on 26 September 2023.



*Three weeks ago, DFFH were removing a child from care. I've told them to never use us [school staff] as the people who remove the child from their parents' care. I was on leave last term and we had a crisis. A child's placement broke down...We got a phone call saying we can't get there to tell the child that they aren't going to the carer tonight, 'can you do that?'. We said no, it was back and forth. Our point of view was like fuck, you've got no way to come here to tell this child who's in grade 1. There are too many kids, not enough carers, and DFFH is completely overwhelmed. That pressure then comes back to the school. (Assistant principal, primary school)*

*A little girl was removed from home to come into care from school. She is afraid around any professional attending school now. (Foster carer)*

The Child Protection practitioners consulted for the inquiry informed the Commission that it was common for workers to interact with children and young people at school. They said that while it was sometimes impossible to avoid due to disclosures or immediate risk, it was often out of convenience, particularly when distance is an issue in rural and regional areas. They understood that it was not good practice nor in children's best interests. Many practitioners tried to organise visits with parents after school hours and ensured that a child or young person was accompanied by a school staff member if an interview was required. Practitioners also talked about the need to be discreet when visiting schools.

## Impacts caused by the high turnover of Child Protection practitioners

We heard about the impacts of high staff turnover on early childhood education services and schools, including the time required to establish relationships with new workers and to build their knowledge of school systems and responsibilities under the *Early Childhood Agreement for Children in Out-of-Home Care* (Early Childhood Agreement) and the *Out-of-Home Care Education Commitment* (Partnering Agreement). Key responsibilities for Child Protection practitioners relate to providing relevant and up-to-date information about student's circumstances to education settings, particularly upon enrolment. This is discussed further in Chapter 11.

### *What we heard from stakeholders*

Some LOOKOUT Learning Advisors talked about the support they try to provide to Child Protection practitioners to enrol children in early childhood education services.<sup>187</sup>

*We are always advocating for children to be in a good quality kindergarten. We talk to Child Protection about the quality of centres and the importance of it for children. We get told by Child Protection that there are so many higher priorities. (LOOKOUT Early Years Learning Advisor)*

*Sometimes children aren't allocated a worker, which makes it difficult to facilitate enrolment. Then we liaise with the team leader and support that process and Child Protection staff, knowing the pressures that they're working under. (LOOKOUT Learning Advisor)*

<sup>187</sup> The role of LOOKOUT's Learning Advisors is further discussed in Chapter 11.



Stakeholders, including Child Protection practitioners, advised of the impact of child protection workforce issues in schools.

*Education is a real gap in Child Protection, there's not a lot of knowledge about how we can advocate for children and young people in care or understanding of the Partnering Agreement. Children don't have good educational experiences, often because we don't know enough to advocate on their behalf and what supports are available to them. Child Protection is crisis-driven, priority is about getting stability for children. (Child Protection practitioner)*

*We have a young person who hasn't been here for 18 months. We had a call from Child Protection – there's been three worker changes in the past six weeks. They had no idea that the child hasn't been here for 18 months. She has gone to live with her mum and there's been no response from them at all. The lady was genuinely embarrassed but said 'I can't even tell you how busy we are'. What's sad for this particular young person is her brothers come here and they are great attenders, but they live with the brother. She has gone back to the mum and is having bongs for breakfast. (Wellbeing staff, secondary school)*

*As the guardian, we need to step up and push back on schools, just like a parent would. Child Protection is the guardian, overseer of the child – but they don't have the capacity. There are no resources for education to be a priority. (Health and Education Coordinator)*

### Child Protection practitioners' prioritisation of educational needs

The Commission heard that Child Protection practitioners sometimes did not consider the educational needs of children and young people in care, including how the complexity of their lives and their experiences of trauma can affect their participation at school. This was particularly evident when children and young people were being enrolled in schools and schools were not provided with appropriate information to ensure a smooth and positive transition.

#### What we heard from stakeholders

*It can take weeks to get a response from Child Protection regarding a child's background when they are first enrolled. Meanwhile the child is placed into a mainstream school and the system is setting them up to fail. It's just a tick box exercise. (Wellbeing staff member, secondary school)*

*As much as we would love our Child Protection workers to be engaged and understand trauma-informed practice unfortunately it's not the case. What does this mean for our kids in terms of their education? Enrolment is just expected, and a school is just expected to take on that child without any information. We know if you have a breakdown in communication, people just run on their own perceptions. (Health Education Coordinator)*

*As with any child, if they're not socially and emotionally well, it's hard to learn. This is where our kids in care really struggle. If they don't know where they're staying that night, poor kids removed from families with no counselling and put into an education system where they're expected to sit down all day and learn – their heads are all over the place. Child Protection doesn't understand this, nor do they factor it in. (Assistant principal, primary school)*

## Effective care teams

Many stakeholders discussed the role and effectiveness of care team meetings to manage the day-to-day care and best interests of children and young people in care. We heard that when done well, care team meetings facilitated strong collaboration and information sharing across services and supported clear decision-making about the care of the child or young person.

### *What we heard from stakeholders*

*Care teams work when the case manager sees their role as facilitating collaboration. We have one [care team] where every single person is so child focused...Collaborative people by nature so they naturally share the goals they are working on for this term, ask how it maps with the individual education plan goals, we have back and forth. It shows a community that is supporting the child to grow, it shows we are working together to do this. (Principal, alternative school)*

*We have an example of a girl who recently had a traumatic experience in care, but she was adamant that she wanted to finish school. She couldn't be in the classroom, but the school made it their mission to help her finish her VCE. They allowed her to come after hours, she had direct phone access to teachers, real support and flexibility and it enabled her to finish. Everyone was involved – the care team and school. (Child Protection practitioner)*

## Education focus in care team meetings

We also heard that care teams often do not include a professional who is focused on education and so it falls off the agenda. Instead, protection and safety take priority, even where children and young people are at risk of disengagement from education. Some stakeholders shared the view that if education was prioritised, this would contribute to addressing the other more urgent matters in some children and young people's lives.

### *What we heard from stakeholders*

*Often there is no one driving the education in the care team. The case managers are amazing, but they can't be across everything. You go into a care team and they'd be like 'I don't think there's time for education today'. If you don't have that person in the care team [CIRC worker], it can be a major issue. (LOOKOUT Learning Advisor)*

*Education is not prioritised in care team meetings. I sat in two yesterday and it's really sad. It's an add on and is discussed at the end of the meeting. There's no rich information about education in care teams. (Secure Care teacher)*

*Care teams, case managers, and even carers – some of these people lack an understanding of education [and that] can impact the young person. You can pick up on a good case manager pretty quickly, in that they have a good understanding of education because the first thing they do is ask questions to learn. The ones with the least knowledge are the ones who come in and tell us what is happening or what to do. (Principal, alternative school)*

### Ineffective care team meetings

We also heard that care team meetings are not always effective, with too many services involved with competing barriers and limited coordination. Some stakeholders said that in care team meetings, it is often unclear who is having direct and ongoing interactions with the child or young person.

#### *What we heard from stakeholders*

*Fifteen people in the care team meeting. No idea about what's going on – not a priority to get them to school but rather the priority it is to keep them safe. Kids are not being heard when they say they want to go to school. (Secure Care teacher)*

*We have the situation where there are multiple players involved and case managers may not even know who is on the care team. We have to go back to individuals we think may be on the care team or at a professionals meeting. (Wellbeing staff, secondary school)*

*They have DFFH, contracted case manager, LOOKOUT, SSS, complex care teams, all these layers of support but what's happening there? Kids in care come to us but they have so many layers of supports in place, yet nothing is working properly. I've been to care teams where the worker has no idea what anyone does. People just form opinions and make assessments and they don't even know the young person. (Navigator staff member)*

### Finding 7: Impact of workforce pressures in the child protection system

**Children and young people in out-of-home care and stakeholders told us that high workload and worker turnover in the child protection system make it hard for practitioners to build trust or an understanding of the educational needs of individual children and young people or prioritise education in care team meetings. We also heard that attendance at schools by Child Protection practitioners can cause distress and increase stigma for children and young people.**

### Addressing Child Protection's workforce capacity

*In our own words* discussed the need for all children and young people in care to have access to at least one adult who they can turn to for support and advice. In most instances, this should be the child's worker.<sup>188</sup> This was not the typical experience of many children and young people we spoke to for that inquiry.

It became clear in consultations for this inquiry and from DFFH data that high caseloads for Child Protection practitioners is still a concern. Contributing factors include continued growing numbers of children and young people entering the care system, rising attrition rate of Child Protection practitioners, particularly those responsible for the day-to-day management of children and young people in care, and the inability to recruit and retain staff into funded positions. Consequently, children and young people in care do not have consistent and regular contact with a key worker, and 18.5 per cent of children and young people did not have an allocated worker in 2022. This has significant implications for children and young people's continuity of care, their ability to participate in decisions that affect them and whether they have a trusted adult with whom to raise issues or concerns, including concerns about their school or placement.

<sup>188</sup> Commission for Children and Young People, *In our own words*, p. 245.

As discussed in Chapter 11, there are challenges in achieving smooth enrolment, information sharing and transition processes in education settings when children and young people do not have an allocated or consistent worker.

DFFH has been implementing a number of measures to try to address recruitment and retention challenges. In addition, DFFH has advised that it plans to review the Child Protection Operating Model. It is the Commission's view that this review should expressly consider barriers to the recruitment and retention of Child Protection practitioners.

#### **Recommendation 4: Consider and address barriers to recruitment and retention of Child Protection practitioners**

**That when reviewing the Child Protection Operating Model, DFFH consider barriers to the recruitment and retention of Child Protection practitioners, including sustainable and equitable workloads, and practitioner engagement and job satisfaction.**

#### **Strengthening Child Protection's focus on education**

As discussed above, some stakeholders told the Commission that Child Protection practitioners' limited prioritisation of the educational needs of children and young people in care impacted education engagement. This was perceived as a reflection of both workload pressures, as well as a lack of focus on education in training, guidance and supervision provided to the child protection workforce.

The Child Protection Manual comprises a section on education planning, which includes a link to the Partnering Agreement. The manual advises that Child Protection and schools must establish a student support group meeting and an individual education plan for each child living in care. It also lists case

practitioner tasks regarding education, such as advising school principals about children being placed in care, sharing information with schools about the child's history and care arrangements, and discussing a child's educational needs with the care team.<sup>189</sup> The manual does not include any information about the importance of education for children and young people in care, or any information about the Partnering Agreement and its role in improving education outcomes.

The manual includes a reference to the Early Childhood Agreement, although it does not detail the specific responsibilities of Child Protection practitioners.<sup>190</sup> The only education-related content included in the Child Protection practitioner beginner training is an overview of the education planning section in the Child Protection Manual.<sup>191</sup>

Increased information and focus on the importance of education as a protective factor for children and young people in care is needed to drive a greater focus on education in care team meetings and case planning decisions, as well as guide child protection practices in early childhood education services and schools. Additional professional development and training for new Child Protection practitioners to build their expertise in this area and opportunities for continued knowledge building for all workers may also assist.

As discussed in Chapter 11, the Commission heard examples of Child Protection practitioners, DFFH's Health and Education Assessment Coordinators and LOOKOUT Centre staff coming together to discuss individual cases and broader child protection responsibilities under the Early Childhood Agreement and the Partnering Agreement. The Commission welcomes these efforts but considers that such opportunities, and other similar initiatives, should be systemised across all child protection divisions in Victoria. This will help change practice.

<sup>189</sup> Department of Families, Fairness and Housing (2016), [Child Protection Manual: Education planning](#).

<sup>190</sup> Department of Families, Fairness and Housing (2016), [Child Protection Manual: Early childhood agreement](#).

<sup>191</sup> Email from DFFH to the Commission, dated 14 June 2023.

### **Recommendation 5: Enhance tools and strengthen guidance to assist Child Protection practitioners to support educational engagement for children and young people in out-of-home care**

That DFFH enhance Child Protection's prioritisation of education for children and young people in out-of-home care by:

- reviewing the current tools and resources available to Child Protection practitioners to ensure they adequately support educational engagement of children and young people in care through placement decisions, case planning and case management
- strengthening guidance on Child Protection visits to education settings, including limiting these visits and visitations with parents during school and kindergarten hours to exceptional circumstances, and requiring Child Protection practitioners to seek and give weight to children's views about visits at school
- providing ongoing professional development opportunities for Child Protection practitioners to strengthen their application of the *Early Childhood Agreement for Children in Out-of-Home Care* and the *Out-of-Home Care Education Commitment* and relationships with education settings
- ensuring dedicated opportunities for reflective practice on education-related issues between Child Protection practitioners and LOOKOUT Centre staff.

### **Placement instability**

A supportive home environment is important for all students.<sup>192</sup> For children and young people in out-of-home care, a supportive and stable home environment is particularly important as it provides a space to heal from trauma and to thrive. Unfortunately, this stability can be difficult to achieve, particularly when children and young people experience a high number of placement changes. Placement instability negatively impacts children and young people's social and emotional wellbeing<sup>193</sup> and can cause significant disruption to their education.

### **What the Commission found in *In our own words***

*In our own words* reported that Victorian children and young people in care experience unacceptably high levels of placement instability, which 'they experienced as degrading, dislocating and upsetting'.<sup>194</sup> It found that only half of children and young people in care had maintained the same placement since going into care, and the longer they were in care, the more likely they were to experience multiple placements.<sup>195</sup>

Identified factors contributing to placement instability include rising numbers of children and young people going into care with fewer suitable placements and carers available, inadequate support to carers to maintain placements, and limited tailored support for children and young people living with complex trauma.<sup>196</sup>

We also found from a review of Client Relationship Information System (CRIS) files of children and young people who had experienced multiple placements that those 'with complex trauma, challenging behaviours and/or intellectual disabilities are at higher risk of placement instability in the out-of-home care system'.<sup>197</sup>

<sup>192</sup> Varadharajan, M et al. (2021) *Amplify Insights: Education Inequity*. Centre for Social Impact, UNSW Sydney, Sydney, p. 8.

<sup>193</sup> Commission for Children and Young People, *In our own words*, p. 131.

<sup>194</sup> *Ibid.*

<sup>195</sup> *Ibid.*, p. 141.

<sup>196</sup> *Ibid.*, p. 150.

<sup>197</sup> *Ibid.*, p. 41.

The Commission recommended the development of an integrated, whole-of-system investment model and strategy for the child protection system to focus on maintaining safe and quality services in line with demand while also investing to reduce the number of children and young people entering care. As part of this new investment model, the Commission recommended that the issue of placement instability be addressed through:

- more suitable care placement options that are tailored to meet the needs of children and young people in care<sup>198</sup>
- more focused placement planning to minimise placement changes<sup>199</sup>
- ensuring that foster and kinship carers can readily access respite and other supports when required with a particular focus on supports required to maintain placement stability<sup>200</sup>
- developing measures to ensure that kinship placements continue to receive supports after the initial timeframe of 12 months where required and that the risk of placement breakdown is identified early so that so that resources can be allocated appropriately<sup>201</sup>
- more support to assist sibling groups to stay together or help be reunified while still in care<sup>202</sup>
- supporting children and young people to participate in decision-making processes.<sup>203</sup>

We also recommended improvements to financial and other supports and enhanced access respite for kinship and foster carers to reduce pressures on placements and minimise placement breakdowns. These are discussed in Chapter 6.

### Progress on recommendations from *In our own words*

While there has been significant government investment to address some of the systemic issues raised in *In our own words*, action on recommendations to address placement instability has been limited. Significant funding has been allocated to therapeutic residential care models, targeted care packages to prevent young people from entering residential care and a Care Hub Trial aimed at providing intensive early assessments for children and young people entering care. While welcome, these funded initiatives are still only reaching comparatively small numbers of children.<sup>204</sup>

<sup>198</sup> Ibid., Recommendation 1.

<sup>199</sup> Ibid.

<sup>200</sup> Ibid., Recommendation 8.

<sup>201</sup> Ibid., Recommendation 9.

<sup>202</sup> Ibid., Recommendation 1.

<sup>203</sup> Ibid. Other recommendations made to address placement instability included:

- review and revise all guidance, training and tools to embed children's participation in decision-making (Recommendation 4)
- that children and young people be provided with a single point of contact or a key worker, with authority to make decisions relating to the child or young person's case plan, in addition to the provision of funding packages to follow the child or young person as they move through different placements (Recommendation 5)
- as part of work to improve placement matching in residential care homes, prohibit the placement of children under 12 years with older children or young people unless they are siblings and it is in the best interests of the child and provide guidance to improve decisions about the co-placement of children and young people with complex needs (Recommendation 11).

<sup>204</sup> As of 10 August 2023, 56 children and young people were living in the two and three bed and KEYS therapeutic residential care. Information provided by DFFH to the Commission on 15 August 2023. The Care Hub, being trialled in the Loddon area in North Division, includes two foster care targets, six sibling foster care targets and four residential care targets. Alongside the placement component, the Care Hub also provides outreach support for up to 44 children and young people at any one time. (Update on *In our own words* provided by DFFH to the Commission 19 June 2023).



Work on more focused placement planning, implemented through the development of a Placement Planning Guide, is still in progress.<sup>205</sup> While there has been welcome investment to support access to respite for foster carers, there is considerably more to be done to better support kinship carers.<sup>206</sup> Similarly, work has progressed to assist Child Protection practitioners to seek and understand the views of children and young people in relation to placement decisions. However, more is needed to embed these tools into child protection practice.<sup>207</sup> Further, only limited progress has been made to support contact between sibling groups. Some planning on connecting sibling groups has been done through the trial of Care Hubs in the Loddon region. There is also a plan, which is yet to be progressed, to include sibling reunification in the case planning template used by Child Protection practitioners.<sup>208</sup>

### Changes in placement instability since *In our own words*

Data received from DFFH for this inquiry indicates that there is still significant placement instability across the out-of-home care system.<sup>209</sup> As demonstrated in Table 22, children and young people in all placement types are experiencing more placement changes since 2018. Children and young people living in residential care are likely to have experienced multiple placements over the duration of their time in care. This increased from an average of eight placements in 2018 to an average of 10.5 placements in 2022.

**Table 22. Average number of placements of children and young people in out-of-home care who have been subject to two or more placements, by placement type and duration, as at 31 December 2018 and 31 December 2022<sup>210</sup>**

Duration in OOHC in years	Kinship care		Foster care		Residential care	
	2018	2022	2018	2022	2018	2022
Less than 1 year	2.8	3.9	4.3	4.8	4.3	5.5
1–2 years	3.1	4.3	4.4	5.6	6.4	8.0
2–3 years	3.4	4.6	5.0	6.6	8.8	10.7
3–4 years	3.9	4.9	5.2	7.0	10.0	10.0
4–5 years	4.0	5.2	5.5	7.1	13.6	11.2
More than 5 years	5.1	6.4	6.5	7.7	12.4	13.3
<b>Average for all children</b>	<b>3.6</b>	<b>5.3</b>	<b>5.3</b>	<b>6.9</b>	<b>8.0</b>	<b>10.5</b>

Source: Data provided by DFFH to the Commission on 8 August 2023

Another indicator of the lack of appropriate and adequately supported placements is the number of children and young people placed in contingency care arrangements, such as hotel rooms, serviced apartments, rental properties, residential units, or short-term housing.<sup>211</sup> This type of arrangement is used in exceptional circumstances where suitable funded placements are not available locally and is generally due to:

<sup>205</sup> Update on *In our own words* provided by DFFH to the Commission, 19 June 2023.

<sup>206</sup> Ibid.

<sup>207</sup> Ibid.

<sup>208</sup> Ibid.

<sup>209</sup> Placement changes may be required for various reasons, including:

- child or young person’s wish
- their safety and wellbeing in the placement
- planned return home/reunification or to other home-based care arrangements
- court order
- the carer withdrawing/able to provide only a short-term placement
- foster care placement type changing (general to intensive) but no change in foster carer/household.

Information provided by DFFH to the Commission on 26 September 2023.

<sup>210</sup> DFFH provided an updated table on the average number of placements for children and young people in out-of-home care as at 31 December 2022. This data includes children and young people who have lived in only one placement. However, Table 22 relates to children and young people who have experienced two or more placements, as per data reported in *In our own words*. Updated data from DFFH is provided in the Appendix, Table 67.

<sup>211</sup> Commission for Children and Young People, *In our own words*, p. 72.

- children and young people with highly complex needs requiring a more tailored and flexible response
- the importance placed on keeping a child within their local area and connected to support networks
- the importance placed on keeping sibling groups together.<sup>212</sup>

In a consult with DFFH’s Placement Coordination Unit for this inquiry, departmental staff advised that the length of such placements can be from one night in a motel up to one year in a residential home with only carers and no other children and young people. Other stakeholders also told the Commission that contingency placements increased during the coronavirus pandemic and associated lockdowns because there were more children and young people entering the care system with fewer placement options. There were also younger age children in these placement types.<sup>213</sup>

As reflected in Table 23, the number of contingency care placements has increased from 27 in 2017–18 to 71 in 2021–22, an increase of 163 per cent.

It is disappointing to see children and young people in care impacted by greater placement instability in the four years since *In our own words* was tabled.

**Table 23. Number of children and young people in contingency care placements, 2017 to 2022<sup>214</sup>**

	2017 –18	2018 –19	2019 –20	2020 –21	2021 –22
Number	27	57	54	66	71
% increase on previous year	–	111	–5	22	8

Source: Data provided by DFFH to the Commission on 18 January 2023

## Impact of placement instability on education

Placement instability for children and young people in care can severely disrupt their ability and willingness to engage in education. Their capacity to focus on learning, pursue opportunities at school or even attend daily can be diminished with the constant anxiety caused by the uncertainty of their living situation. A change in placement can also result in a change in schools, requiring children and young people to repeatedly adapt to new teachers and classmates, and different learning methods. This level of instability – a challenge for anyone – can become overwhelming and unsustainable for children and young people in care, who are often also dealing with trauma, relationship conflicts and unaddressed mental health issues.

Living in contingency placements is also highly disruptive to children and young people’s education and was identified by one stakeholder as ‘a really tricky space’. We heard that contingency care providers do not have the capacity or economies of scale to offer educational support in the way larger community service organisations can. Without an intentional and timely focus on education while children and young people are living in contingency care, it becomes difficult to re-engage them in education once they are living in an ongoing placement.

<sup>212</sup> Information provided by DFFH to the Commission on 26 September 2023.

<sup>213</sup> According to DFFH, contingency options were created during COVID-19 due to some parents and carers being unwilling or unable to provide care for children and young people with COVID-19, while also noting that many of the children and young people placed into contingency care were not new entrants to care. Information provided by DFFH to the Commission on 26 September 2023.

<sup>214</sup> According to DFFH, it reset the policy on defining and recording contingency placements in 2019, which could account for the increase in contingency placements in 2018/19. Further, the data in relation to residential care is inclusive of contingency. Information provided to the Commission on 26 September 2023.

### Current guidance on placement planning

DFFH's *Placement Coordination and Placement Planning Framework* has remained unchanged since *In our own words*.<sup>215</sup> Its intent is to maximise positive outcomes for children and young people in care when determining placements and refers to placements needing to support positive educational experiences.

Staff in DFFH's Placement Coordination Unit advised that the system typically meets the placement needs of most children and young people in care. However, data provided by DFFH on the average number of placements for children and young people in care demonstrates otherwise. Placement Coordination Unit staff also acknowledged that there is a small group where a change in placement disrupts connections, such as to school, and 'it's a real problem'.

*They bounce from emergency placement to emergency placement. Geographical locations in rural/regional areas means that some kids are moving hundreds of kilometres apart, sometimes on a weekly basis – this is hugely disruptive to their education. (Placement Coordination Unit staff member)*

### What we heard from children and young people

Many children and young people spoke about the impact of placement instability on their wellbeing, schooling and educational engagement. We heard repeatedly that school connectedness was not a priority when Child Protection makes placement decisions.

*I don't reckon DHHS cared about me missing school, they knew it was hard for me to go to school but didn't care. At one stage I was living in [suburb], and they told me to attend [secondary school]. I was like get fucked. It's not like I was already attending either. (Mykel, 17, Aboriginal, Youth Justice)*

*I stopped going a few months ago, because I used to go to [school] but when I moved houses into foster care it got too far. It was five hours on the bus and so I had to move schools and the foster carers didn't have any interest in trying to get me into a school. They were too busy looking after their own kids and had other things to do. (Dominic, 14, residential care)*

Children and young people discussed the uncertainty and anxiety that accompanies placement instability, which can make it hard to think about their education.

*I was put in foster care at two, went to 20 different foster parents, until Nan took me in, but she passed away and I was stuck with her shitty boyfriend who left three days after she passed away. I ran away to Auntie Rhiannon's and now I'm with Auntie Bonnie. I'm only at home to sleep, come to school three days a week, and go to my mates the other two days. (Sasha, 15, Aboriginal, foster and kinship care)*

*Being moved around from place to place has impacted my mental health. I don't like people knowing I live with my sister as I don't want to be seen as different. I have to explain to teachers that I need permission from DFFH for any excursions and camps which I get embarrassed about. (Aubrey, 16, kinship care)*

*Year 7 was alright, but I dropped in and out and was then expelled from [secondary school], I received no support to go to another school. Before I was expelled, I was only going once a week. Things started going downhill – I moved from one foster carer to another. But the school didn't understand what was happening and how moving placements was affecting me. (Alice, 14, Aboriginal, foster and residential care)*

215 Ibid.

Many of the children and young people discussed the importance of friendships, particularly at school. They also highlighted that placement instability makes it difficult to keep and maintain these friendships.

*I had to change schools sometimes because my placements changed, it was sad to leave friends behind. Moving in general was difficult. I had to live with a teacher for a year and a half as a kinship placement. Often, I wouldn't have the materials I needed like iPads and books. (Melody, 13, residential care)*

*Moving around from house to house and being in an unstable condition increased my anxiety and made it hard to meet new people and go to new places like I have to do at school. (Kehlani, 13, multiple placement types)*

*Moving to a lot of different schools, while in primary I had nine separate schools. I felt like I always had to make new friends and it would take time to get comfortable. Then, when I was comfy – I would have to move again. (Kian, 14, Aboriginal, kinship care)*

We also heard from children and young people that placement instability disrupts their learning. For some young people, significant placement instability led to disengagement over time and in some cases, expulsion from school.

*Being moved around a lot has made it hard as I have missed a lot of school. I missed a lot of primary school, and this has affected my learning and understanding in high school. (Margot, 13, kinship care)*

*Bunch of red flags that were skipped over. Grade 1 to 6, the longest time I spent at one school was six months. In grade 6, I was at a grade 2 level because of all the moving around and interstate. Doing times tables, moving schools, and then was expected to know that at another school. Department should have been aware of the number of placements and intervened. The impact of moving was huge! I was basically at a new school every year in primary school. Longest time at school was two years in year 11 and 12...I missed so much school, I didn't know what was happening, so I dropped out. (Jeremy, 24, previously residential care)*

*I moved around too much. And when I actually had the opportunity for stability, they took it away from me. Locked me in a resi and didn't enrol me in school. I was about to start year 12 and my kinship carer kicked me out on the street as I turned 18. I went to live with an awesome carer who fought to keep me when I was 14. But she lived an hour from school and the travel was hard. I then fell pregnant to my boyfriend and ran away with him. Running away was all I knew. (Rachel, 22, multiple placement types)*

### Case study: Casey's persistence despite significant placement instability<sup>216</sup>

Casey has lived in and out of out-of-home care since she was a young child, and spent time in foster, kinship and residential care. She was required to change schools many times throughout primary and high school, which resulted in her having trouble learning. She still feels the effects of this today. Casey described that moving from placement to placement left her feeling isolated from her family and alienated from her peers.

When Casey was 16, she lived in three different residential units over the course of a year. Despite these changes, she insisted on staying at the same high school so she could focus on her studies and stay connected to her friends. However, she was bullied for living in residential care and in the end, she left school. Casey eventually completed her VCE at TAFE.

When Casey was 17, due to no other care options available, she was placed into a contingency placement and advised that she might be sent interstate to live in another residential care unit. With the help of a local real-estate agent and her TAFE teachers, Casey found her own accommodation where she lived independently.

#### What we heard from stakeholders

Stakeholders spoke to us about the consideration of education when determining placements for children and young people. They also discussed the effects of placement instability, including the impact on children and young people's social and emotional wellbeing and the constant moving around as 'ruining their lives'.

*I don't think education is prioritised when we look at placements... Like what work is being done to keep the kids in their zone? (CSO staff member)*

*[a] systems challenge is the placement moves. Sometimes they have to be moved due to bed issues, someone else is a higher risk etc. and it can be in a completely different region. Then they have to start from scratch and education is the last thought. We are seeing kids having to go to school in [suburb] and living out in the west. It's just an incredible task. (CSO staff member)*

*I think what happens is they get placed into a resi, they may have been going to school, on and off, they have to change schools, move away, come into the unit, might be there for six weeks, two weeks or whatever it is... Shoved from one unit to the other, moved from one town to the next, how can you expect a child to move all the time and get into education. Then we put these expectations on them that you have to get an education. It's too high an expectation. You are setting them up to fail. They don't wanna make friends cos they'll lose them. (CSO staff member)*

We heard from stakeholders about children arriving at school in dysregulated states due to travelling long distances from emergency placements with different Child Protection practitioners, some of whom the children did not know. We heard an example of a child living with a school nurse in an emergency placement for three months until the principal organised for the child to be placed with another family in the school community.

<sup>216</sup> Information obtained from a consultation.



*I was told to put a 15-year-old and an eight-year-old in a motel together overnight by themselves and they'd be left to their own devices. As a principal, of course I didn't do that. That is ridiculous and that is probably not the worker. How can a system think that is okay? (Principal, alternative school)*

*New kids in care or not in stable placement [that's] where we see big gaps, [kids] rock up with all their belongings not knowing where they're going that evening. Teachers don't understand what sits behind behaviour and what's going on for those students. (CSO staff member)*

Stakeholders also spoke about the implications of disrupted learning and social connections for children and young people experiencing placement instability.

*The change in schools really affects kids. We have kids in prep who have had three schools in their first term because placements kept breaking down, and kids miss out on so much and have information loss when they're contracted through us and then through somewhere else. (CSO staff member)*

*Social connections through sport and music, extra-curricular activities. This is broken when moved from placements and schools. (CSO staff member)*

*It's a really tricky space. Children and young people coming into care from contingency placements, having moved from various placements and experienced real disruptions to their learning. There really needs to be a focus on education when they're moved around from place to place in an intentional and timely way. Otherwise [it's] too difficult to re-engage into school. Contingency placements are on the rise. (KEYS education worker)*

### **Case study: The impact of placement instability on Fiona's education** <sup>217</sup>

At 16, Fiona had been living with carers on a permanent care order, however, this broke down and over the following 18 months, she was moved to 10 different placements. Some placements were an hour from school and had minimal public transport options. School was the one place Fiona identified as providing stability and routine. Child Protection practitioners would sometimes drive her to school, but this was not always possible when they were unwell. Fiona was then placed in a contingency placement in a motel for a week while an independent living arrangement was organised. Fiona's new arrangement was again not close to her school and there were limited transport options. She was advised by her case worker to write to Child Protection if she was unhappy with the situation, which she did with the support of her school principal. In an accompanying letter, the principal stated Fiona's living situation was unacceptable and she had very few supports. In response, Child Protection moved Fiona to another independent living arrangement which she shared with another young person. By this time, she had reached a point where she felt that no one cared about her and there was little point in going to school. She stopped attending.

<sup>217</sup> Information obtained from a consultation

## Research and analysis

The adverse impact of placement instability on the educational experiences and outcomes of children and young people in care is well established, with research demonstrating that experiences in the out-of-home care system and educational trajectories are ‘inextricably intertwined’.<sup>218</sup> Multiple placement and school changes require students to make social adjustments at critical points in the education calendar which compounds children and young people’s dislocation and disconnection and puts them out of step with the progress of their peers.<sup>219</sup> Placement instability is also linked to a higher likelihood that children and young people in care will not complete secondary school, as discussed in the Commission’s report *Keep caring: Systemic inquiry into services for young people transitioning from out-of-home care*.<sup>220</sup>

Placement instability can have significant implications for the experiences of children and young people when they are at school and in the classroom. Due to their history of abuse and neglect, placement breakdowns can exacerbate existing trauma and feelings of abandonment. Consequently, some may present at school with elevated emotional and behavioural problems. If teachers and other school staff do not have the appropriate skills or supports to understand these students’ needs, their educational progress is more likely to be compromised.<sup>221</sup> This also impacts children and young people’s school attachment, and sense of belonging and wellbeing, which are integral to positive educational outcomes.<sup>222</sup>

The Centre for Excellence in Therapeutic Care (CETC) stated in its submission to this inquiry that ‘a stable care environment leads to better outcomes for children and young people in all development domains, including social, emotional, behavioural, and educational’.<sup>223</sup>

The inability of schools to meet the needs of children and young people in care can also result in them exhibiting more disruptive behaviours at home and in school, which can contribute to additional pressures on placements and potential breakdowns. This is addressed further in Chapters 7 and 10.

### Finding 8: Impact of placement instability on children and young people

**Placement instability is a significant and growing problem, negatively impacting children and young people in the out-of-home care system. Placement instability not only impacts the social and emotional wellbeing of children and young people in care, but also represents a significant barrier to their educational engagement and outcomes.**

<sup>218</sup> Ferdandez E (2019) ‘Working towards better education for children in care: longitudinal analysis of the educational outcomes of a cohort of children in care in Australia’, *Oxford Review of Education*, vol. 45(4): 481-501, p. 483. See also: Muir S and Hand K (2018), *Beyond 18: The Longitudinal Study on Leaving Care Wave 1 Research Report: Transition planning and preparation*, Australian Institute of Family Studies, Melbourne, p. 10.

<sup>219</sup> Wilson J.Z and Golding F (2016), ‘Muddling Upwards: The Unexpected, Unpredictable and Strange on the Path from Care to High Achievement in Victoria, Australia’, p. 137. In: Mendes P and Snow P (eds) *Young People Transitioning from Out-of-Home Care*, Palgrave Macmillan, London; Ferdandez (2019) ‘Working towards better education for children in care: longitudinal analysis of the educational outcomes of a cohort of children in care in Australia’, p. 496.

<sup>220</sup> Commission for Children and Young People, *Keep caring: Systemic inquiry into services for young people transitioning from out-of-home care*, Commission for Children and Young People, Melbourne, 2020, p. 26. See also: Anglicare Victoria, *Submission to Inquiry into the educational experiences of children and young people living in out-of-home care*, received 15 August 2022, p. 4.

<sup>221</sup> Ferdandez E (2019) ‘Working towards better education for children in care: longitudinal analysis of the educational outcomes of a cohort of children in care in Australia’, p. 484.

<sup>222</sup> *Ibid.*, p. 483.

<sup>223</sup> Centre for Excellence in Therapeutic Care, *Submission to the Inquiry into the educational experiences of children and young people living in out-of-home care*, received 4 September 2023, p. 6

## Aboriginal children and young people in care

For Aboriginal children and young people, a connection to family, kin and Country is fundamental to their social and emotional wellbeing.<sup>224</sup> Placement in out-of-home care, particularly where this involves separation from such connections, is especially traumatising. The forcible removal of Aboriginal children from their families since European occupation in Australia has resulted in ‘immeasurable spiritual, emotional and physical harm’, the legacy of which is still felt today.<sup>225</sup> Aboriginal children and young people continue to experience the impacts of colonisation through both intergenerational trauma and in the entrenched disadvantage and exclusion from the broader Australian community. The Commission acknowledges that because of the continued over-representation of Aboriginal children and young people in the care system, the likelihood of this becoming part of their future family’s story, including the trauma of being removed from their family and growing up in care, is far greater compared to the non-Aboriginal community.

In recognition that connection to culture is a protective factor in the lives of Aboriginal children and young people, the *Charter of Human Rights and Responsibilities Act 2006*<sup>226</sup> protects Aboriginal people’s rights to maintain their culture, language, and kinship ties, and relationship with the land and waters with which they have a traditional connection.<sup>227</sup> The right for Aboriginal children to be raised in their own family, culture and community is also at the core of the *Aboriginal Child Placement Principles*.<sup>228</sup> Yet, with the growing over-representation of Aboriginal children and young people in the Victorian care system, the protective and healing effect of connection to culture and community continues to be undermined.<sup>229</sup>

This is also evident in the experiences of Aboriginal children and young people in care in education settings. For many Aboriginal people, the history of removal is compounded by the historical experience of educational institutions as a source of displacement and trauma. Throughout the inquiry, the Commission observed from consultations and the data the intertwining challenges faced by Aboriginal children and young people in both the care and education systems, which affects their health and wellbeing and positive engagement in education.

## What the Commission found in its previous system inquiries

### *In our own words*

*In our own words* explored the experiences of Aboriginal children and young people in the out-of-home care system, including how being in care impacts their connection to culture and kin. It found that until over-representation is addressed, self-determination can never be a reality for Aboriginal people in Victoria.<sup>230</sup>

*In our own words* examined the different mechanisms to improve Aboriginal children and young people’s connection to culture, including cultural plans, Aboriginal family-led decision-making conferences, and the application of the Aboriginal Child Placement Principles. The Commission found that despite significant effort and investment in recent years, poor compliance with these mechanisms continue to undermine connection to culture of Aboriginal children and young people in care.<sup>231</sup>

<sup>224</sup> Gee G et al., ‘Aboriginal and Torres Strait Islander social and emotional wellbeing’. In: P Dudgeon, H Milroy and R Walker (eds), *Working together: Aboriginal and Torres Strait Islander mental health and wellbeing principles and practice*, Australian Government, 2014; JJ McDowall, ‘Connection to culture by Indigenous children and young people in out-of-home care in Australia’, *Communities, Children and Families Australia*, 2016, 10(1): 5–26, p. 6–7.

<sup>225</sup> Commission for Children and Young People, *In our own words*, p. 79.

<sup>226</sup> *Charter of Human Rights and Responsibilities Act 2006* (Vic).

<sup>227</sup> *Ibid.*, s 19(2).

<sup>228</sup> Victorian Aboriginal Child Care Agency (n.d.) [Aboriginal Child Placement Principle](#), accessed 23 April 2023.

<sup>229</sup> Mohamed J, Commissioner for Aboriginal Children and Young People 2019 (27 November 2019) [Connection to community and culture vital for Aboriginal children and young people in broken state care system: report](#) [media release], Commission for Children and Young People, accessed 3 April 2023.

<sup>230</sup> Commission for Children and Young People, *In our own words*, p. 103.

<sup>231</sup> *Ibid.*, p. 99.

It also found that less than half of eligible Aboriginal children and young people in care benefited from contracted case management by an Aboriginal Community-Controlled Organisation (ACCO). This is despite recognition that when managed by an ACCO, Aboriginal children and young people 'are more likely to have contact with Aboriginal extended family members, be provided with opportunities to participate in cultural activities and more likely to be engaged with an Aboriginal person'.<sup>232</sup>

As part of the Commission's recommendation for the establishment of a new integrated, whole-of-system investment model and strategy for the child and family system, it proposed that strategies to reduce demand on the system should focus on Aboriginal children and young people. Further, strategies to improve outcomes for children and young people in care should include funding for ACCOs to provide case management as part of the transition process to Aboriginal Children in Aboriginal Care.<sup>233</sup>

The Commission also recommended:

- the department ensure compliance with legislated processes and principles at a regional and local level to lift the quality and implementation of those processes to support connection to culture for Aboriginal children and young people in care (recommendation 2)<sup>234</sup>
- the Victorian Government continue to support Aboriginal people's right to self-determination including through increased investment in community-led services and the gradual transfer of responsibility for the case management and case plan of Aboriginal children and young people in care to ACCOs (recommendation 3).<sup>235</sup>

### *Our youth, our way*

In 2021, the Commission tabled *Our youth, our way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system*.<sup>236</sup>

Throughout the inquiry, Aboriginal children and young people told the Commission that they value education and want to attend school. They also discussed how they want to learn about and feel connected to their culture in school. However, very few reported positive school experiences, with some identifying the Victorian school system as racist or otherwise hostile. Many Aboriginal children and young people spoke about school as not designed for, or responsive to, their specific needs.<sup>237</sup> Among Aboriginal children and young people in contact with Youth Justice, most had experienced disengagement and exclusion from education.<sup>238</sup> Those in custody said they wanted their education to be strengths-based and embedded in culture, and to support employment upon release.<sup>239</sup>

The inquiry made several recommendations to the Victorian Government to improve the engagement of Aboriginal children and young people in education, some of which included:

- expand the Navigator Program to include children aged 10 years and above (recommendation 49a)
- ensure targeted educational support for Aboriginal children and young people in the youth justice system, whether through the expansion of the LOOKOUT program, the Youth Justice Education Pathway Coordinator role, the Education Justice Initiative program or the role of Parkville College (recommendation 49b)
- strengthen efforts to tackle and eliminate racism in schools (recommendation 49h)

<sup>232</sup> Ibid., p. 98.

<sup>233</sup> Ibid., p. 266.

<sup>234</sup> Ibid., p. 267.

<sup>235</sup> Ibid., p. 267.

<sup>236</sup> Commission for Children and Young People, *Our youth, our way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system*, Commission for Children and Young people, Melbourne, 2021.

<sup>237</sup> Ibid., p. 30.

<sup>238</sup> Ibid., p. 48.

<sup>239</sup> Ibid., p. 49.

- DE consult Aboriginal children and young people and work in partnership with Aboriginal communities to design and deliver additional schooling options embedded in culture for Aboriginal students, taking into consideration the example of Worawa Aboriginal College (recommendation 50)
- DE review the supports provided to Aboriginal children and young people, including the Koorie Engagement Support Officer (KESO) role, with a view to increasing direct support for Aboriginal children and young people in schools, and prioritising access to educational support for Aboriginal children and young people in the youth justice system (recommendation 51).<sup>240</sup>

### Progress on recommendations from *In our own words* and *Our youth, our way*

As discussed earlier, the Victorian Government accepted in principle recommendation 1 of *In our own words* and has progressed implementation through the development of a child and family system demand provisioning model as part of *Priority Setting Plan 2021–24*. This includes advancing Aboriginal self-determination and self-management through care and case management of Aboriginal children by ACCOs and Aboriginal-led service offerings. Further, the 2020–21 State Budget made funding for the transfer of Aboriginal children to be managed by an ACCO ongoing. Current investment allows for up to 70 per cent of Aboriginal children to be managed by an ACCO.<sup>241</sup>

The Victorian Government also accepted recommendations 2 and 3 and is implementing them through:

- legislating the five elements of the Aboriginal Child Placement Principles: Prevention, Partnership, Placement, Participation and Connection to guide decision-makers to enhance and preserve Aboriginal children and young people's sense of identify, as well as strengthen child protection's

policy practice to support connection to culture for Aboriginal children in care<sup>242</sup>

- investing over \$160 million to implement *Wungurilwil Gapgapduir* to contribute to reforms of Victoria's out-of-home care system and enable the continued transfer of care and case management of Aboriginal children and young people to ACCOs.<sup>243</sup>

The Victorian Government supported most of the Commission's 75 recommendations in *Our youth, our way*, with 56 of them embodied in Victoria's first Aboriginal Youth Justice Strategy, *Wirkara Kulpa*.<sup>244</sup> DE also supported in principle the education-related recommendations. Progress against these recommendations is discussed in Chapter 8.

### Changes for Aboriginal children and young people since *In our own words*

Since *In our own words*, the number of Aboriginal children and young people entering the Victorian out-of-home care system has increased by 21 per cent. This compares with an increase of 13 per cent for all children and young people. Aboriginal children and young people are vastly over-represented, comprising 29 per cent of children and young people in the system in 2022. As demonstrated in Figure 14, Victoria also removes Aboriginal children from their parents and places them into care at higher rates than any other state or territory.

Table 24 shows that Aboriginal children and young people continue to be more likely to enter care at an earlier age. The number of infant and preschool Aboriginal children (under six years) increased by four per cent from 815 in 2018 to 847 in 2022. The number of Aboriginal children aged six to eight years in care during this period rose 43 per cent from 356 in 2018 to 508 in 2022. Non-Aboriginal children in this age group remained fairly stable with a slight increase of seven per cent between 2018 and 2022.

<sup>240</sup> Ibid., pp. 48–49.

<sup>241</sup> Commission for Children and Young People, [Annual report 2021–22](#), Commission for Children and Young People, Melbourne, 2022, p. 134.

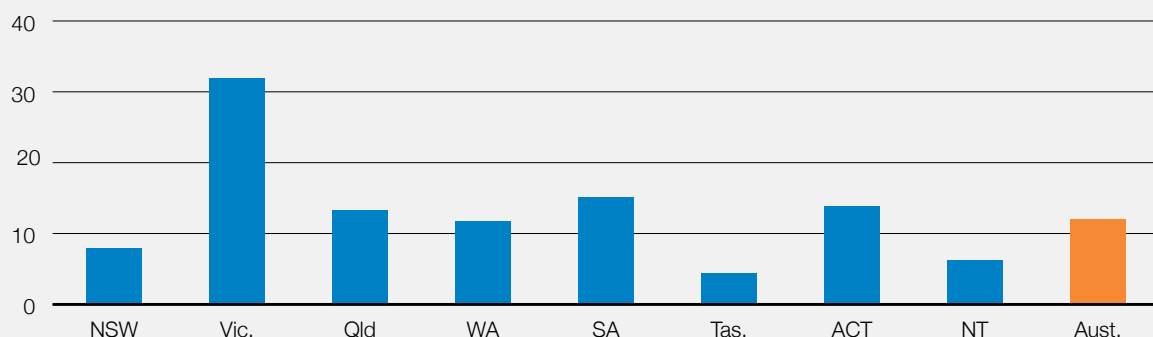
<sup>242</sup> Ibid., p. 135.

<sup>243</sup> Ibid.

<sup>244</sup> Victorian Government (2022) [Victorian Government response to the 'Our youth, our way' inquiry](#), State of Victoria, Melbourne, accessed 3 April 2023.



Figure 14. Aboriginal children admitted into out-of-home care, rate per 1000, 2021–22



Source: Australian Institute of Health and Welfare (2023) *Child Protection Australia 2021–22* [data set], Australian Government, Canberra

Table 24. Children and young people in out-of-home care by Aboriginal status and age group, as at 31 December 2018 and 31 December 2022

Age group	Aboriginal					Non-Aboriginal				
	2018		2022		% change 2018–22	2018		2022		% change 2018–22
	No.	Prop. (%)	No.	Prop. (%)		No.	Prop. (%)	No.	Prop. (%)	
0–2 years	353	16	356	14	<1	942	16	815	13	–13
3–5 years	462	22	491	19	6	976	17	985	16	<1
6–8 years	356	17	508	19	43	927	16	995	16	7
9–11 years	351	16	475	18	35	944	16	1,064	17	13
12–14 years	332	15	429	16	29	970	17	1,138	18	17
15–17 years	292	14	347	13	19	991	17	1,285	20	30
<b>Total</b>	<b>2,146</b>	<b>100</b>	<b>2,606</b>	<b>100</b>	<b>21</b>	<b>5,750</b>	<b>100</b>	<b>6,282</b>	<b>100</b>	<b>9</b>

Source: Data provided by DFFH to the Commission on 5 and 14 July 2023.

The proportion of Aboriginal children and young people living across different placement types of kinship, foster and residential care did not change dramatically from 2018 to 2022, with 78 per cent living in kinship care, 17 per cent living in foster care and five per cent living in residential care.<sup>245</sup> The number of Aboriginal children and young people living with Aboriginal carers increased slightly from 80 per cent to 81 per cent in this same period.<sup>246</sup>

Further, from July 2018 to July 2022, the number of Aboriginal children and young people in care in placements not located in their local community declined from 44 per cent to 42 per cent.<sup>247</sup>

<sup>245</sup> Appendix: Table 68.

<sup>246</sup> Appendix: Table 69.

<sup>247</sup> Appendix: Table 70.

The number of Aboriginal children and young people in care with cultural plans has improved since 2018. *In our own words* reported that only 39 per cent of Aboriginal children and young people had a plan. In 2022, this increased to 68 per cent of Aboriginal children and young people (see Table 25).

The proportion of Aboriginal children and young people case managed by ACCOs increased from 43 per cent as at 31 December 2019 to 46 per cent as at 31 December 2022, after peaking at 49 per cent in 2020 (see Table 26).

**Table 25. Aboriginal children and young people in out-of-home care for more than 19 weeks by cultural plan provision and order types, as at 31 December 2022**

Order type	Yes cultural plan		No cultural plan		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Care by Secretary order	825	84	157	16	982	100
Family preservation order	3	38	5	63	8	100
Family reunification order	270	52	253	48	523	100
IAO declared hospital placement	0	–	2	100	2	100
IAO out-of-home service	19	28	49	72	68	100
IAO undertaking parent	1	100	0	–	1	100
IAO undertaking suitable person	75	27	198	73	273	100
Long-term care order	333	88	46	12	379	100
Undertaking	0	–	2	100	2	100
<b>Total</b>	<b>1,526</b>	<b>68</b>	<b>712</b>	<b>32</b>	<b>2,238</b>	<b>100</b>

Source: Data provided by DFFH to the Commission on 5 and 14 July 2023

**Table 26. Aboriginal children and young people by contracted agency type as of 31 December 2019 to 2022**

Case management agency type	2019		2020		2021		2022	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
CP case managed	435	26	464	27	605	34	750	42
ACCO	722	43	837	49	835	47	830	46
ACAC	78	5	118	7	123	7	117	7
ACCO	644	39	719	42	712	40	713	40
CSO	512	31	406	24	354	20	205	11
<b>Total</b>	<b>1,669</b>	<b>100</b>	<b>1,707</b>	<b>100</b>	<b>1,794</b>	<b>100</b>	<b>1,785</b>	<b>100</b>

Source: Data provided by DFFH to the Commission on 5 and 14 July and 8 August 2023.

## The impacts of out-of-home care on Aboriginal children and young people's education

*In our own words* identified that because Aboriginal children and young people are so over-represented in the Victorian out-of-home care system, issues in the care system disproportionately impact them.<sup>248</sup> This is also evident in the context of education.

Disengagement from education is experienced by many Aboriginal children and young people regardless of whether they live in the care system. In our consultations, we repeatedly heard about the various barriers that Aboriginal children and young people face in the Victorian education system. Many Aboriginal children and young people told us they experience racism at school from both teachers and students. Stakeholders spoke about Aboriginal children and young people often not feeling safe in schools to speak up about these incidents. These issues are explored further in Chapter 8.

In discussing the specific impacts on education for Aboriginal children and young people in care, stakeholders predominantly focused on the compounding challenges that they experience in the care system, including 'intergenerational and childhood trauma, disconnection from family, culture, community and Country, social and emotional wellbeing concerns, and often instability and uncertainty in their placements'.<sup>249</sup> The importance of establishing strong cultural connections for Aboriginal children and young people in care in both education and care settings was also raised by stakeholders, as was the critical need for them to exercise self-determination in these systems.

## Connection to culture

### *What we heard from stakeholders*

Some stakeholders discussed the importance of connection to culture and community in improving educational engagement for Aboriginal children and young people in care.

*What drives me is that my children are safe... There are a lot of children whose family is not capable of raising them, due to a number of crisis situations. Communities need to operate together. In (regional town), it's this service, it actually protects the child. We speak on behalf of the child - that can cause us great pain sometimes, but the interest of the child comes first for us. So many points in those children's lives have failed, community is the only point in that child's life that can actually provide an answer for them. We talk about growing strong on culture and connection...when [Aboriginal children] grow strong in culture and Country as seen in our kindergarten, it gives them that opportunity to shine. (ACCO staff member)*

*A stable placement and connection to culture! And having strong connections to their own family, including their extended family. (Wellbeing staff, primary school)*

<sup>248</sup> Commission for Children and Young People, *In our own words*, p. 79.

<sup>249</sup> VACCA, *Submission to Inquiry into the educational experiences of children and young people living in out-of-home care*, received 28 July 2022, p. 3.

Several stakeholders raised the issue of Aboriginal children and young people not having connection to their culture, kin, and Country as a barrier to education engagement. Stakeholders also spoke about the challenges for Aboriginal children and young people who had been displaced from Country in regional towns to Melbourne. They discussed that when connections to culture are broken, it can be difficult to re-establish and build them as a source of strength for Aboriginal children and young people in care.

*A lot of kids don't have an understanding of their culture in out-of-home care. I can remember we were asking kids who their mob is and one of them said 'my mob is DHS'. (Koorie Engagement Support Officer)*

*The cultural disconnection for the [Aboriginal] child and young person is often much more evident in terms of the loss, the grief, and the trauma of that [removal], and then the difficulty in creating that bridge back into culture. (Principal, alternative school)*

*Removing them from communities, the cultural aspect is not recognised when those decisions are made – different placements, different schools. It's inter-generational stuff – families not wanting kids to go to school because that's where they were removed. In rural areas, when kids are removed from Country and where they grew up and placed in metro areas, they're expected to connect to a new area and school with no cultural connection there. (CSO staff member)*

Some stakeholders spoke about instances of Aboriginal children and young people having their first opportunity to learn about their culture when placed in out-of-home care or Youth Justice. They discussed the need for these connections to be maintained.

*For some Aboriginal kids who go into care, they don't have a connection to culture to begin with. Then they return home, and those connections are lost. Some kids really begin to value that connection. How do those connections remain when they go back to family? For some kids, it's just fun activities, but for others they start to think about who they are, where they have come from. (Wellbeing staff, primary school)*

*For some of our Aboriginal kids, it's the first time they've had consistent exposure to an Aboriginal worker. It's great, they develop their cultural identity, but they develop it around youth detention. In care, they haven't had that chance...but then they get it in Parkville, and they don't get it outside and it's a real problem. How do you stop them seeing their cultural strength in jail? When you're then on the outside and you are getting treated in a racist way everywhere, I can see why they might be thinking it's not so bad in there. (Teacher, alternative school)*

### Case study: The challenges in supporting Dia's cultural and family connections<sup>250</sup>

Twelve-year-old Dia and her ten-year-old sister Lily were placed in out-of-home care when their father was sent to prison. Their mother had died a year earlier. Their father advised that the girls were Aboriginal, but he was adopted as a child and did not have any existing connections to his Aboriginal family or culture.

The sisters were initially placed in a temporary foster care placement for six weeks where they received support from Child Protection and then the local ACCO. The girls were then placed with their aunty, although she relinquished care for Dia who was placed again with the foster carer. Lily stayed with her aunty. When the Commission consulted with Dia and her foster carer, there had been no contact between Dia and Lily for two months and they had not seen each other for over six months. This was despite them both wanting contact. Dia did not have an allocated case worker and her care team had not met in four months.

While the ACCO had completed a cultural plan for Dia, there was information missing that had implications for Dia's sense of identity and the type of support that she was eligible to receive. As Dia's foster carer was not Aboriginal, she was unsure how to support Dia's connection to culture. This was made more difficult by the foster carer and Dia's school not having access to Dia's cultural plan, and also the carer focusing on obtaining other practical information to support the placement, including Dia's birth certificate and healthcare card.

### Research and analysis

Aboriginal children and young people living in care have experienced the trauma of removal from their family, perpetuating a legacy of harm which should not be underestimated. They face compounding challenges in the care system, with many experiencing multiple placements<sup>251</sup> and many others unaware of their family background.<sup>252</sup>

The Productivity Commission identified that the detrimental effects of poor wellbeing at school can be particularly pronounced for Aboriginal students and students in out-of-home care.<sup>253</sup> It advised that 'connection to culture, spirituality, community and

ancestry can all be key protective factors in helping to manage wellbeing'.<sup>254</sup>

As well as being a fundamental right, connection to culture is a strong protective factor for Aboriginal children and young people. Active and enduring connections to culture, land and spirituality are foundational to building resilience, can reduce the impact of stress<sup>255</sup> and can have a positive impact on Aboriginal people's social and emotional health, wellbeing and safety.<sup>256</sup> Research shows that maintaining strong cultural connections for Aboriginal children is closely linked with improved physical, psychological and social wellbeing.<sup>257</sup>

<sup>250</sup> Information obtained from a consultation.

<sup>251</sup> Commission for Children and Young People, *Our youth, our way*, p. 308.

<sup>252</sup> Commission for Children and Young People, *In our own words*, p. 78.

<sup>253</sup> Productivity Commission (2022) *Review of the National School Reform Agreement: Study Report*, p. 28.

<sup>254</sup> *Ibid.*, p. 30.

<sup>255</sup> Australian Indigenous Psychologists Association (2009) *Living on the edge: social and emotional wellbeing and risk and protective factors for serious psychological distress among Aboriginal and Torres Strait Islander people*, Cooperative Research Centre for Aboriginal Health, Collingwood, p. 22.

<sup>256</sup> Chandler M and Proulx T (2006) 'Changing selves in changing worlds: youth suicide on the fault-lines of colliding cultures', *Archives of Suicide Research*, 10(2): 125–140, p. 125; Cox A et al. (2014) 'Using participatory action research to prevent suicide in Aboriginal and Torres Strait Islander communities', *Australian Journal of Primary Health*, 20(4): 345–349.

<sup>257</sup> Family Matters (2022) *The Family Matters Report 2021: Measuring trends to turn the tide on the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care*, Family Matters, Melbourne, p. 78.



The Victorian Aboriginal Child Care Agency (VACCA) noted in its submission to the inquiry that 'Aboriginal children in out-of-home care are experiencing schools as a place where their wellbeing is not a priority', and when this occurs, they 'disengage from their learning and schools, not seeing their emotional needs prioritised in these environments'.<sup>258</sup>

### The importance of cultural plans

While the number of Aboriginal children and young people in out-of-home care with a cultural plan has increased since *In our own words*, around a third were still without one in 2022.<sup>259</sup>

There is growing recognition of the need to address these issues. The VACCA Aboriginal kinship finding service was established to assist and identify Aboriginal kinship networks and research family trees.<sup>260</sup> Aboriginal Cultural Support and Awareness Advisor Positions were also established in 2022 to build the capacity of Child Protection practitioners to improve cultural connections for Aboriginal children and young people in care.<sup>261</sup> However, with an increasing number of Aboriginal children and young people entering the care system, resourcing for cultural plans needs to meet this demand. It is also important that children and young people's connection to culture is established and maintained as their plans are developed.

The quality of cultural plans must be enhanced to ensure they contain current information about the family structure and culture of the child or young person and that they reflect their voice. Ongoing implementation of the plans is vital, including ensuring that relevant sections are shared with education settings to enhance Aboriginal children and young people's experiences at kindergarten and school and to inform their Individual Education Plans. This is discussed further in Chapter 11.

## Recommendation 6: Improve the implementation and quality of cultural plans

That DFFH improve funding for and the quality of cultural plans, including greater funding for kinship finding services and directly funding ACCOs to implement activities within cultural plans.

<sup>258</sup> VACCA, *Submission to Education Inquiry*, p. 10.

<sup>259</sup> The Commission acknowledges that the creation of cultural plans can be a time-consuming process, particularly when children do not have knowledge of their Aboriginal heritage. Family genealogies are also often conducted by ACCOs without appropriate resourcing.

<sup>260</sup> VACCA (n.d.) *Kinship finding*, accessed 9 August 2023.

<sup>261</sup> First Peoples – State Relations (26 June 2023) *Children, family and home*, accessed 9 August 2023.

## Chapter 6

# The role of carers and stable home environments in supporting educational needs



### Chapter at a glance

- The Victorian Government has not increased the care allowance since 2016 despite evidence that carers, particularly kinship carers, receive inadequate financial support. Financial pressure is particularly pronounced for many Aboriginal kinship carers.
- The Commission heard that inadequate financial support can result in some children and young people not having access to the things they require for school; this can also result in placement breakdowns.
- There are particularly serious barriers to education for children and young people in residential care. In 2022, 79 per cent of students in residential care were chronically absent. They also received lower NAPLAN scores than students living in other care settings.
- Children and young people told us that living in residential care was a contributing factor to them becoming disengaged from school.
- The Commission recommends reducing some of the financial barriers to enhance children and young people's access to education and building the capabilities of residential care workers to support educational engagement.



*Moved to resi care, no one spoke to me about school, and I haven't been enrolled since. But I want to go to school. (Grace, 16, Secure Care)*

All students need a supportive home to do their best at school.<sup>262</sup> As discussed in the previous chapter, a supportive home for children and young people in out-of-home care means a stable placement and carers who provide a safe environment where they can feel happy and cared for.

We know from our previous systemic inquiries that the experiences of children and young people in the out-of-home care system often differ depending on their placement type. Much of this difference relates to the strength of relationships between children and young people and their carers. In Victoria, kinship care is the preferred placement type because of these existing relationships and the opportunities to maintain connections with family. For Aboriginal children and young people, kinship carers are especially important given that they can help build and promote positive cultural and community connections.<sup>263</sup>

Foster care placements can also provide children and young people with a strong sense of belonging and love, particularly when carers treat them as a member of the family. For children and young people living in residential care, day-to-day care is provided by staff who work on rotating shifts and who can change frequently. This can make it more difficult to establish trusting and positive relationships; ideally the care provided is therapeutic, and trauma-informed and provided by a consistent group of carers.

Adequate financial and other supports to carers, such as service navigation assistance and training opportunities, are critical to maintaining stable placements and encouraging educational engagement for children and young people in their care. Yet, we know that carers are under increasing financial strain.

The Victorian Government has not increased the care allowance since 2016 despite sustained advocacy by carers groups, findings and recommendations of the Victorian Auditor-General's Office (VAGO) *Kinship Care* report, and a decline in the recruitment of new foster carers.

The experiences of children and young people living in residential care are very different to those who live in home-based care. Previous inquiries have found a range of factors contributing to this, including poor placement mixes and the absence of adequate funding to provide therapeutic responses to children in residential care.<sup>264</sup>

## Care allowances and financial support

When Child Protection places a child in someone's care under an approved kinship or foster care placement, the carer is eligible to receive a fortnightly allowance that contributes to the day-to-day expenses of caring for a child. There are five levels of financial support under the allowance structure, which reflects the diverse needs of children and young people in care as assessed by the Department of Families, Fairness and Housing (DFFH). Levels one to three are divided into age brackets, and the allowance increases with the child or young person's age. These are outlined in Figure 15.

Carers are eligible for additional payments including:

- a new placement loading for the first six months if carers are receiving the level one care allowance<sup>265</sup>
- a therapeutic foster care allowance ranging between a starting annual rate of \$19,305 for children aged up to seven and \$31,740 for children and young people aged 13 and up<sup>266</sup>

<sup>262</sup> Varadharajan M et al. (2021) *Amplify Insights: Education Inequity*, Centre for Social Impact, UNSW Sydney, Sydney, p. 8.

<sup>263</sup> Ernst and Young Sweeney (2021) *Strong carers, stronger children – Victorian Carer Strategy Findings of the Home-based carer census: Final Report to the Department of Families, Fairness and Housing*, Melbourne, p. 9.

<sup>264</sup> The Commission welcomed the commitment by the Victorian Government, in the 2023–24 State Budget, to invest \$548 million in residential care, including the provision of more therapeutic supports in residential care homes.

<sup>265</sup> Information provided by DFFH to the Commission dated 17 March 2023.

<sup>266</sup> Department of Families, Fairness and Housing (2023) *Support for home-based carers in Victoria*, State of Victoria, Melbourne, accessed 4 October 2023.

- *First Supports* program for new kinship carers, which provides early and flexible supports, including financial, to assist in maintaining the placement or to address the needs and vulnerabilities of the child or young person<sup>267</sup>
- kinship care placement support brokerage to provide time-limited or one off supports to stabilise kinship placements to reduce the risk of placement breakdown.<sup>268</sup>

Carers also receive an annual school attendance allowance to contribute to the educational costs for children and young people in their care. The annual rate is \$391.71 for children aged five to 11 years and \$587.55 for children and young people aged 12 to 18 years.<sup>269</sup> It can be used to purchase education-related items such as:

- software
- information and communication technology items
- books
- equipment
- enrolment fees in extracurricular activities
- music or academic tuition.<sup>270</sup>

Child Protection can also use client expenses where a child or young person has specific support needs that fall outside the scope or purpose of the care allowance. Such expenses can be used to support the material and wellbeing needs of children and young people, support the child or young person's family contact requirements, and to purchase specific items or services.<sup>271</sup>

The Commission also acknowledges that in May 2023, carers at that time received the Care Allowance Supplementary Payment of \$650 per eligible child placement, in addition to their usual care allowance payment.<sup>272</sup>

### What the Commission found in *In our own words*

In *In our own words*, the Commission reported that increases in resourcing and improved supports for kinship carers through the introduction of the kinship care model were positive, although not necessarily sufficient to keep pace with growing numbers.<sup>273</sup> Many kinship carers were found to receive inadequate levels of financial support and ongoing placement support.<sup>274</sup> Similarly, inadequate support to foster carers was evident through limited access to placement and therapeutic supports and monitoring from their agency worker.<sup>275</sup> As discussed in Chapter 5, the Commission found that placement instability was attributable to, among other things, a lack of tailored supports for carers to maintain placements.

The Commission made several recommendations to enhance supports for kinship and foster carers, including:

- access to respite and other supports to help carers maintain placements, including during times of crisis or difficulty (recommendations 1, 8 and 9)
- all kinship placements to receive supports after the first 12 months where required and early identification of risk of placement breakdowns to allow appropriate allocation of resources (recommendation 9).

### Progress since *In our own words*

In 2022, VAGO tabled the *Kinship Care* audit, which examined whether the new kinship care model introduced in 2018 helped to identify kinship networks for children and young people in a timely manner and provided them with stable and quality kinship placements. VAGO concluded that kinship carers were not receiving adequate support from DFFH to provide stable homes to the children and young people in their care.<sup>276</sup>

<sup>267</sup> Information provided by DFFH to the Commission on 17 March 2023.

<sup>268</sup> Ibid.

<sup>269</sup> Department of Families, Fairness and Housing (2023) Support for home-based carers in Victoria, accessed 4 October 2023.

<sup>270</sup> Information provided by DFFH to the Commission on 17 March 2023.

<sup>271</sup> Ibid.

<sup>272</sup> Department of Families, Fairness and Housing (2023) Support for home-based carers in Victoria, accessed 15 June 2023.

<sup>273</sup> Commission for Children and Young People, *In our own words: Systemic inquiry into the lived experience of children and young people in the Victorian out-of-home care system*, Commission for Children and Young People, Melbourne, 2019, p. 218.

<sup>274</sup> Ibid., p. 228.

<sup>275</sup> Ibid., p. 236.

<sup>276</sup> Victorian Auditor-General's Office (2022) *Kinship Care*, Victorian Auditor-General's Office, Melbourne, p. 1.

In 2021–22, the Victorian Government committed \$2.228 million to complete the expansion of more flexible respite support for kinship carers, which carers can now access.<sup>277</sup> In its most recent update on implementation of *In our own words*, DFFH outlined its plan to address the provision of supports to kinship placements after the first 12 months by strengthening the commitment to *First Supports* in its Carer Strategy Action Plan and by responding to VAGO's recommendations in the *Kinship Care* report.<sup>278</sup>

Progress on supports for placements at risk and kinship placements after the first 12 months has been more limited. DFFH's *Guidance materials for Care Services Placement Coordination and Planning* to enhance supports for carers to maintain placements is yet to be completed. The Commission also notes that ongoing efforts are required to ensure foster carers' respite needs.

While the Victorian Government has committed to enhancing assistance to carers in response to *In our own words*, this financial investment has not extended to increasing the care allowance for kinship and foster carers.

There have also been growing calls for the Victorian Government to increase the care allowance in accordance with recommendations from the government-commissioned KPMG report. While the Commission has not been given access to this, media reports indicate that levels one and two of the care allowance are described by the report as 'well below the costs of living expected for an average child in Victoria'.<sup>279</sup> This is in contrast to advice outlined in DFFH's *Care allowance policy and procedures*, which states that the level one allowance 'is appropriate for children who do present with behavioural, emotional and physical needs beyond those seen in the general population'.<sup>280</sup> Aside from annual indexation, the care allowance has not been increased since 2016 despite

the rise in cost-of-living pressures significantly impacting many families. According to the Foster Carers Association of Victoria, inadequate funding has resulted in high carer turnover rates, placement instability for children and young people in care, and a significant loss of foster carers in Victoria.<sup>281</sup>

Kinship and foster carers are eligible to receive the same level of funding. However, VAGO reported that 96 per cent of kinship carers received the lowest level of care allowance in 2021, compared to 32 per cent of foster carers.<sup>282</sup> This disparity is reflected in DFFH's *Care allowance policy and procedures*, which details the eligibility of kinship and foster carers. It states that kinship carers are automatically eligible for the level one care allowance, the minimum payment level, and 'where the child or young person is assessed as having higher needs, carers may be eligible for a higher-level care allowance level through the higher-level care allowance application process'.<sup>283</sup> For foster carers, DFFH's guidance does not make the same stipulation regarding automatic eligibility for the level one allowance but states:

the care allowance level is determined and assessed by the department, in consultation with the foster care agency. The assessment is made based on the child's age and complexity associated with meeting the individual child's care needs at the beginning of the placement and may be reviewed when requested or required by the carer, agency or Placement Coordination Unit/Placement and Support Planning.<sup>284</sup>

The Commission understands that kinship carers are often unprepared to take children into their care, and the disruption to their lives can lead to further disadvantage and sometimes poverty.

<sup>277</sup> Commission for Children and Young People, [Annual report 2021–22](#), Commission for Children and Young People, Melbourne, 2022, p. 144

<sup>278</sup> Update provided to the Commission on 19 June 2023.

<sup>279</sup> Rooney K (13 February 2023) 'Victorian foster carers still waiting for major allowance increase', *Herald Sun*.

<sup>280</sup> Information provided by DFFH to the Commission dated 17 March 2023.

<sup>281</sup> Foster Care Association of Victoria (2022) [Foster Care Issues](#), accessed 15 June 2023. The Commission acknowledges that funding is a contributing rather than the sole cause of loss of foster carers and that recruiting and retaining foster carers is a challenge both at the national and international levels.

<sup>282</sup> Victorian Auditor-General's Office, *Kinship Carers*, p. 9.

<sup>283</sup> Information provided by DFFH to the Commission on 17 March and 26 September 2023.

<sup>284</sup> *Ibid.*



*These days you need a dual income household to live. We're relying on people who are not financially well-off to do this job. They are on pensions, retired, low income, so the household costs go through the roof and they have so little. And the process of constantly asking for money for small things is humiliating, especially for Aboriginal families. (CSO staff member)*

*I haven't liked coming from a disadvantaged background, it really held me back. I think even just the smallest of things, not being able to afford a uniform. Then I'd get into trouble for it. So, I just became rebellious. Even the tiniest things like wearing what others wear, I feel like quite often I'm a target for entitled people, mostly other kids. (Marleigh, 17, kinship care)*

The financial pressure on carers is particularly pronounced for many Aboriginal kinship carers, with the VACCA advising that 50 per cent of its carers live below the poverty line.<sup>285</sup>

### Inadequate carer support impacts education

Throughout our consultations for this inquiry, the Commission heard from many carers and other stakeholders that carers are not supported adequately to provide stable homes for the children and young people in their care. This is particularly evident among kinship carers, many of whom are grandparents and living off a pension or their superannuation. Stakeholders also provided examples of kinship carers leaving paid employment to care for children and accessing their superannuation early or selling their family home to pay for costs. From an education perspective, inadequate financial support for carers can result in children and young people not having access to appropriate resources, such as uniforms and technology, and having fewer opportunities to pursue extra-curricular activities.

#### *What we heard from children and young people*

Children and young people in care spoke about not being able to afford the resources they require to attend school, such as uniforms and technology.

*Having more funding for school supplies would help me at school because sometimes we don't have the money to get things I need in my classroom. (Erin, 11, multiple placement types)*

*Difficult to place the same expectations on me as other students – wrong uniform – when it's just privilege – having a go at me because of the colour of my socks. They're the same socks, just changed colour because I haven't had a chance to wash them. (Nia, 19, previously foster care)*

#### *What we heard from stakeholders*

We heard from many carers as well as others working to support the education of children and young people in care that carers do not receive adequate funding to pay for educational costs. We heard of instances where limited financial support from DFFH led to placement breakdowns, resulting in children and young people being placed into residential care. The Commission heard accounts of carers living off savings, re-mortgaging their houses and the resulting additional financial stress when they stop working to care for children. Some stakeholders noted that increasing carer payments would cost significantly less than the cost of supporting children in residential care.

*Reimbursement is the lowest for kinship carers, which is not enough funding with many carers on pensions. Wifi connections, laptops, fees, uniforms, books. Some carers are still working. Many won't ask [for money] because of that shame. Superannuation and their right to a lifestyle is gone. They take it on in response to a knock on the door without thinking it through properly. More financial support needed and acknowledgement for what they're doing. They deserve recognition. (CSO staff member)*

<sup>285</sup> VACCA, *Submission to Inquiry into the educational experiences of children and young people living in out-of-home care*, 28 July 2022, p. 20.

*Funding is not enough to support expenses of families – uniforms aren't covered. They receive miniscule amounts. They can't send students to school with this level of funding. The CSEF is not enough. The needs for school, uniforms, excursions etc. This funding has not grown with the expenses of these families... It simply doesn't cover it enough... they get a miniscule amount added and it's not justifiable and they can't send the kids to school on these costings. I remember approaching the dept advocating for this, and I remember being told to access the State School Relief Fund, and the schools are good but if you had every kid in care doing this it wouldn't work. So, it just needs to be increased plain and simple. Relief funding from schools – not adequate for all kids in care. Increase is needed in what they can deliver. (CSO staff member)*

### **Case study: Lack of financial support for Fletcher's carer leads to placement breakdown<sup>286</sup>**

When Fletcher was in year 3, he was placed into residential care until one of the residential care workers agreed to look after him full-time. The carer lived an hour away from Fletcher's school but was committed to transporting Fletcher there daily because it was a supportive and stable environment for him. Both the carer and school principal requested that DFFH assist to pay for fuel, but this was refused, and the placement broke down. The principal advised that this could have been prevented for a small cost to DFFH. He also stated that carers 'are promised the world in terms of financial support, but when the kid is put in their care, they're on their own'.

*I've got a kid at the moment where the grandmother has to keep re-mortgaging the house just to care for the kid. They [DFFH] are happy for her to do that. And they don't give the woman the information. She was eligible for a targeted care package and they intentionally kept it from her. (Teacher, FLO)*

### **Aboriginal carers experience additional financial pressures**

Several stakeholders raised in consultations the additional pressures on Aboriginal kinship carers, particularly given the emphasis placed on maintaining Aboriginal children and young people in kinship care placements to support their connection to family, kin and culture.

*There are additional pressures on Aboriginal carers as well because of the impact of colonisation and intergenerational trauma. We have a large component in our community who are still struggling and feeling the impact of that. That reduces our pool and it's a lot of work for a small group of people. Every day people are saying we need more Aboriginal foster carers, but the reality is there isn't enough. (Kinship carer, Aboriginal)*

*When our grandmothers take on the grandkids or great grandkids, there's an expectation they'll just do it. They don't get much funding. (ACCO staff member)*

*We have one matriarch who takes them all, she's got 12 children under the same roof, there will be five at this school, all different parents. (Principal, primary school)*

<sup>286</sup> Information obtained from a consultation.

Stakeholders also spoke about the financial strain experienced by Aboriginal carers and their families. VACCA stated in its submission that this strain is far-reaching and is impacted by ‘generalised family pressure, inability to provide school required items or pay for school activities, and difficulty providing consistent digital and internet access’.<sup>287</sup>

### Case study: Lack of support from Child Protection to Aboriginal carers leads to placement breakdown<sup>288</sup>

Aboriginal kinship carers, Samara and her husband, Donald, were caring for a relative’s five children. Samara and Donald both worked full-time. In an urgent placement, they took on the care of two more children aged seven months and three years and it was agreed that DFFH would pay for the children’s childcare fees.

After a month of the children attending childcare, Samara began receiving correspondence from the childcare centre about unpaid fees, advising that if they continued to be unpaid, the children could no longer attend the centre. Samara forwarded this onto the Child Protection worker who kept reassuring Samara that the fees would be paid. This did not occur, and Samara was forced to take nine days leave from work to care for the children when the childcare centre would not allow them to attend.

In the end, Samara and Donald felt they had no choice but to return the children to Child Protection due to the lack of support. Samara advised the Commission staff that she heard the children had been placed with another family before reunification with their mother was attempted. This also broke down and Samara was unsure who the children were living with now.

*I’m living off savings and that’s almost gone. Only \$300 a fortnight for [child] and myself! I can’t work because of the stress and strain on my heart. (Kinship carer, Aboriginal)*

*Last week we went down to the footy carnival, we have kinship carers saying ‘can we get petrol vouchers, can we get this and that’ because they simply don’t get the financial support... And the process of constantly asking for money for small things is humiliating, especially for Aboriginal families. Every day on social media, it’s like ‘yeah more black fellas getting more handouts’. It’s just not culturally safe. (Kinship care support worker)*

### Finding 9: Financial support for carers

The Commission heard from stakeholders, including carers themselves, that carers are not given sufficient financial support to enable them to meet the needs of the children and young people in their care. The Commission also heard that Aboriginal carers experience particular pressures which require additional and targeted supports.

<sup>287</sup> VACCA, *Submission to Education inquiry*, p. 20.

<sup>288</sup> Information obtained from a consultation.

## Research and analysis

The capacity of carers to provide a safe and supportive home environment can be jeopardised, if carers and the children and young people in their care cannot access sufficient financial support to pay for the necessary resources and other basic educational needs. This is likely to be more pronounced in kinship care placements where income levels are often lower for kinship carers than foster carers, and there are fewer supports provided to kinship carers.<sup>289</sup>

The 2021 *Findings of the home-based carer census* highlighted the financial strain on carers, with 84 per cent of kinship carers and 75 per cent of foster carers surveyed who stated that their personal finances were impacted by their caring responsibilities. Fourteen per cent of carers indicated they were unlikely to continue caring due to the inadequacy of financial support.<sup>290</sup> Further, the census reported that three in ten Aboriginal carers were borrowing money from other lenders, such as banks or cash loans, to help meet their caring responsibilities, and a fifth were unable to pay rent or mortgage repayments on time. It was identified that Aboriginal carers were more likely to experience these challenging financial situations than other carers.<sup>291</sup>

According to CREATE, assistance for carers is essential for ‘them to become positive, constructive, confident forces for continued educational achievement in young people’.<sup>292</sup>

## Care allowance payments should be increased

In comparison to most other jurisdictions, Victoria’s base care allowances are low and, in some instances, unfairly distributed across age ranges. For example, the first age range is 0 to 7 in Victoria whereas it is lower in other jurisdictions, including 0 to 4 in the Australian Capital Territory (ACT), New South Wales (NSW) and Tasmania, and 0 to 5 in Queensland. Consequently, carers receive an age-related allowance increase two to three years earlier in other states than in Victoria, where carers do not receive an age-related increase until the child in their care turns eight. The allowance amount for this first age range is also lower in Victoria at \$435.59, compared with \$620.92 in the ACT, \$540 in NSW and \$451 in Tasmania for children aged 0 to 4, and \$567.14 in Queensland for children aged 0 to 5.<sup>293</sup>

### Finding 10: Care allowance

**The Victorian Government has not increased care allowance payments since 2016 and the Victorian care allowance rates are among the lowest in the country.**

### Recommendation 7: Increase carer payments

**That the Victorian Government increase the care allowance payments for kinship and foster carers.**

<sup>289</sup> Maclean et al. (2020) ‘Adolescent education outcomes and maltreatment: The role of pre-existing adversity, level of child protection involvement, and school attendance’, *Child Abuse & Neglect* 109:104721, doi: 10.1016/j.chiabu.2020.104721, p. 148.

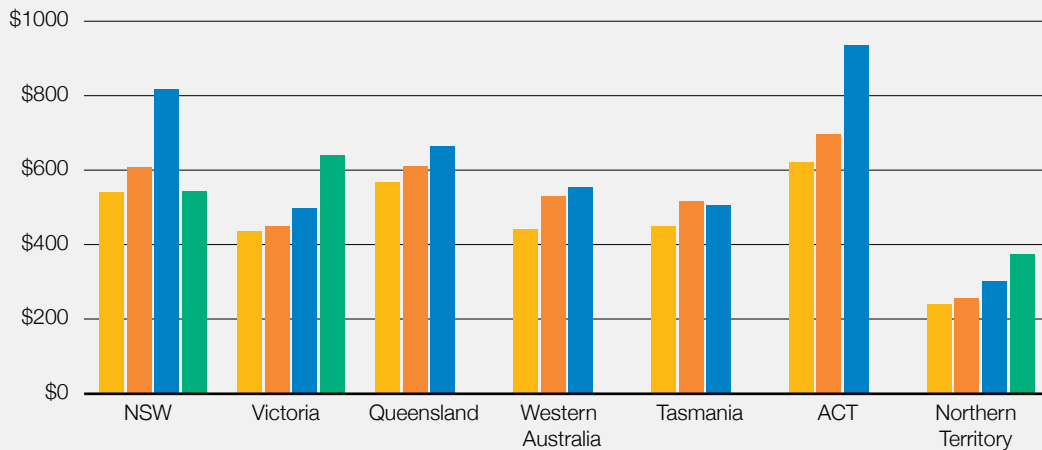
<sup>290</sup> Ernst and Young Sweeney, *Strong carers, stronger children – Victorian Carer Strategy Findings of the Home-based carer census: Final Report to the Department of Families, Fairness and Housing*, p. 23

<sup>291</sup> *Ibid.*, p. 13.

<sup>292</sup> CREATE, *Submission to the Inquiry into the education of children and young people living in out-of-home care*, 29 July 2022, p. 3.

<sup>293</sup> ACT Community Services (2022) *2023-24 Subsidies and financial support guide*, accessed 11 October 2023; Communities and Justice, *DCJ Care allowances indexation adjustment – effective 1 July 2022*, accessed 10 June 2023; Queensland Government (2022) *Carer allowances*, State of Queensland, accessed 10 June 2023; Foster Care Association of Victoria (n.d.) *Care Allowance Analysis by Jurisdiction*, accessed 10 June 2023.

**Figure 15. Comparison of care allowance payments across available Australian jurisdictions<sup>294</sup>**



Age ranges	First	Second	Third	Fourth
Victoria	0–7 years	8–10 years	11–12 years	13–17 years
Western Australia	0–6 years	7–12 years	13–17 years	–
ACT	0–4 years	5–14 years	15–17 years	–
NSW	0–4 years	5–13 years	14–15 years	16–17 years
Queensland	0–5 years	6–10 years	11–17 years	–
Northern Territory	0–5 years	6–10 years	11–13 years	14–17 years
Tasmania	0–4 years	5–11 years	12–17 years	–

**Carer assessment and payment processes should be strengthened**

The Commission also considers that the care allowance assessment and payment process should be strengthened to ensure these assessments occur in a timely way and that kinship carers receive the same financial support as foster carers. This is a longstanding issue for DFFH and was raised in the 2022 VAGO report, in addition to the 2017 Victorian Ombudsman report *Investigation into the financial support provided to kinship carers*, which stated that:

Addressing the current inequity in the system will require significant change and investment. A failure to address these issues may compromise the stability of kinship placements and the wellbeing of kinship carers and children who need support and protection.

The Ombudsman recommends the department review the administration of financial support to kinship carers, so kinship and foster carers receive equitable financial support. The transparency of decisions relating to higher care allowance levels for kinship carers should be improved.<sup>295</sup>

**Recommendation 8: Ensure equitable financial support for kinship and foster carers**

**That DFFH strengthen the care allowance assessment and payment process to ensure assessments are conducted thoroughly and in a timely way, and that equitable financial support is provided to kinship and foster carers.**

<sup>294</sup> Ibid.

<sup>295</sup> Victorian Ombudsman (2017) *Investigation into the financial support provided to kinship carers*, Victorian Ombudsman, Melbourne, p. 9.



### Costs to carers of school contributions, resources and related activities

According to DE, government schools are required to provide students with free instruction and ensure that students have free access to all items, activities and services used by the school to fulfil the requirements of the curriculum. Schools request financial contributions, although under DE's *Parent Payments* policy,<sup>296</sup> schools must ensure these contributions are voluntary and obtained without coercion or harassment. Schools must also apply the *Financial Help for Families* policy.<sup>297</sup> If a parent or carer does not provide or purchase educational items, the school must ensure that the student has free access to items as required for the school's delivery of the curriculum.<sup>298</sup>

The Commission understands that while the payment of financial contributions is voluntary, the way payment is requested may lead parents, guardians and carers to believe that they are mandatory. Additional costs for camps, excursions, sports, and other school activities are also expected to be covered by parents, guardians and carers although they can apply for assistance, such as through the *Camps, Sports and Excursions Fund*.

Carers should not be asked to pay financial contributions when a child in care is enrolled in school. This would prevent carers worrying about costs and navigating difficult systems to ask for assistance. It would also reduce the stigma that children and young people experience at school because of their care status.

### Recommendation 9: Remove voluntary contributions and other education expenses for carers

**That DE ensure that carers of students in out-of-home care are not requested to pay voluntary financial contributions and education-related expenses, including camps and excursions.**

### Improved access to flexible funding to cover education-related costs

The Commission heard from children and young people in consultations about not always having the appropriate school uniform and other materials required to attend school. Carers can seek assistance from schools to pay for school uniforms. The Commission was advised that schools often apply for financial assistance to purchase uniforms through the *State Schools' Relief*, although schools are not always aware of this option and it can sometimes take weeks to organise. Consequently, some children and young people in care start at a new school without the appropriate uniform.

*In our own words* highlighted the importance of participating in recreation and leisure activities to 'provide opportunities for learning self-care skills and for promoting resilience generally, and for developing community connections'.<sup>299</sup> It also noted the link between children and young people in care participating in sport and other extracurricular activities and their engagement at school.<sup>300</sup>

<sup>296</sup> Department of Education (2023) [Parent Payments](#), accessed 5 October 2023.

<sup>297</sup> Department of Education (2023) [Financial Help for Families](#), accessed 5 October 2023.

<sup>298</sup> Information provided by DE to the Commission dated 5 October 2023.

<sup>299</sup> Commission for Children and Young People, *In our own words: Systemic inquiry into the lived experience of children and young people in the Victorian out-of-home care system*, Commission for Children and Young People, Melbourne, 2019, p. 214.

<sup>300</sup> *Ibid.*

It recommended:

Recommendation 5(b): That the department consider whether funding packages can be administered to ‘follow’ the child or young person as they move through different placements and be available regardless of where they live.<sup>301</sup>

Opportunities for children and young people to pursue their interests and hobbies, including activities outside of school, have been shown to improve education outcomes and school attendance, in addition to strengthening social networks and supporting their mental and physical health.<sup>302</sup>

However, existing barriers associated with approval processes and access criteria mean that these opportunities are not always available to children and young people in care. The Commission considers that streamlining the processes for seeking flexible funding and increasing awareness of the availability of such funding will improve access.

### Recommendation 10: Provide carers with information and assistance to access flexible education-related funding

That DFFH:

- ensure all carers and the children and young people in their care, particularly those in kinship care and in residential care settings, are provided with information about flexible funding available to cover education and extra-curricular activities
- further streamline the process for seeking this funding.

### Children and young people in care to receive a Victorian Student Pass

The Commission considers that all children and young people in care should be provided with a Victorian Student Pass, free of charge, which provides unlimited travel on all public transport across Victoria. Research suggests a clear link between transport poverty and access to education, and young people are regular recipients of infringement notices due to travelling without a valid Myki ticket.<sup>303</sup> For people under 18 years, the fine is currently \$96 for failing to produce a valid ticket.<sup>304</sup> This is a significant cost for a child or young person who is living in care and might be experiencing financial hardship and/or placement instability.<sup>305</sup>

In 2018, the *Schools-Myki Pilot Project* was conducted, involving over 40 students enrolled in four participating schools in the Wyndham region. Students were given access to funded public transport through the provision of Myki cards by the schools’ wellbeing teams. Following the 2018 pilot, the Victorian Government funded the extension in 2019 to all government schools in Wyndham. WEStjustice delivered the *Travel Assistance Program* in partnership with several government agencies, where students were provided with a 30-day pre-paid travel pass. Some key findings from this pilot included:

- many young people experiencing disadvantage want to attend school and their attendance and punctuality will improve if they are given a free and accessible way to get there
- the majority of participants agreed that they felt more positive about using public transport when they had the travel pass and they reported feeling better about going to school
- the program helped 20 per cent of surveyed students to leave home when it was unsafe and 15 per cent to find somewhere safe to sleep.<sup>306</sup>

<sup>301</sup> Ibid., p. 47. In its most recent update on *In our own words*, the department indicated that such a funding structure would not be implemented. (Update provided to the Commission on 19 June 2023).

<sup>302</sup> NSW Department of Education (2023) *Tell Them From Me: Participation in extracurricular activities*, accessed 23 June 2023; Raising Children Network (Australia) (2023) *Extracurricular activities, interests and hobbies: pre-teens and teenagers*, accessed 23 June 2023.

<sup>303</sup> Robertson S (2016) *Fare Go: Myki, Transport Poverty and Access to Education in Melbourne’s West*, WEStjustice, Melbourne.

<sup>304</sup> Public Transport Victoria (2023) *Transport fines*, accessed 17 October 2023.

<sup>305</sup> WEStjustice (2020) *Travel Assistance Program*, WEStjustice, Melbourne, p. 54.

<sup>306</sup> Ibid., p. 62-64.

The provision of free public transport to school-aged students is available in other jurisdictions. In NSW, students are eligible for a free school travel pass if there is a minimum distance of up to 2.9 kilometres.<sup>307</sup> In ACT, the Student Transport Program provides eligible primary, high school, and college students with free travel from Monday to Friday. Eligible students include those who live a minimum distance from their school and they or their parent/guardian has a valid pensioner concession card or health care card.<sup>308</sup>

*State Schools' Relief* currently delivers the Travel Pass program on behalf of the Department of Transport and Planning. The program provides 30-day pre-paid travel passes for any primary, secondary or specialist student experiencing a crisis, such as family violence or sudden financial hardship.<sup>309</sup> The Commission commends this initiative and believes it should be extended to all student-aged children and young people in care on a yearly basis regardless of their home or financial situation.

### **Recommendation 11: Provide all students in out-of-home care with a free Victorian Student Travel Pass**

**That the Victorian Government provide all student-aged children and young people in out-of-home care with a Victorian Student Travel Pass free of charge.**

### **Other assistance provided to carers**

The Commission heard in consultations that carers need more training and assistance to navigate complex government service systems, such as Centrelink, Medicare and the NDIS. At the Commonwealth level, Centrelink has *Grandparent, Foster and Kinship Carer Advisers* to provide carers with tailored information about payments and support services relating to Medicare, Centrelink, Child Support and the Child Care Subsidy (CCS).<sup>310</sup>

At the state level, the Victorian Government established the *Care Support Help Desk* in 2022, an initiative to increase support for carers to navigate the care system and reduce the administrative functions that Child Protection practitioners undertake. *Care Support Help Desk* staff apply for essential documents for all children and young people entering care for the first time, such as Medicare cards and birth certificates, including registration of a birth if required. Staff also record immunisation status on CRIS and ensure foster and kinship carers have the documentation they require to access Commonwealth supports for children in their care. Staff also ensure that childcare, kindergarten, or school information is recorded on CRIS.<sup>311</sup> In addition, the *Care Support Help Desk* provides phone support to foster and kinship carers if they require assistance with the placement. Staff assist carers to navigate child protection and court processes, and address issues with departmental processes, such as Care Allowance payments and other financial supports.<sup>312</sup>

DFFH also funds the Carer KaFE program, to provide a range of training and support to kinship, foster and permanent carers.<sup>313</sup>

The Commission supports these initiatives but understands that some carers require further assistance due to the complexity of these service systems, the specific needs of individual children and young people, and the implications for the timely access to education.

<sup>307</sup> Service NSW (2023) [Apply for a school travel pass](#), accessed 27 July 2023.

<sup>308</sup> Access Canberra (n.d.), *Student transport program*, accessed 27 July 2023.

<sup>309</sup> Information provided by DE to the Commission dated 3 October 2023.

<sup>310</sup> Services Australia (2023) [How we can help](#), accessed 23 March 2023.

<sup>311</sup> Information provided by DFFH to the Commission on 26 September 2023.

<sup>312</sup> Ibid.

<sup>313</sup> Carer KaFÉ (n.d.) [About Carer KaFÉ](#), accessed 24 March 2023.

*What we heard from stakeholders*

A consistent theme from stakeholders related to early childhood education where enrolment in services requires liaising with Centrelink and organising the Child Care Subsidy (CCS). This was described as onerous for carers, even with the assistance of case workers and Child Protection practitioners. We heard how this led to delays in accessing payments, resulting in significant childcare debts, carers having to stay home from work to look after the child and children missing out on weeks and sometimes months of kindergarten.

*Long day care, Commonwealth funding, standalone kinder and state funding, early years management – it's all complex and people don't engage with it because it's difficult. That's both family and Child Protection. It's too complicated and people don't have the time to work it out. (LOOKOUT Early Years Learning Advisor)*

*A bugbear of mine is that we work in an environment that has policy and funding that assumes the person enrolling the child in early childhood is fully functioning and able to understand the process. We are wanting vulnerable children to have access, but we don't change the policies and process to ensure they have access. (LOOKOUT Early Years Learning Advisor)*

**Case study: Challenges with service navigation delayed Henry from starting his final year of kindergarten<sup>314</sup>**

Henry lived with a foster carer. At five-years-old, he was meant to be in his last year of kindergarten, which he attended through a long daycare centre. This was delayed by more than three months because his carer struggled to organise the CCS through Centrelink despite having the support of a Child Protection practitioner.

The CCS application process took over two months to finalise and the carer advised that the process would have been more streamlined had Centrelink informed them of everything required to support the application. Once Centrelink approved the application, they advised the carer that it would take an additional 28 days to become active. Consequently, Henry missed another month of kindergarten and allied health support that had been organised to work with him to improve his school readiness.

A long-standing issue identified by kinship and foster carers has been obtaining identification documentation, such as birth certificates or immunisation records, for the children and young people in their care. The Commission notes that DFFH initiated the Birth Certificate project, to address this issue, which has sourced close to 5000 birth certificates for children and young people in care.<sup>315</sup>

Timely access to such information is critical to facilitate children and young people's enrolment in school or childcare. While this is the responsibility of child protection, there are often reports of delays, which increases carers' frustration and stress.

<sup>314</sup> Information obtained from a consultation.

<sup>315</sup> Information provided by DFFH to the Commission on 26 September 2023.

*I'm still struggling to obtain information about the court order, healthcare card. I just received the birth certificate. (Foster carer)*

*The carer is still waiting for healthcare cards and things like that, the bureaucracy is killing her. She's tired of asking for information from the department...you can understand why carers walk away because it's like headbutting a brick wall. (Principal, primary school)*

*Short-term placements for a few months add another level of complexity, especially not having sufficient information that is passed on about the child. For example, we don't have the child's immunisation records. We can't get documentation to enrol the child at school. This is hard with vaccination requirements. (Foster carer)*

Stakeholders, particularly community service organisations, indicated that they found the NDIS difficult to navigate and supports for children and young people in care with a disability difficult to access. The Commission heard that carers also found the NDIS difficult to navigate and that Child Protection were not able to assist.

*We are constantly chasing information for NDIS assessments. (CSO staff member)*

*There is probably a lack of understanding on our end about the funding area. Funding in itself is an issue, there needs to be more one-on-one support. (CSO staff member)*

*Accessing NDIS can be an issue. Historically there was a lot of issues with NDIS, getting suitable packages...It's a long process when NDIS say, 'we don't fund that', then DFFH say 'we don't fund it'... It can be a never-ending cycle...There is no training for foster carers around how to support children with a disability, how to work with schools. We try to give that information. It would be beneficial if there was training about how to engage better with the NDIS and with schools. (CSO staff member)*

One stakeholder raised that when Child Protection has a better understanding of the NDIS, it can bolster the success of children and young people with disability.

*When they have an NDIS package, and Child Protection has learned a lot more about NDIS recently, so we are seeing a lot more young people coming with that brokerage, that sets them up a lot better than others. They have a dedicated worker who is paid for the time they are with the child so that bumps them up much better. (CSO staff member)*

According to VACCA, Aboriginal children and families in VACCA programs are not accessing NDIS early intervention to its fullest capacity. Instead, Aboriginal carers are taking the responsibility of caring upon themselves without the necessary supports. VACCA identified the following barriers to accessing NDIS:

- that parents, carers and the workers who support them are having difficulty in navigating NDIS and the disability sector.
- a lack of choice, cultural safety, support and inclusion in meeting the needs of Aboriginal children and young people with disabilities
- a lack of coordination between the child welfare and disability sectors.<sup>316</sup>

<sup>316</sup> VACCA, *Submission to Education inquiry*, received 28 July 2023, pp. 18–19.



The Commission is aware that, in response to individual inquiry findings and recommendations, additional Disability Practice Advisor roles have been funded for the 2023-2023 and 2023-2024 financial years to support Child Protection practitioners to work with children and young people with disability. DFFH has also reviewed its own guidance through the Child Protection Manual to strengthen practitioners' understanding of the NDIS. The Commission continues to monitor progress against these recommendations and in particular improvements in communication between Child Protection and the NDIS.

### Finding 11: Service system navigation

**The Commission heard from stakeholders that many carers experience difficulties navigating complex service systems, as do Child Protection practitioners and workers in CSOs. This can limit the level and type of support they and the children and young people in their care receive, both in the home and in education settings.**

### Carers also need to prioritise educational needs

Another common theme in consultations was that sometimes children and young people's educational experiences, both at school and in the home, were influenced by their carers' capacity or willingness to prioritise their educational needs. The Commission's consultations with carers and community organisations found carers have a strong desire to support children and young people's learning. Consultations also suggested, however, that some kinship carers do not have the information they need, and there was a tendency for some foster carers to have low expectations of the children and young people in their care.

### What we heard from stakeholders

We heard that carers need more support from DFFH and agencies to build their capacity to advocate for the educational rights of children and young people in care in both the out-of-home care and education systems. This was identified as particularly important for kinship carers, many of whom are grandparents.

*Carers come in with no information from Child Protection, no idea what the orders are, they don't understand access conditions, no training, because they're family – there's an assumption that they know what the rights of their children are. They need an advocate to ensure the rights and responsibilities of children are considered. Those carers have a right to training and information. How to enrol their child in school or when they're having troubles. (CSO staff member)*

*There could be more education for carers around the Partnering Agreement and their rights regarding education, including suspensions and enrolments, so they can query things and advocate on behalf of young people. (Child Protection practitioner)*

*Another thing that fails is the support to carers. A lot aren't equipped to advocate like I do, and they shouldn't have to. The support should be there for them. It should be part of the role and by support, I mean money, advice, upskilling, check-ins. The works. It all pays off in the end. (Kinship carer)*



### What we heard from children and young people

Some children and young people shared with us their experiences of living in foster care and how it impacted their engagement at school.<sup>317</sup>

*When I had to change placements, the foster carers I moved in with during year 11, they gave me a choice. I hated being given such a big choice at such a young age. If I was to stay in my placement, I had to change schools. If I wanted to stay in my school, I had to change placements. It was two hours travel to school. My carers hated that I was funded for travel to school. I had funding for a driver to get to school and caught public transport home. They would say, 'they can't fix that pothole in the road but they can fund your transport to school'. I decided to change schools in year 12. I think I regret my decision, still. At the time it was either have a stable home life or a stable school life. (Elia, 22, previously residential care)*

*I had a terrible relationship with my foster parents when I grew up... I was in high school when they started the 'bring your own device' but it wasn't mandatory then. I didn't get it until I was in year 12 when it became mandatory. Then I got money from Centrelink and I was able to buy my own. I paid for my own school jumper too. Everyone had a school jumper – but I paid for mine myself. (McKenzie, residential care)*

*At one point, I made a mistake in a test at online school and I was angry and bumped the desk into the wall and made a hole. My carer made me go outside because it was 'her desk', and that I had to go outside because I was 'acting like a dog'. And they would threaten to take things back from me, threaten to break things I had bought myself because it was the 'same' as what I had done in anger to their wall. I was not allowed to finish my test and unable to complete it because she kept fighting with me. Carers who are abusive really impact your education and it needs to be a priority to screen them and intervene with inappropriate carers. (Young person, 19, independent living)<sup>318</sup>*

### What we heard from stakeholders

We also heard that some foster carers found it difficult to prioritise learning in the home.

*We are really clear that what they get inside school is only part of the picture of the learning environment. Our kids don't go home and do homework cos the home environment isn't set up for that, or the carers think it's beyond them. (CSO staff member)*

*I have always said I'm not doing homework with them. School is school and home is home. We don't need another opportunity for stress. We're two working parents and we're lucky to be home by six...there has been a lot of judgement about this position. (Foster carer)*

*My capacity is limited. We have activities every night. I have to prioritise what I do but the time to support learning is really challenging. I'm working on my relationship with my girls. I can encourage them to do their homework but to sit there and support it is difficult. (Foster carer)*

<sup>317</sup> The Commission notes these experiences came up voluntarily in consultations with children and young people in foster care.

<sup>318</sup> Whitelion Youth, *Submission to the Inquiry into the educational experiences of children and young people living in out-of-home care*, received 5 August 2023, p. 10.

## Finding 12: Supporting education in the home

The Commission heard from many children and young people in out-of-home care and some carers that education was not encouraged or supported in the home environment.

### Research and analysis

Carers' role in supporting children and young people's educational attainment is well-established in research. Children and young people in care are less likely to succeed at school if they lack the 'encouragement, guidance, and support from a significant adult or mentor'.<sup>319</sup> Conversely, 'caregivers who are committed to fostering education' can make a difference to the education outcomes of children and young people in their care.<sup>320</sup>

According to CREATE, children and young people in care appreciate it when their carers value education and provide them with practical support.<sup>321</sup> Research demonstrates that academic achievement of children and young people in care is associated with carers providing learning resources at home and engaging with their learning, as well as supporting extra-curricular activities.<sup>322</sup> With foster care placements, for example, international research highlights the relationship between successful education outcomes and a positive home environment where children and

young people have a sense of belonging in the home and are treated by their carers as if they were their own children. This included foster carers promoting school achievement and placing a strong emphasis on structure and routine regarding homework and other family activities.<sup>323</sup>

In its submission CREATE highlighted that limited support and training for carers in this area may result in them being less equipped to respond to children and young people's educational needs.<sup>324</sup> This reality highlights the need 'for carers to be further assisted and trained in supporting the education of children [and young people] in care'.

Research also suggests there is a positive relationship between the educational outcomes of the children and young people in care and the educational level of their foster carers,<sup>325</sup> the assumption being that carers with post-school education are more likely to encourage and inspire foster children to do well at school. The 2021 home-based carers census reported that 21 per cent of foster carers had a postgraduate qualification, compared to five per cent of kinship carers.<sup>326</sup>

In Chapter 10, we discuss the pressures on placements and carers by school responses such as modified timetables, suspensions, and informal suspensions and an expectation that carers will remove a child from school whenever behavioural issues arise.

- 319** Mendis K et al. (2015) 'The education of children in out-of-home care', *Australian Social Work*, 68(4), 483-496, p. 484, citing Jackson S and Cameron C (2012) 'Leaving care: Looking ahead and aiming higher', *Children and Youth Services Review*, 34(6), 1107-1114.
- 320** Mendis K et al. (2015) 'The education of children in out-of-home care', p. 494. See also: Townsend ML (2011) *Are we making the grade? The education of children and young people in out-of-home care*, Doctor of Philosophy thesis, Southern Cross University, p. 57.
- 321** CREATE, *Submission to Education inquiry*, received 29 July 2022, p. 3.
- 322** Knight R and Rossi S (2018) *Children in out-of-home care and their educational outcomes: A literature review September 2018*, The Australian Centre for Philanthropy and Nonprofit Studies, Queensland; University of Technology, Brisbane, p. 12; O'Higgins A, Sebba J and Gardner F (2017) 'What are the factors associated with educational achievement for children in kinship or foster care: A systematic review', *Children and Youth Services Review*, 79, 198-220, p. 205.
- 323** Skilbred et al. (2017) 'Successful Academic Achievement Among Foster Children: What Did the Foster Parents Do?', *Child Care in Practice*, Vol. 23, No.4, 356-371, pp. 367-368.
- 324** CREATE, *Submission to Education inquiry*, received 29 July 2022, p. 3.
- 325** Townsend ML, *Are we making the grade? The education of children and young people in out-of-home care*.
- 326** Ernst and Young Sweeney, [Strong carers, stronger children – Victorian Carer Strategy Findings of the Home-based carer census: Final Report to the Department of Families, Fairness and Housing](#), p. 47.

## Residential care

The high levels of educational disengagement in residential care is an issue in the out-of-home care sector that warrants specific attention. Children and young people living in residential care have the highest level of school absences and achieve the lowest levels of numeracy and literacy compared to children and young people in other care settings. In 2022, only 12 students enrolled in year 12 were living in residential care. Of these, one student completed VCAL and none completed VCE.<sup>327</sup>

Many stakeholders referred specifically to issues in residential care and identified children and young people in residential care as more at risk of disengagement from education than those in home-based care placements.

In *In our own words*, children and young people overwhelmingly described residential care as chaotic, violent and dangerous.<sup>328</sup> This was echoed in the evidence for this inquiry, including that residential care does not typically provide the home environment needed for meaningful education engagement. This relates to the often-poor matching of children and young people who are placed together in residential care units and the negative peer influences that can arise, particularly around attending school. Further, residential care workers are not often qualified or equipped to encourage children and young people to regularly attend school or to support their learning when at home. Any capacity that residential care workers may have to provide these supports is further compromised by shift-based work and the casualised nature of much of the residential care workforce, which can make it difficult to build a relationship with individual children and young people and know what their specific education needs might be.<sup>329</sup>

Many children and young people spoke to the Commission about their experiences of residential care. They told us they did not like living there, with some identifying that they felt unsafe and anxious.

*I fucking hate it here I have been living in resi for three years. (Thea, 16, residential and foster care)*

*I hate resi. I don't feel safe there. (Elliot, 11, residential care)*

*At the resi I felt all different ways, depressed, suicidal, used to cut myself a lot...Got bashed couple of times in resi then I got put in a different one. (Bailey, 22, previously in residential care)*

This was also a common theme in our consults with stakeholders.

*You almost couldn't design a better system to disengage kids from education, to force them into the arms of paedophiles, into criminality, into drugs. Into a life where they won't have positive relationships, and where they are so likely to die young. You'd think it has been intentionally designed to do those things. I've been on the phone begging for kids to not be put into those systems, knowing that a child still had capacity to trust, and be engaged and connect, then in a couple of months they have the resi dead eye. (Teacher, FLO)*

*The level of trauma response, distress, fear, fight or flight responses these kids have in resi is just so significant. I'm the on-call manager this week and it doesn't shock me anymore, but the calls I am getting – the normal person would just not understand the life of a kid living in resi and what it looks like. (CSO staff member)*

<sup>327</sup> Appendix: Tables 71, 72 and 73.

<sup>328</sup> Commission for Children and Young People, *In our own words*, Finding 24.

<sup>329</sup> *Ibid.*, p. 239.

## What the Commission found in its previous systemic inquiries

### *In our own words*

A key theme from *In our own words* regarding children and young people's experiences of living in residential care was that they often felt alone and unsafe.

Poor placement mix in residential care was identified as a contributing factor to children and young people feeling unsafe, with many discussing in consults that they were often heavily affected by the behaviour of other children and young people in their units. There were also concerns about younger children being placed with adolescents in residential care and their likely exposure to drug use, violence, sexual exploitation and criminal behaviour.<sup>330</sup>

The Commission made several recommendations to improve residential care settings, including the development, resourcing and implementation of an integrated, whole-of-system investment model and strategy for the child and family system to ensure more suitable care placement options are available.<sup>331</sup>

### *Out of sight*

*Out of sight* investigated the issue of young people who go absent or missing from residential care to identify and better understand the reasons why this occurs, and to examine the risks faced and harms they suffer when they are missing or absent from residential care.

In consults, many young people stated they were either not enrolled or regularly attending an educational day program. With hours of unoccupied time and feeling socially isolated, young people were drawn to the streets to seek connections with peers.

*I could go to any station and know at least three people at the station hanging there. For me, not having school, that was my way to have friends and relationships. (Zoe, lived experience of homelessness)<sup>332</sup>*

The inquiry found many children and young people who leave residential care do so because they do not feel safe or at home there, and they do not feel connected with carers or fellow residents.<sup>333</sup> For Aboriginal children and young people in residential care, reasons for being missing or absent also related to inadequate cultural support and connection.<sup>334</sup>

Building on *In our own words*, *Out of sight* reiterated our key recommendation that the Victorian Government fund and implement the new model of care and expand on it to include the development of a new therapeutic model of residential care to better respond to the needs of children and young people and reduce absences.<sup>335</sup>

## Progress on recommendations from previous inquiries

### *In our own words*

The Victorian Government accepted recommendations 12 and 14 and accepted recommendations 11 and 13 in principle. Since publication of *In our own words*, DFFH has progressed each of these four recommendations to varying degrees.

In response to the recommendations in *In our own words* about improving residential care settings, DFFH has:

- engaged Monash University, Institute for Safety, Compensation and Recovery Research to support finalisation of the draft design guidelines, with a focus on therapeutic environments for children and young people. Monash University will engage

<sup>330</sup> Ibid., p. 26.

<sup>331</sup> Ibid., pp. 265–266.

<sup>332</sup> Commission for Children and Young People, *Out of Sight*, p. 120.

<sup>333</sup> Ibid., p. 31.

<sup>334</sup> Ibid., p. 17.

<sup>335</sup> Ibid., p. 37.

young people with lived experience in the development of the recommendations for the design guidelines, including employing a lived experience consultant<sup>336</sup>

- developed draft policy regarding companion or therapy animals, which is to be considered as part of a broader review of program requirements for residential care.<sup>337</sup>

DFFH responded to recommendation 11 through the update to the *Guidance for Care Services Placement Coordination and Planning*. This work is still underway as discussed in Chapter 5. For recommendation 12, DFFH finalised the *Framework to reduce criminalisation of young people in residential care*, although implementation has been seriously delayed due to redirection of resources to support its response to COVID-19. More recent progress includes an 18-month action plan, endorsed in March 2023, which outlines 35 actions to achieve the objectives of the Framework.<sup>338</sup>

### Out of sight

The Victorian Government accepted the Commission's recommendation as part of its broader commitment to establish a new model of residential care in *Roadmap for Reform: Strong Families, Safe Children*. This included funding to increase the number and delivery of two-and-three-bedroom residential care homes and to expand the *Keep Embracing Your Success* (KEYS) program in residential care homes to support children and young people with mental health and complex needs to transition back home or to independent living.<sup>339</sup> The Commission also welcomes the Victorian Government's recent commitment to fund all residential care at a therapeutic level as part of the 2023-24 State Budget.

### Changes in residential care since these inquiries

Since *In our own words*, the number of children and young people living in residential care has increased by nine per cent, and now accounts for six per cent of all children and young people in care. There has also been a two per cent rise in the number of younger children living in residential care, increasing from nine children aged six to eight years in 2018 to 12 in 2022. For children aged nine to 11, this rose by 83 per cent from 29 in 2018 to 53 in 2022. Additionally, there were two children aged three to five years in residential care in 2022.

Following *In our own words*, the Victorian Government introduced two-and-three-bedroom residential care homes and expanded the KEYS homes. As of June 2022, 19 two-and-three-bedroom residential care homes had commenced service delivery and six KEYS homes were operational, including an Aboriginal specific residential care KEYS model that was co-designed with VACCA.<sup>340</sup> Data from DFFH indicates that as of August 2023, 56 children and young people were living in either a KEYS or two-and-three-bedroom home.<sup>341</sup> Further, the 2023-24 Victorian State Budget included investment of \$548.4 million over four years to improve outcomes for children and young people in residential care and enable them access to therapeutic supports by 2025-26. The funding will also enable the continuation and expansion of two and three-bed therapeutic residential care homes.<sup>342</sup>

In consultations for this inquiry, stakeholders spoke of the significant benefits to children and young people living in residential care when it is funded with the intention of providing more tailored and therapeutic care. In its submission, Uniting Care stated 'a therapeutic approach to residential care is critical to upholding the rights of young people and the principle to 'do no harm'. Uniting Care spoke with two young people living in therapeutic residential care about how it had impacted their education:

<sup>336</sup> Information provided by DFFH to the Commission on 26 September 2023.

<sup>337</sup> Commission for Children and Young People, [Annual report 2021–22](#), Commission for Children and Young People, Melbourne, 2022, p. 147.

<sup>338</sup> Information provided by DFFH to the Commission on 26 September 2023.

<sup>339</sup> Commission for Children and Young People, [Annual report 2021–22](#), p. 183.

<sup>340</sup> Ibid.

<sup>341</sup> Information provided from DFFH to the Commission on 14 August 2023.

<sup>342</sup> Information provided from DFFH to the Commission on 26 September 2023.



*They were great. All the staff there were very accommodating with my will to get to school. You know I would be starting school at 8.00am they'd be starting at 7.00am and it takes about an hour to get to school in peak hour traffic. So they'd be coming in early to get me there on time. They give me the help that I need for school. (Uniting Vic.Tas)<sup>343</sup>*

The Commission also spoke to several people who work in or offer educational support to children and young people living in either a two-and-three-bedroom residential care home or a KEYS home. Educational support is provided in various ways, including through the attachment of a teacher or education consultant to the home, implementation of the Transforming Educational Achievement of Children at Risk (TEACHaR) or Paw Pals programs, and working from a cultural framework for Aboriginal children and young people. They all spoke about the effectiveness of the targeted education support embedded in these new models.

*We operate from a cultural framework, so for us it's about getting kids on Country. The western education system doesn't meet their needs. We do a lot of incidental learning, taking them to Country, doing maths. At the moment, it's just setting them up to operate in community, but it's far too low. (ACCO staff member)*

*We very recently had the Mackillop KEYS unit. I've had a lot of engagement with the education specialist in that unit who is very active in promoting enrolment for those kids not enrolled. She's been a breath of fresh air actually. The open communication is far better than I've seen in other units. The LOOKOUT involvement is much more than in other units. (LOOKOUT Learning Advisor)*

*I'm allocated two hours per week face time with each young person in the houses. That time is ideally for doing some academic stuff or skill building to engage in school, and other times it's advocacy or education case support. When I started, there was one of the 10 kids engaged in education of any sort. Now we are up to seven, with three attending face-to-face and four engaging with outreach to some capacity. All of them are working on a personal education plan that I developed with them. (Education Support Worker)*

*We have the Paw Pals program where teachers work with trained therapy dogs. We use the curriculum, but it's been written to include the dogs. We've seen the young people's presentation change and they feel success in their learning. We do safety planning with the dogs, and they relate to this and it helps with their own self-regulation. The animal assisted education for the most disengaged kids has been really successful, we've seen so many kids go back to school. They slowly integrate back in, that's been great for us. (CSO staff member)*

The Commission acknowledges the progress achieved in the last five years to shift the model of care towards a more therapeutic approach and the recent budget commitment to ensure residential care is therapeutic by 2025-26. However, at the time of this report, we note the two and three-bedroom therapeutic homes and KEYS homes are currently only available to 65 children and young people and most residential care homes are still not conducive to facilitating regular school attendance or learning at home, nor supporting children and young people's social and emotional wellbeing.<sup>344</sup>

<sup>343</sup> Uniting Vic.Tas, *Submission to the Education inquiry*, received 31 August 2022, p. 8.

<sup>344</sup> The Commission also acknowledges the work done to provide educational engagement for children and young people in residential care via the CIRC and TEACHaR programs. These programs are discussed in detail in Chapter 12.

## The impact of living in residential care on educational engagement

Data provided by DE demonstrates that children and young people living in residential care are less engaged in education than children and young people living in home-based care, in that they have higher absence rates and fewer complete secondary school.

Across the years, students in residential care received lower NAPLAN results in reading, writing and numeracy than other students living in care. There are also fewer students in residential care achieving the basic levels of numeracy and literacy. For example, in 2022, for year 9:

- 44 per cent of students in residential care achieved at or above the national minimum standard in reading compared to 76 per cent of students living in other care types<sup>345</sup>
- 55 per cent of students in residential care achieved at or above the national minimum standard in writing compared to 65 per cent of students living in other care types<sup>346</sup>
- 71 per cent of students in residential care achieved at or above the national minimum standard in numeracy compared to 84 per cent of students living in other care types.<sup>347</sup>

Table 27 details the rate of chronic absences for students in care from 2018 to 2022. This includes data relating to students 'at risk' of chronic absence (missed between 10 and 19 days) and students who are chronically absent (missed 20+ days). Compared to the general student population, students in care experience higher levels of chronic absence across primary and secondary years. Students who live in residential care are experiencing even higher rates of chronic absence at 79 per cent in 2022, a rise of seven percentage points since 2018, compared to 40 per cent and 59 per cent of students living in foster care and kinship care respectively.

<sup>345</sup> Appendix: Table 74.

<sup>346</sup> Appendix: Table 75.

<sup>347</sup> Appendix: Table 76.

Evidence received from the consultations reflected the various challenges that children and young people living in residential care experience, which makes it difficult to prioritise their education. We also heard of many instances of children and young people in residential care experiencing stigma and exclusion when they are at school.

### *What we heard from children and young people*

A key theme in consults with children and young people with experiences of residential care was that living in residential care was a contributing factor to them becoming disengaged from school.

*Primarily I enjoyed learning, not the lunchtime. I felt like learning was something I could understand. I was very engrossed in my work. Then I went in to resi and after year 8 I didn't really go to school. It's a hard thing to say but it's just impossible to go to school in resi. It's such a shame because so many kids in resi have such potential. (Elia, 22, previously residential care)*

*Living with people you don't even know and don't want to build a relationship with in resi. You got people telling ya get up to go to school and you don't even know them, and you start to think why should I listen to you? I've been in two or three different resi houses. (Miles, 17, Youth Justice)*

We also heard how living somewhere where violence and disruption from other children and young people is common makes it difficult to learn and prioritise education.

*It's hard to describe but the lack of structure in resi makes having any form of routine extremely difficult. It's hard to get up at 8 am to go to school when the other kids in your house scream all night. (Cade, 15, residential care)*

**Table 27. Number of students living in out-of-home care by placement type and absence category, 2018–22<sup>348</sup>**

Placement type and absence category	2018		2019		2020		2021		2022	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
<b>Foster care</b>	<b>1,042</b>	<b>100</b>	<b>1,075</b>	<b>100</b>	<b>986</b>	<b>100</b>	<b>1,011</b>	<b>100</b>	<b>931</b>	<b>100</b>
Within tolerance	402	39	410	38	432	44	403	40	260	28
At risk	290	28	290	27	224	23	270	27	295	32
Chronic	350	34	375	35	330	33	338	33	376	40
<b>Kinship care</b>	<b>3,458</b>	<b>100</b>	<b>3,961</b>	<b>100</b>	<b>4,133</b>	<b>100</b>	<b>4,133</b>	<b>100</b>	<b>4,101</b>	<b>100</b>
Within tolerance	1,050	30	1,099	28	1,307	32	1,143	28	727	18
At risk	878	25	1,006	25	916	22	944	23	944	23
Chronic	1,530	44	1,856	47	1,910	46	2,046	50	2,430	59
<b>Residential care</b>	<b>447</b>	<b>100</b>	<b>411</b>	<b>100</b>	<b>406</b>	<b>100</b>	<b>417</b>	<b>100</b>	<b>463</b>	<b>100</b>
Within tolerance	64	14	64	16	59	15	59	14	51	11
At risk	61	14	58	14	56	14	40	10	48	10
Chronic	322	72	289	70	291	72	318	76	364	79
<b>Other</b>	<b>5</b>	<b>100</b>	<b>3</b>	<b>100</b>	<b>1</b>	<b>100</b>	<b>2</b>	<b>100</b>	<b>1</b>	<b>100</b>
Within tolerance	3	60	0	–	0	–	0	–	0	–
At risk	0	–	0	–	0	–	1	50	0	–
Chronic	2	40	3	100	1	100	1	50	1	100
<b>Total</b>	<b>4,952</b>		<b>5,450</b>		<b>5,526</b>		<b>5,563</b>		<b>5,496</b>	

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023.

*When I was in resi it was hard to go to school, the other kids in house didn't go to school they just stayed in house smoking bongos all day, the resi worker didn't care ... I only went for about a week when I first entered resi but dropped out because no one else was going...I would have kept going to school if I never went into care. (Vanessa, 23, previously residential care)*

*Currently the house I'm in, there's two other people and they can be horrendous and really bad. This affects my schooling, makes it hard to focus. (Quinn, 17, residential care)*

Some children and young people discussed how when they did attend school, they would experience stigma from other students and teachers because they lived in residential care. This issue is further exacerbated by friends' parents being asked to undergo police checks before they are allowed to spend time in their homes.

*There's also a lot of stigma around resi, and even though other kids in schools may not know what resi is, they do notice that you get picked up by a different person every day and then you end up getting bullied for it. (Cade, 15, residential care)*

<sup>348</sup> This data relates to students who were in out-of-home care at some point in the reference period.

*Me going into resi when I was real young that reflected on me when I was in primary school – when my friends asked me do ya wanna hang out and ask for mum and dad’s number – I only had a worker’s number and that weirded them out. It was an awkward situation for me and I fucken hated it at that time in school. (Blaire, 15, residential care)*

*When I moved in here, it was weird going into school. School is weird most of the time. School and other kids don’t understand what it’s like. (Aiden, 12, residential care)*

Some children and young people felt that their engagement in education was not prioritised by others and residential care workers did not support their regular attendance at school. One young person told us that they were encouraged by their residential care workers to drop out of school.

*When you’re not connected to your school and living in resi, it’s the saddest place you can be. You just don’t care about it. In resi, you have to teach the staff the terminology. They are 28-years-old, but I have to teach them certain things. That reinforces the lack of trust. You use all that energy to teach them. It’s the saddest place to be, in a place where people don’t give a shit. I feel it is grinding you down rather than building them up. (McKenzie, residential care)*

*When I was in resi the carers didn’t try to help me with my education. I want the carers and schools to work better together. (Melody, 13, residential care)*

*I was literally encouraged to drop school. I was told by the resi workers to drop out. They didn’t encourage me to get a job or go independent. Did it all on my own – no support from case workers – I was 14, I got more support from my boss. I got a full-time job at 14 – no encouragement. When I re-enrolled, I did it on my own. Was discouraged by resi workers. I’m studying a community services diploma now. (Jeremy, 24, previously foster and residential care)*

## The link between residential care and education disengagement

### *What we heard from stakeholders*

There was a consensus among stakeholders that living in residential care is a driver of educational disengagement for some children and young people living in care.

*When kids are placed in resi care, we don’t see them anymore. (Wellbeing staff, secondary school)*

*I had a student in kinship with 98 per cent attendance and went to resi and their attendance dropped to around 30 per cent and they started using ice. (Wellbeing staff, secondary school)*

*School is voluntary for kids in resi care. It’s not a culture where education is encouraged. Kids are an anomaly if they’re motivated to come. (Teacher, FLO)*

### Case study: The nature of residential care was a contributing factor to Tim's disengagement at school<sup>349</sup>

Tim had lived in residential care for the last 18 months. In his last year of primary school, he was moved to another residential care home located an hour away from the school he had attended for seven years. Tim was able to attend school with residential care staff transporting him there and home daily.

Towards the end of Tim's final year in primary school, he was moved to two different residential care units closer to his school, although he was still required to be transported there. The Wellbeing and Student Engagement Coordinator at Tim's primary school reported that despite the shorter distance, residential care staff struggled to transport Tim to school regularly.

Due to staffing and communication issues in the residential care home, Tim missed his primary school graduation. This was despite the care team meeting finalising clear instructions about transport and logistics. Tim was left at after school care while the rest of his classmates graduated. This was very upsetting to school staff who had worked in the care team for over six months to ensure Tim would still attend school and graduate with his peers.

Another miscommunication between residential care staff resulted in Tim not attending an end-of-year excursion, another event planned as part of year 6 graduation activities. The school again expressed their disappointment that care team discussions were not relayed to the appropriate residential care staff.

Residential care staff advised the school that Tim had said that he did not want to attend the excursion or any high school orientation. Tim's primary school had also organised additional transition days for Tim. While residential care staff said they would talk to Tim about attending the orientation days, he missed those opportunities.

In Tim's first two months of high school, he only attended two days.

#### The chaotic nature of residential care

##### *What we heard from stakeholders*

Stakeholders identified that the prevailing culture in many residential care homes can adversely impact education engagement. This becomes more pronounced with poor matching of children and young people living together, particularly in four-bedroom residential care homes.

*Resi is chaotic, it's very difficult for children and young people to learn, they feel stupid – there are gaps in their learning. They're quite behind and they can't keep up in the classroom. We get audited on having a space for a child to study, we might have them physically but imagine coming home from school and someone's throwing cups and the cops are there. You aren't just going to sit there and bang out some history. There is also peer pressure with how resi kids identify with one another. (Staff member, residential care)*

<sup>349</sup> Information obtained from a consultation.



*[Placement] matching isn't a thing, they talk about it but it's not really taken into factor, kids need beds so they will just put them in where they can. It's a disaster when matching is not correct. It's different when matching is on point and when it's not, complexly changes the dynamic of the home, has flow on effect to kids attendance at school. (Staff member, residential care)*

*The nature of the house really influences kids' boundaries and their engagement with school. Four bedrooms are disastrous – kids can't feel safe with three other kids that have their own issues and rotating adults. Safety is key, otherwise there is no opportunity for healing and growth. Resi, as it stands now, is a place for further re-traumatisation. (CSO staff member)*

One stakeholder raised the difficulty for children and young people living in residential care to establish peer connections at school due to the police check requirements.

*I've recently done interviews with young people who were away from units overnight. They told me the police check is so invasive to them, they then lie about who they're with and where they're at... I don't police check my daughter's friends' parents... I understand with residential care, it's because we can't trust people in the community vibe, particularly with sexual offending. The flip side is that very often our kids are connecting with people who might not be the safest person. (CSO staff member)*

## Difference in education engagement of children and young people living in residential care

Numerous stakeholders discussed in consultations that children and young people who live in kinship and foster care placements are more likely to be engaged in education compared to children and young people living in residential care. Some suggested that the stability of home-based placements, particularly kinship care, contributed to this.

*The defining thing for me in out-of-home care is residential care, because we have kids here who are in kinship care who are just freaking amazing. (Teacher, secondary school)*

*I think other care placements are much more mixed, some [children and young people] can really thrive in those environments. My experience of those other placements is mixed, the positive is that it's often much more stable... they're unlikely to have had 15 placements in 12 months. (CSO staff member)*

*When young people are in home-based care, from what I've observed, the educational engagement tends to be there more, whereas not so much with kids in resi care. (Child Protection practitioner)*

## The role of residential care workers

Stakeholders reiterated what we heard from children and young people that residential care workers play an important role in whether children and young people living in residential care are engaged in education. This is like kinship and foster carers supporting the educational needs of children and young people in their care, as discussed in the previous section. However, the nature of the residential care workforce and the associated challenges in building positive and trusting relationships with children and young people in these settings creates significant barriers to workers encouraging and supporting education engagement.

### Case study: Residential care worker's observations about residential care<sup>350</sup>

Mercedes was a residential care worker for two years with experience caring for children and young people in standard and therapeutic residential care houses. She observed many issues in these houses that adversely impacted the educational outcomes of the children and young people living there. However, she highlighted that these issues were exacerbated in standard residential care settings, and she advocated for all residential care to be one- or two-bedroom houses.

Mercedes explained that every young person that she had contact with was affected daily and in various ways by the presence or absence of the other residents, all of whom brought 'their experiences, their terror, their biases, their longing for love and support, their distrust of people and good in the world, their rage, their sadness, their hormonal changes, their inter-generational trauma, their friendship group, also often their substance abuse and the challenges that accompany it'.

Mercedes identified several ways that children and young people are negatively impacted by their exposure to the issues of other children and young people who they live with, including:

- Feeling unsafe and unable to settle into daily life due to the unpredictability of the behaviour of others who reside in the house. Often children and young people are exposed to situations out of their control and are caught up in the emotional outburst of another resident.
- The effect of having four children and young people in a house, all with complex trauma, amplifies the damage to the 'home environment', such as kicked in walls, broken bedroom locks, broken windows, stolen personal effects, which impacts residents' mental health and resulting behaviours and engagement in education.
- Sharing a lounge room, kitchen, dining room and bathrooms with strangers is an unreasonable expectation to place on a child or young person with complex trauma, particularly when it is intended to feel like their home.

Mercedes also stated that in these situations, children and young people's education is affected by their mental health, the lack of routine affecting their sleeping and eating habits, their confidence, peer pressure, involvement with the criminal justice system, and whether they choose to spend time in the house. She believes that one- or two-bedroom houses would be far more beneficial to children and young people and the broader community.

Stakeholders spoke about how the casualisation of the workforce, and the high turnover of staff, impacts workers' ability to meaningfully engage and build trust with children and young people. This is contrary to the stability, consistency, and therapeutic care that all children and young people living in these settings need.

*Having staff really understand the young person and how you can do things differently that the young person is comfortable with, that level of awareness is often missed in resi care staff. There is high turnover – lots of people and staff we expect children to have trust in. They can't build meaningful relationships. We don't honour the resi work like we should. (CSO staff member)*

<sup>350</sup> Information obtained from a submission to the inquiry.

*Resi workers, they don't have the staffing. The people that are coming into the residential accommodation are from Melbourne and stay a night and they come and someone else goes – no continuity of care. Schools then have to manage that dysregulation. (DE regional staff member)*

*Resi care has real issues in how the care environment is supervised. Often there are no carers during the day and often they are the highest most complex young people who need a high level of contact with carer. If you have two who go to school and two who don't, where is the energy invested? If they had more carers, you could support those who attend school. (Teacher, secondary school)*

Stakeholders also raised that residential care workers are often not equipped to create the necessary routines and structures to encourage school attendance or a culture of learning in residential care homes.

*And again the staff in the resi homes, some can be fantastic, but I've often felt those staff haven't had a great experience of education themselves and therefore that plays out in the lack of commitment to those kids. It's a complete mystery to me why we have some of the lowest paid workers in our resi homes supporting the most complex kids in our community. (CSO staff member)*

*Unit staff are saying they're terrified of the kids. So, I'm not sure what benefit that provides the kids. A lot of them seem to really struggle with how to respond to behaviours and there's a lot of fear going around lately. (LOOKOUT Learning Advisor)*

*Resi staff are an unskilled workforce – day-to-day people in resi care units, not trained and paid enough – everyone in resi units are just trying to survive, including staff. Very difficult to build relationships, need better training and better pay. [They] need a really serious qualification. It's a huge responsibility, the emotional and mental capacity. Serious training and serious support structures are required! An example of how poor engagement with education is – we can't even get the worker on duty to let us know if the student is coming to school. That could be a text. To consistently get any resi unit I've ever worked with, to let me know if the student would be absent or at school, it doesn't even happen five per cent of the time. Often you just get nothing back – no communication... even just a tiny, tiny piece like that is a signal of value. We are not even at a stage where that can happen. And these people are in charge of the care needs of these children. There will be casuals in that house that don't even know the child. (Teacher, FLO)*

## Research and analysis

The impact of residential care on children and young people's education outcomes has been explored in broader research. International and Australian studies have consistently demonstrated the link between placement type and educational achievement. A Western Australian study found that children in residential care were more likely to have lower NAPLAN scores, even when other factors, such as social disadvantage were considered.<sup>351</sup> Other research shows adverse outcomes among children and young people in residential care, including lower school attendance, subsequent placement breakdowns, behaviour problems, and arrests.<sup>352</sup>

<sup>351</sup> Maclean M. J et al. (2017) 'Relationship between out-of-home care placement history characteristics and educational achievement: A population level linked data study', *Child Abuse Negl*, 70, 146–159.

<sup>352</sup> *Ibid*, p. 155.

*Out of sight* found that connections to friends and extracurricular activities are otherwise difficult to establish in residential care homes due to lengthy approval processes, which are burdensome and can further stigmatise the child or young person. *Beyond 18: The Longitudinal Study on Leaving Care* reported similar findings, with the young people they spoke to suggesting that restrictions in residential care and ‘the institutional nature of that care’ could limit their opportunities for participating in ‘normal’ after-school or community activities.<sup>353</sup>

In submissions to the inquiry, stakeholders raised the issue of residential care home dynamics on educational engagement of children and young people living in those settings. Anglicare Victoria advised that placing younger children with older children who may not be attending school can lead to younger children disengaging from school.<sup>354</sup> This issue was also evident in our consults with children and young people and is of growing concern given the 76 per cent rise in the placement of 9 to 11-year-old children in residential care. MacKillop Family Services discussed the compounding effects of house dynamics in residential care, including feeling unsafe, lack of routine, inconsistent staffing, transport barriers and the modelling of education disengagement from other residents, on children and young people’s capacity to attend school regularly and be ready to learn.<sup>355</sup>

### Finding 13: Supporting education in residential care homes

**Most children and young people in residential care in Victoria are not cared for in a setting that supports them to engage in education. The Victorian Government’s 2023 commitment to expand new models of care and to fund all residential care at a therapeutic level is welcome; these reforms are urgent and must include a focus on education support.**

#### Building residential care workers’ support for educational engagement

Another important consideration when examining how to improve educational engagement of children and young people in residential care is the role of residential care workers. Research from the United Kingdom suggests a ‘critical role for residential care and residential care workers in promoting and supporting participation in education’, and that ‘[t]he willingness of the residential care workers to actively support young people’s education appears crucial’.<sup>356</sup>

The Commission’s *...as a good parent would...* inquiry recommended that residential care staff be ‘appropriately qualified, trained and supported’.<sup>357</sup> With regard to the appropriate minimum qualification, the inquiry noted ‘[t]he majority of CSO and Departmental staff interviewed stated that a Certificate IV in Youth Work should be a minimum qualification for residential care workers. Others felt this qualification did not go far enough’.<sup>358</sup>

<sup>353</sup> Muir K et al., *Beyond 18: Longitudinal study on leaving care. Wave 3 research report: Outcomes for young people leaving care in Victoria*, Australian Institute of Family Studies, 2019, p. 33.

<sup>354</sup> Anglicare Victoria, *Submission to Education inquiry*, received 15 August 2023, p. 10.

<sup>355</sup> MacKillop Family Services, *Submission to Education inquiry*, received 4 August 2023.

<sup>356</sup> ICPS (2005) *What works in residential care? – A review of the literature*, p. 56-57.

<sup>357</sup> Commission for Children and Young People (2015) “*...as a good parent would...*”, Commission for Children and Young People, Melbourne, p. 114.

<sup>358</sup> *Ibid.*

In response to this recommendation, the minimum qualification requirement for all residential care is:

- *Certificate IV in Child, Youth and Family Intervention (Residential and out-of-home care), including a mandatory trauma unit of competency; or*
- *a recognised relevant qualification, plus completion of a short top up skills course.*<sup>359</sup>

The *Certificate IV in Child, Youth and Family Intervention (Residential and out-of-home care)* includes individual competencies and performance criteria relevant to supporting young people in residential care to engage in school.<sup>360</sup> Although the evidence suggests further effort is required to embed a focus on education for residential care workers. DFFH advises that, as part of the *Residential Care Learning and Development Strategy*, it funds the Centre for Excellence in Child and Family Welfare (the Centre) to deliver training to residential care workers covering a broad range of topics, such as Aboriginal Cultural Awareness, working with young people who use drugs and alcohol, and engaging and talking with young people who experience trauma.<sup>361</sup> The Commission proposes residential care workers should have access to an education-related course as part of the strategy to raise awareness about the value of education for those living in residential care, including the importance of attending school and supporting learning in the home. Further, the Commission proposes DFFH should work with residential care providers to incorporate similar education-related information into their induction training for new residential care workers.

## **Recommendation 12: Strengthen residential care providers' support for educational engagement**

**That DFFH strengthen residential care workers' support for educational engagement of children and young people living in residential care settings by:**

- **working with residential care providers to incorporate education-related information into their induction training for new residential care workers**
- **working with the Centre for Excellence in Child and Family Welfare to support an education-related course to be made available to residential care workers as part of the *Residential Care Learning and Development Strategy*.**

<sup>359</sup> Department of Families, Fairness and Housing (2023) [Minimum qualification requirements for residential care workers in Victoria \(word\)](#), accessed 20 August 2023.

<sup>360</sup> Information provided by DFFH to the Commission on 26 September 2023.

<sup>361</sup> Centre for Excellence in Child and Family Welfare (n.d.) [Residential Care Learning and Development Strategy](#), accessed 1 August 2023.



## Chapter 7

# Educational challenges for children and young people in out-of-home care



### Chapter at a glance

- Many children and young people in care require more support in the classroom because of past trauma and adverse childhood experiences.
- Children and young people in care told us about their experiences of stigma and bullying, with negative impacts on their wellbeing and educational engagement.
- We heard that a culture of low expectations can stifle the potential for children and young people in care to thrive at school. This can also limit the type of assistance or advice they receive regarding career aspirations.
- Carers told us that they do not always feel supported by early childhood education services and schools to help the children and young people in their care. They reported having difficulties communicating with schools and receiving requests to pick children up during the day when behavioural issues arise.
- The Commission recommends the implementation of trauma-informed practice in education settings, increasing the awareness of school leadership teams about the care system, greater support for young people in care to pursue post-secondary school education and training opportunities, and improvements in relationships between carers and schools.

*There are definitely teachers who just can't see it. When I say 'it' I mean just sometimes the way kids behave, it's not really who they are as a person, it might just be what they're are going through. (Marleigh, 17, kinship care)*

Children and young people need stability, encouragement, financial resources and a caring home environment to realise their potential, both generally and in relation to their education. As set out in Chapters 5 and 6, when these elements are not present, staying engaged and doing well at school is more difficult.

In consultations with children and young people and with stakeholders, the Commission heard that attending and staying engaged in education was also impacted by:

- the effects of trauma and educators' limited understanding of these effects
- bullying and stigma associated with living in out-of-home care
- 'low expectations' of children and young people
- the lack of connection between schools and carers.

In this chapter, we set out the key challenges identified by children and young people in care and the extent to which government funding, departmental policies and school practices meet these challenges.

## Impact of trauma on education

Trauma in the form of events or circumstances experienced in childhood (adverse childhood experiences) can have serious impacts on social and emotional wellbeing and educational attainment.<sup>362</sup> Despite this, research indicates that children and young people in care are motivated and do achieve academically with the right responses and support.<sup>363</sup>

Throughout consultations for the inquiry, both children and young people and stakeholders commonly raised the role of trauma, and the system's failure to understand it, as contributing to educational disengagement. The Commission heard that inappropriate responses from principals and teachers often led to either an escalation in challenging behaviours or students pulling away from activities and ultimately from school.

### What we heard from children and young people

During our consultations, children and young people spoke about the impact of their experiences of trauma on their schooling, including difficulties focusing at school and prioritising learning.

*Like the reality for me and other kids isn't a nice picture of turning up to school and going home to a nice place. We are having to grow up so fast in the outside world and then are completely reversed and treated like an infant or a toddler when you come back into school – it's like reverse psychology, kinda fucks with ya head a bit. (Ebony, 15, Aboriginal, foster care)*

*Kids in care have gone through hell, learning is not going to be their top priority... surviving is going to be the kid's priority, not learning. (Johanna, 17, multiple placement types)*

<sup>362</sup> Brunzell T et al. (2021) 'Trauma-informed teacher wellbeing: Teacher reflections within trauma-informed positive education', *Australian Journal of Teacher Education*, 46(5), p. 91; Centre for Education Statistics and Evaluation (2020) *Trauma-informed practice in schools: An explainer*, NSW Department of Education.

<sup>363</sup> Fernandez E (2019) 'Working towards better education for children in care: longitudinal analysis of the educational outcomes of a cohort of children in care in Australia', *Oxford Review of Education*, Vol. 45, No. 4, 481-501, p. 494.

*Growing up in an unstable home you have this everyday worry or fear, 'what's going to happen next?' It's also a feeling of hopelessness. You have so many bigger things to worry about, and if you take that out at school you aren't getting the education you could be getting, simply because you have bigger things you need to worry about. It also takes away your ability to focus and concentrate. If your mental wellbeing is compromised due to all the external factors outside of your ability to control, then it takes away your ability to learn or build social networks and find your path. (Marleigh, 17, kinship care)*

Children and young people also spoke about the compounding impact of being behind in their education causing more pressure and stress.

*I was so far behind, I just couldn't catch up. It's hard being in an environment where people don't understand. They make assumptions about your life. I wasn't thinking well at school. (McKenzie, residential care)*

Others spoke about the impact of separation from siblings on their ability to concentrate on education.

*When I was in a foster home, I lived on a farm with my two younger brothers. They took me away from the twins. They were scared, it was their first time in a foster home, they were crying, and I was scared. I said I don't want to be away from my little brothers because I need them, and they need me. It was messing up our minds...When I was in resi, school was getting really hard for me because all I could think about was my family, the twins and [living in] resi. I felt depressed, suicidal, I used to cut myself a lot. (Bailey, 22, previously residential care)*

Some children and young people gave examples of teachers not understanding or recognising the impact of their experiences of trauma and the numerous challenges associated with living in out-of-home care.

*The ways teachers communicate with us, they don't understand. It is difficult for us to get to school when we are being moved around, have mental health issues and have missed chunks of school. I don't feel motivated by those around me to attend. Don't take it out on the kids. It's hard for us. Be understanding of our situations. (Layla, 16, Aboriginal, residential care)*

*Some of the teachers don't know the system. When teachers don't know anything about your living situation, they are insensitive, and they don't know how to include you or why you might react (like talking about living with people who are not your parents). (Hunter, 15, permanent care)*

*Teachers don't understand DFFH kids. For example, sometimes I can't attend for various reasons, and I get blamed, I'm told I've missed my chance and I'm not supported to re-engage. I have not been able to consistently attend a school due to moving. Stop putting pressure on kids and support them. Learn to understand their situations and show us you care with actions. We need more support for kids in mainstream schools. (Esme, 16, residential care)*

*I would like the teachers to be more understanding of my situation. I have been traumatised in and out of school, it is triggering, and I feel nothing will end well when I attend. (Remy, 16, Aboriginal, multiple placement types)*

Children and young people said they want trauma-informed approaches in schools to help them to feel secure, stay engaged, and achieve positive outcomes at school.

*Our brains are wired different because of what we have been through and how the trauma has impacted us. We need more support and encouragement and less rigid regulations. (Survey respondent 166)*

*Having teachers understand that at times we have been through a lot before coming to school/leaving our house. Understanding that we might be going through a hard time, we might feel suicidal, we might have a lot on at the time. (Hakeem, 14, Aboriginal, foster care)*

*All teachers should have trauma training. We should have alternatives to excluding students, suspensions, and expulsions. In school suspensions should be preferred... Have a support worker at school all times, needs to be mandatory, who kids can speak to any time. Teachers be more human please, not on auto pilot. (Jeremy, 24, previously foster and residential care)*

The impacts of trauma on education were also evident in the Commission's review of education files as illustrated in the case study on the next page.

#### *What we heard from stakeholders*

Like children and young people, carers and some other stakeholders also spoke about schools' limited understanding of the challenges associated with living in care, and the neglect or abuse that children often experience prior to entering the care system.

*What I hear from my young people is that school was useless, they don't feel motivated to go, they feel different to others, they don't understand the work. And that the school don't understand their reasons. But when I speak to the school they have a disadvantaged thinking perspective, things like 'we've tried everything, nothing works with this young person.' There is no understanding of the conditions for these kids outside of the school. There is no understanding about additional barriers. (CSO staff member)*

*Everyone bangs on about how things are trauma-informed but I guarantee you they aren't. One common example is ignoring behaviour until it stops versus seeking attachment and connection, meeting their survival needs. (CSO staff member)*

*A stress response is triggered for every young person when they enter a classroom and even more so for our young people who are already starting from a challenging level. No child with complex trauma can be educated until they're regulated. Teachers aren't taught this and don't know how to do this. Also how can teachers regulate students with so many of them in classrooms? (Principal, alternative school)*

Stakeholders reported teachers and schools using punitive measures rather than trauma-informed approaches, which can contribute to disengagement.

*The rejection is huge especially for those with very few connections in the world. It's schools' lack of understanding of trauma that leads to these behaviours, which then leads to suspensions and reinforces feelings of rejection. The young person doesn't want to go back to the school, they start to disengage – it spirals. (Education Support Worker)*

*The tolerance for the kids in care is very low. It's often like you need to go now. The mainstream schools don't understand trauma responses. We've had to step them through what that looks like. Sometimes providing our safety plans to understand what that looks like. I find our young people often get secluded. It creates the further disengagement with the school and with their peers. (Principal, alternative school)*

Many stakeholders proposed that schools and educators should receive more training in trauma-informed practices to embed these approaches in learning environments.

*The school really needs to invest in professional development for all their staff. Stuff like the trauma-informed, strength-based practice. Rather than coming at it from a punitive measure. (Koori educator)*

### Case study: Bobby's school experiences<sup>364</sup>

Bobby was in year 9 in 2022. He had diagnosed Post Traumatic Stress Disorder and Attention Deficit Hyperactivity Disorder and a history of developmental trauma. From a young age, Bobby was exposed to family violence, abuse, parental substance misuse, sexually inappropriate behaviour and alleged criminal activity. His home life was extremely unstable and he moved in and out of foster and residential care, in addition to attempts to be reunited with each parent. In 2022, Bobby transitioned to residential care.

Bobby consistently demonstrated challenging and complex behaviours at school. In primary school, he was described as 'defiant, emotionally dysregulated and anxious'. This escalated as he aged, with his school files including incidents of threats of violence, suicide ideation, aggressive behaviours toward peers and teachers, running away from school, and property damage. As Bobby entered his teens, his behaviour appeared to shift and he became withdrawn and lethargic at school. At the same time, a carer described him as social, popular and able to communicate his needs, and said that his behaviour at home was not significantly challenging.

Bobby's educational experiences were mixed. He attended two different primary schools and had an integration aid providing individualised support at one of these. Bobby started secondary school in 2020 and his school moved to remote learning during the pandemic. Bobby was suspended multiple times and eventually expelled in year 8 in 2021.

The 2022 neuropsychology assessment report for his new school recommended that Bobby would benefit from:

- a school environment with a strong wellbeing program and experience working with students with significant behavioural, social and emotional problems
- a stable and structured learning environment with clear expectations
- a trauma-informed behavioural management plan that focuses on modifying behavioural triggers, planning for high-risk incidents and regulating his behaviour (rather than focusing on consequences)
- his Individual Learning Plan to focus on developing his functional skills, including interpersonal, social and other life skills
- gradually increasing his school hours and exposing him to peers in a new educational setting.

Bobby's case manager described his living situation as incredibly unstable and identified school as a protective factor that should be facilitated as much as possible. Despite this, Bobby did not return to school, partly due to issues he experienced with other students. In 2022, Bobby was enrolled in a Flexible Learning Option.

<sup>364</sup> Information obtained from a DE student file provided to the Commission on 14 and 19 December 2022.



## Case study: Evan's experience at childcare<sup>365</sup>

Evan was a four-year-old Aboriginal child who was placed in out-of-home care with some of his siblings, and who was subsequently placed on his own in foster care. He was the only child in the home and both carers worked full-time. The ACCO provided information and offered training to the carers, although they said they were too busy to do the training.

Evan was enrolled into childcare and the first question from the centre was 'who's going to pick up the child'. This was followed by daily phone calls to the ACCO caseworker for Evan to be picked up from the centre due to his behaviour. Evan was seeking physical contact and one-to-one connection. At the ACCO office, he sought physical contact with the workers, and he needed support around boundaries. At home, he was lectured by the carers about interrupting their work.

The childcare staff were not willing to work with the ACCO caseworker to explore strategies to support Evan's participation at childcare, as they did not have capacity. Consequently, Evan would return to the centre with no repair of relationship, modelling, or coaching.

Childcare staff communicated that Evan needed to be picked up when behaviour escalated, resulting in the placement breaking down as the carers could not sustain leaving work early. Evan was then moved off Country.

*When I think about when there's been success, it's because we've been able to show DFFH that this work is relational; these kids have so much happen before 9am and on the weekend and overnight and some might not have a safe home or safe relationships...They're just trying to survive. And we need to help teachers hold that and help these kids to regulate that and their emotions. (CSO staff member)*

*Every single teacher should do the Berry Street training, but it's very expensive. As a base line, we should learn about what trauma looks like and how it manifests. I've seen it so often, at the [school] where teachers would scream at the kids. Screaming is the worst thing you can do to most kids but especially kids who've experienced trauma. They will of course disengage from that...At the very least, understanding trauma triggers is important...You don't have to be living in out-of-home care to have experienced extreme trauma. (Legal centre staff member)*

In addition to educators employing trauma-informed approaches, stakeholders overwhelmingly identified the importance of educators building connection, and positive and consistent relationships, with children and young people in care.

*It definitely comes down to connection, someone as a mentor or their teacher...We see a lot of success when kids are connected to the school community. We notice the wheels fall off when they feel isolated. You can see the difference when they move schools and there are differing levels of connection, this can affect engagement at school. (Child Protection practitioner)*

<sup>365</sup> Information obtained from a DE student file provided to the Commission on 14 and 19 December 2022.

*The relationships between students and [principal] or the teachers is so important, especially for kids in residential care where the other adults in their life are constantly changing. We work hard to keep kids in care at this school and not move them so they have that consistency in their life. For that reason, we really fight for these kids to stay with us. (Teacher, FLO)*

### Finding 14: Impact of trauma on learning

Trauma experienced by children and young people impacts their ability to learn and remain engaged in education. However, the Commission heard that the impact of trauma on student learning was often poorly understood by educators, directly affecting students' engagement in education.

### Disability associated with trauma is not well supported

The impact of trauma can manifest in mental health conditions that share their symptoms with learning disabilities.<sup>366</sup> Complex trauma can also affect cognitive development generally. Despite this, the Commission heard that schools find it challenging to obtain a diagnosis that would enable the provision of appropriate supports. The Commission also heard schools often do not respond adequately or provide appropriate adjustments once students receive a diagnosis.

One young person spoke to us about how she struggled throughout primary and secondary school without any support for her Autism Spectrum Disorder (ASD).

*I was diagnosed with ASD in primary school. There was only one teacher who was good, all the other teachers offered no support and had no understanding of how I was working. I did things in black and white, but they wanted me in the grey section. Some of the teachers got arrogant when they found out, they dumbed everything down...in front of the class. I could understand what they said so there was no need to do that. In high school, [teachers] also didn't know about ASD. When I didn't get work done, they blamed it on me... I was walking out of class and getting a detention constantly. They were constantly calling grandma when I got a detention. There was no understanding from the school, even over time. (Mary, 19, kinship care)*

#### What we heard from stakeholders

Stakeholders expressed concerns about the under-diagnosis of disability for children and young people in care. Some schools specifically discussed the lengthy wait times for assessments, particularly in regional areas.

*We had a high needs student with high needs behaviours. He was kicked out of kinder due to physical behaviours; he was a really volatile boy. But once he got the right assessments and education, he was manageable and able to learn. We went for months with no diagnosis, moved three schools. There should have been early intervention with the boy showing signs at age five, or earlier if he was doing it at kinder. There is such a wait for anyone to get any services here. (Principal, primary school)*

<sup>366</sup> Centre for Education Statistics and Evaluation (2020) *Trauma-informed practice in schools: An explainer*, p. 3.

*Undiagnosed kids are a real issue. A large proportion of kids have an intellectual disability that have never been assessed. The pressure on carers as well, the placement tends to fall over sooner because of the additional pressure. There is some crossover with these kids and the justice system. Trying to get someone assessed is really hard. [Regional town] has really limited providers at the best of times and we don't get any help from DFFH. (Wellbeing staff member, secondary school)*

Waiting for diagnoses has significant implications for the support provided to children and young people in care who are experiencing difficulties in the classroom. Failure to provide necessary supports can quickly create barriers to their ongoing engagement in education, especially if they fall behind their peers academically or they are finding it difficult to navigate interactions with teachers or other students.

Stakeholders also spoke of challenges for schools, particularly educators, who are involved in determining the need for assessments and responsible for making classroom adjustments to facilitate learning. The Commission heard that complex assessment processes and extensive wait times for assessments can place children and young people in care at risk of disengagement.

The Commission heard that as a result of their adverse childhood experiences, higher rates of mental health conditions and in some cases learning delays, children and young people in care are a student cohort that typically requires more support in the classroom, regardless of a disability diagnosis.

*DE doesn't recognise trauma. A student had evidence of trauma but DFFH would not proceed with the assessment because the behaviour was about trauma rather than cognition. (Wellbeing staff member, primary school)*

*[Child] has a teacher's aide two days a week, which has helped...This aide is privately funded by the school. The school applied to DE for a trauma-informed aide but the request was denied. There has been no assessment of [child] for PSD [Program for Students with Disability] funding. (Foster carer)*

*Trauma has to be recognised as a disability. We have 13 students on PSD and an additional 16 who need support but this is paid through our equity funding – it's trauma – they wouldn't cope otherwise. (Principal, primary school)*

Under the Program for Students with Disability (PSD), trauma is not recognised as a disability. Children with 'severe behaviour that cannot be accounted for by intellectual disability, sensory (vision, hearing), physical and/or health issues, autism spectrum disorder or severe language disorder'<sup>367</sup> (which may result from trauma) may receive funding. The Commission heard, however, funding in these situations is difficult to secure due to the assessments required by the Department of Education (DE). In addition, this category does not account for children and young people in care who are not displaying 'severe behaviour' but are nonetheless struggling in the classroom due to experiences of trauma.

*If children can't access a psych for assessments, they can't access funding. School pays for those assessments. (Principal, primary school)*

*For severe behaviour, you need paediatrician, cognitive, hearing, vision, psych and have to be having ongoing therapeutic care...so if you can't get any of those assessments, appointments are all booked out. They are saying go to Melbourne. The child we have they are saying it's down to trauma. (Wellbeing staff member, primary school)*

<sup>367</sup> Victorian Government (22 December 2021) [Program for Students with Disabilities \(PSD\)](#), accessed 20 April 2023.

...a lot of the kids don't have the support... They fall behind, academic capacity falls behind and that is how they become disengaged... Even with me actively involved in funding urgent assessments and getting things going, it can still take six months. (Health and Education Coordinator, DFFH)

## Research and analysis

In its review of the *National School Reform Agreement*, the Productivity Commission found that poor social and emotional wellbeing can be particularly pronounced for students who experience challenges to engagement and inclusion at school. Children and young people in out-of-home care were identified as a cohort who experience such challenges.<sup>368</sup>

A number of studies support the views expressed to the Commission that the life circumstances and trauma history of children and young people in care can disrupt learning, interfere with school engagement and contribute to disruptive and externalising behaviours, emotional withdrawal or difficulties concentrating or participating in class.<sup>369</sup> In turn, these factors influence how children and young people in care are perceived in the school environment by their teachers, peers, and the broader school community. Schools' capacity to be supportive, flexible and trauma-informed can significantly influence the education experiences of this student cohort.<sup>370</sup>

In *Beyond 18: The Longitudinal Study on Leaving Care* some care leavers identified that teachers and the school system were ill-equipped to cope with their high needs.<sup>371</sup> In its submission, the Centre for Excellence in Therapeutic Care (CETC) identified:

Schools and early education settings that don't have a trauma-informed approach to education (environmentally and relationally) tend to misunderstand the trauma expressions conveyed by children and young people in OOHc and respond punitively at worst or are mis-attuned at best – either end of the spectrum is not conducive to enabling a regulating environment for the child or young person which in turn would support their engagement and learning capability.<sup>372</sup>

In other research, teachers also reported feelings of uncertainty and emotional burnout when working with children and young people affected by trauma, often due to challenges in making sense of their behaviours.<sup>373</sup> This highlights the importance of enhanced training opportunities in this area to build knowledge and skills among educators and to minimise their experience of vicarious trauma.

There is also increasing recognition that experiences of trauma in the broader community are widespread. While it is difficult to determine exact numbers due to 'issues with diagnostic terms, definitions, ethics and privacy, underreporting, and data limitations',<sup>374</sup> there are likely to be students who have experienced trauma in every classroom.<sup>375</sup> The *Australian Child Maltreatment Study*, published in early 2023, confirmed the widespread experiences of child maltreatment:

<sup>368</sup> Productivity Commission 2022, *Review of the National School Reform Agreement, Study Report*, Canberra, p. 2.

<sup>369</sup> Tilbury C et al. (2015) 'Making a connection: School engagement of young people in care', *Child and Family Social Work*, 19(4): 455-466, p. 455 citing Altshuler S (2003) 'From barriers to successful collaboration: Public schools and child welfare working together', *Journal of Social Work* 49(1): 52-63; and Downey L (2009) *From isolation to connection: A guide to understanding and working with traumatised children and young people*, Child Safety Commissioner, p. 154.

<sup>370</sup> Centre for Excellence in Therapeutic Care, *Submission to Education inquiry*, received 4 September 2022, p. 9.

<sup>371</sup> Muir K et al, *Beyond 18: Longitudinal study on leaving care. Wave 3 research report: Outcomes for young people leaving care in Victoria*, Australian Institute of Family Studies, 2019, p. 22.

<sup>372</sup> Centre for Excellence in Therapeutic Care, *Submission to Education inquiry*, p. 7.

<sup>373</sup> Townsend M et al. (2020) 'Systemic review of the educational experiences of children in care: Children's perspectives', *Children and Youth Services Review*, p. 8.

<sup>374</sup> Centre for Education Statistics and Evaluation (2020) *Trauma-informed practice in schools: An explainer*, p. 3.

<sup>375</sup> Ibid.

In total 62.2 per cent of the Australian population had experienced at least one type of child maltreatment. Exposure to domestic violence was the most common form of maltreatment, followed by physical abuse, emotional abuse, and sexual abuse. The least common type of maltreatment was neglect.<sup>376</sup>

The report also found that many people experience multi-type maltreatment, with one in four Australians experiencing three to five different types.<sup>377</sup> This reinforces a broader need for trauma-informed practices to be embedded throughout early childhood education services and schools.

There is significant literature on the benefits of trauma-informed practices in schools.<sup>378</sup> Trauma-informed practices can minimise the negative impacts of trauma, while also maximising opportunities to strengthen resilience, academic persistence, prosocial skills, and overall wellbeing.<sup>379</sup> Core components of these approaches typically include safe, supportive relationships; structure and stability; shared agency; self-awareness and self-regulation; and social-emotional learning and skill building.<sup>380</sup> It is also important that trauma-informed approaches are appropriate for Aboriginal students. They need to be culturally safe and acknowledge the accumulation of intergenerational trauma caused by colonisation, genocide, dispossession, and structural and systemic racism.<sup>381</sup>

Several submissions to this inquiry also recommended embedding trauma-informed practices throughout schools as a measure that will benefit all students regardless of their learning needs and equip teachers with more appropriate tools for effective classroom management.<sup>382</sup> The Commission also heard across stakeholder consultations the view that trauma should be recognised as a disability for funding purposes and to secure additional classroom supports.

### What the Victorian Government is doing to respond to trauma in education services

In recent years, there has been a national push to reform existing educational practices to focus on student wellbeing, both as a desired outcome of schooling and to improve academic achievement.<sup>383</sup> The Victorian Government has responded to this with a broad range of initiatives to support students experiencing mental health and wellbeing concerns.

In the early childhood education sector, the incorporation of School Readiness Funding (SRF) as a permanent feature of kindergarten funding provides early opportunities to enhance children's wellbeing from a very young age. School Readiness Funding provides each kindergarten service with funding to spend on evidence-based programs in the areas of communication, wellbeing, and access and inclusion to support the individual needs of the children enrolled at the service.<sup>384</sup>

**376** Haslam D et al. (2023) *The prevalence and impact of child maltreatment in Australia: Findings from the Australian Child Maltreatment Study: Brief Report*, Australian Child Maltreatment Study, Queensland University of Technology, p. 14.

**377** *Ibid.*, p. 22

**378** For example, McLean S (2016) *The effect of trauma on the brain development of children: Evidence-based principles for supporting the recovery of children in care* (CFCA Practitioner Resource). Melbourne: Child Family Community Australia information exchange, Australian Institute of Family Studies; Berger E (2023) [Five approaches for creating trauma-informed classrooms](#), accessed 20 March 2023; Brunzell T et al. (2021) 'Trauma-informed teacher wellbeing: Teacher reflections within trauma-informed positive education', *Australian Journal of Teacher Education*, 46(5), p. 91; Carrie R and Giboney W (2021) 'Relationship over reproach: Fostering resilience by embracing a trauma-informed approach to elementary education', *Journal of Aggression, Maltreatment & Trauma* 30:1, 118-137, p. 122.

**379** Carrie R and Giboney W (2021) 'Relationship over reproach: Fostering resilience by embracing a trauma-informed approach to elementary education', p. 119.

**380** *Ibid.*, p. 122.

**381** Royal Commission into Victoria's Mental Health System (2021) *Promoting inclusion and addressing inequalities*, State of Victoria, Vol. 3, p. 149; Healing Foundation (2013) *Our healing our solutions: sharing our evidence*, Healing Foundation, Canberra, p. 13; Australian Human Rights Commission (AHRC), *Social justice report 2011: Aboriginal and Torres Strait Islander Social Justice Commissioner*, AHRC, 2011, p. 8.

**382** Centre for Excellence in Therapeutic Care, *Submission to Education inquiry*, p. 97; VACCA, *Submission to Education inquiry*, received 28 July 2022, p. 11; Wall L et al. (2016) *Trauma-informed care in child/family welfare services*, Australian Institute of Family Studies, Melbourne, p. 12.

**383** Productivity Commission, *Review of the National School Reform Agreement*, p. 28.

**384** Victorian Government, [School Readiness Funding](#), accessed 14 April 2023.



In 2021, Victoria's Framework for Improving Student Outcomes (FISO) was revised to place wellbeing alongside learning as a core student outcome of schooling. Further, DE established the *Schools Mental Health Fund* and a *Schools Mental Health Menu* in response to the Royal Commission into Victoria's Mental Health System's recommendation that the Victorian Government fund evidence-based initiatives to assist schools in supporting students' mental health and wellbeing.<sup>385</sup>

Currently, schools can access mental health and wellbeing supports through a 'tiered' referral system of supports.<sup>386</sup> Tier 1 supports offer universal interventions aimed at all students. Tier 2 offers early interventions for students at risk of disengaging and cohort specific interventions, including for children and young people in care, Aboriginal students, and students with disability. Lastly, Tier 3 interventions are for students identified as requiring intensive tailored support to stay engaged in education.

More detail on targeted Tier 2 and Tier 3 supports are explained in Chapters 8 to 11.

In recent years, support for trauma-informed practices in education has also gained traction in the Victorian public education system, as it has across the broader service system. School Readiness Funding in kindergartens includes several items on its menu that are designed to embed and strengthen trauma-informed practices in these settings. DE states these are increasingly being selected by kindergarten services. Further, kindergartens can also apply for Flexible Support Packages (FSPs) to provide short-term support for children with complex trauma who present with extreme or concerning behaviours.<sup>387</sup>

In schools, trauma-informed supports, including the Berry Street Education Model (BSEM) and Take Two, are available to purchase through the Mental Health Fund and the Menu. These options are part of a menu of over 56 programs and initiatives.<sup>388</sup> Implementation of the Fund and the Menu throughout schools is staged, meaning some primary and secondary schools will not have access to these programs until 2024. Schools that have not yet received the Fund can use other sources of funding to access these menu items.<sup>389</sup>

Schools and early childhood education services with enrolments of children and young people in care also have access to trauma-informed support through DE's LOOKOUT Centres and the *Out-of-Home Care Education Commitment* (Partnering Agreement) and the *Early Childhood Agreement for Children in Out-of-Home Care* (Early Childhood Agreement), although this is not mandated. Children and young people in care are also recognised as a specific cohort requiring additional supports through DE's tiered funding model.<sup>390</sup>

### Disability supports

DE provides a range of policies, programs, and resources to support schools to meet the educational and wellbeing needs of students with disability. In 2020, the Victorian Government announced an investment of \$1.6 billion to increase support for students with disability through the *Disability Inclusion* model.<sup>391</sup> This represents a shift away from the PSD model and it is being introduced through a staged roll-out between 2021 and 2025.<sup>392</sup> *Disability Inclusion* will deliver a new strengths based Disability Inclusion Profile to help schools and families identify a student's strengths and needs at school, as well as the educational adjustments schools should make to enable students with disability to participate and learn at school. *Disability Inclusion* also comprises a tiered school funding model and increased workforce capability to provide inclusive education.<sup>393</sup>

<sup>385</sup> Royal Commission into Victoria's Mental Health System (n.d), [Recommendations](#), accessed 14 April 2023

<sup>386</sup> Department of Education, [Map of key mental health and wellbeing support](#), accessed 15 January 2023.

<sup>387</sup> Information provided by the Department of Education to the Commission dated 6 April 2023.

<sup>388</sup> Victorian Government (2023) [Flexible Support Packages](#), accessed 17 April 2023.

<sup>389</sup> Information provided by DE to the Commission on 3 October 2023.

<sup>390</sup> The Partnering Agreement and LOOKOUT Centres are discussed in more detail in Chapter 11.

<sup>391</sup> Victorian Government [Disability Inclusion: increased support for students with disabilities](#), accessed 28 March 2023.

<sup>392</sup> Ibid.

<sup>393</sup> Ibid.

The *Disability Inclusion* model is intended to address issues with wait times and assessment processes. There will also be more opportunities for students with complex and high needs to receive targeted funding under Tier 3 of the funding model. This will apply even in instances 'where evidence of a severe functional capacity limitation or diagnosed condition is not present'.<sup>394</sup> When implementing the Tier 3 funding, schools must consider targeted, evidence-based strategies that will benefit the individual student, and build the school's capacity to provide an inclusive curriculum for students with additional learning needs.<sup>395</sup> Further, guidance from DE advises schools to be mindful to prioritise certain students with disability, including those living in out-of-home care.<sup>396</sup>

### Good practice examples

The Commission observed examples of schools building the capacity of educators to provide trauma-informed care to students. Numerous schools sent staff to the Berry Street training through the Mental Health School Menu. We also observed positive examples of alternative education programs employing trauma-informed practices, both independent and those in Flexible Learning Options attached to schools, which are discussed in Chapter 12.

Some schools were using their equity funding to create specific systems and processes that embedded trauma-informed care throughout their school environments, and which supported teachers and other staff to employ these practices daily through their teaching and general interactions with students. A common denominator for these schools prioritising trauma-informed practises was that there was commitment from the school leadership team.

*When I came here, there was nothing in place, but the teachers were really responsive. I'm from South Australia where you couldn't be a registered teacher without completing the 'protective behaviours (self-regulation)' training. So we've all done trauma-informed training and have tailored it for refreshers – for both new staff and refining skills for ongoing staff... There was a culture of exiting students out but we have worked with teachers and students about expectations in the classroom to keep students in the class when they act up. It took two years! We also had an engagement teacher who was the buffer between students and teachers to help find out what was happening to students. The best place for children is in the classroom. (Principal, primary school)*

*Kids can ride bikes here, scooters, climb trees, whatever. For the little kids who have trouble maintaining friendships, they can ride the bike next to their mates and they don't have to talk much. We have a maintenance man and the children help him do the maintenance. They build things around the school, do all the planting, paint the school. They have real ownership. One little boy moved here from another school, he's in charge of one of the maintenance groups and it's made a huge difference. It's the relationships, he's got them now. (Wellbeing staff member, primary school)*

<sup>394</sup> Department of Education (2023) [Disability Inclusion Funding and Support](#), accessed 3 July 2023.

<sup>395</sup> Ibid.

<sup>396</sup> Ibid.

*It works well when the school has a good relationship with the child e.g. there was a girl who had to change placements and the school really supported that transition. They visited the placement with her and said 'I know things are tough and we'll be here at school to support you'. Going out of their way to make children feel that they belong, this comes back to having an understanding of trauma and the care response required. (Child Protection practitioner)*

### Strengthening the provision of trauma-informed care in education settings

Despite significant developments and interventions in all kinds of schools, the Commission heard there is a gap in the understanding and provision of trauma-informed care in many early childhood education services and schools. The Commission also heard there is insufficient training and support, including in undergraduate teaching courses, for educators to learn the best ways to respond effectively to a child or young person dealing with the impact of trauma.

The Commission heard that while early childhood education services and schools were participating in trauma-informed training, there were often limited opportunities for staff to participate in ongoing reflection and further professional learning to cement the training into practice. Consequently, staff felt unsupported or ill-equipped to teach in ways that helped students feel safe, or staff would revert to more punitive responses.

The Commission acknowledges variations in the application of trauma-informed practices in education settings and broader service systems. This has led to concerns about the effectiveness of some interventions. One concern is the prevalent focus on training without consideration of how to translate new information into practice improvement.<sup>397</sup> Achieving this requires a commitment to organisational change, such as through written policies and protocols, to facilitate 'trauma-informed principles to become 'hard-wired' into the activities of the organisation'.<sup>398</sup> It requires consistent and ongoing opportunities for staff to engage in reflective practice to learn from one another and to continue to build their expertise in these teaching methods. It also requires strong leadership, not only within early childhood education services and schools but from all levels of DE responsible for supporting these education settings.

In its submission, VACCA stated that trauma-informed approaches in education settings 'involved understanding, recognising and responding appropriately to the effects of all types of trauma, and celebrating the strength and resilience of Aboriginal people'.<sup>399</sup> The Centre for Excellence in Therapeutic Care similarly raised that schools need to align with the needs of their community and 'integrate humility, inclusiveness, and responsiveness by acknowledging historical and cultural trauma, oppression, social injustice, intersections of identity, and intergenerational trauma'. The Commission considers that all trauma-informed approaches in schools should be culturally informed.

Reframing Learning and Teaching Environments (ReLATE) is an example of a model that supports schools to strengthen teaching, learning and wellbeing of students, staff, leaders, and the whole school community. ReLATE combines research, social science, behavioural theory, and neuroscience to support teachers to implement practical strategies in the classroom.<sup>400</sup>

<sup>397</sup> Asmussen K et al (2022) *Trauma-informed care: Understanding the use of trauma-informed approaches within children's social care*, Early Intervention Foundation, London, p. 9.

<sup>398</sup> *Ibid.*, p. 22.

<sup>399</sup> VACCA, *Submission to Education inquiry*, p. 10.

<sup>400</sup> The MacKillop Institute, [ReLATE](#), accessed 27 June 2023.

## Case study: Implementation of the ReLATE model in a secondary school<sup>401</sup>

A secondary school with 500 students from years 7 to 12 and a staff of 40 teaching and 34 non-teaching staff began work in 2021 to implement the ReLATE model. At this time, the school displayed many strengths, including a caring and empathetic environment, and a nurturing and inclusive atmosphere. The staff also had a deep understanding of students' needs to foster individualised learning experiences and understood the relationship between their own wellbeing and student outcomes.

Despite its strengths, the school was experiencing several challenges that required proactive interventions to foster a healthier school environment. There had been a significant decline in student mental health and teachers expressed feeling overwhelmed due to demanding workloads. There were also inconsistent responses and follow-up to significant behaviours of concern. Overall, the school recognised the need for a whole-school approach to support cultural change that would lead to stronger relationships between staff, students and families and a more supportive and cohesive learning environment.

The school partnered with the MacKillop Institute to implement the ReLATE model over a three-year period. The first year commenced with a discovery day and delivery of an insights report that presented baseline data informed by school staff responses to the Attitudes Related to Trauma-Informed Care (ARTIC) scale and the Professional Quality of Life (ProQOL) Measure. This was followed by professional learning consisting of eight modules. Years 2 and 3 provided the school with the opportunity to customise their learning journey according to their own strategic direction and progress.

Throughout the three-year implementation period, staff enhanced their trauma-informed knowledge and skills. This included an increased awareness of working with different students and the diverse challenges they face, in addition to the thought processes that can influence behaviour and decision-making. This enabled staff to develop a more empathetic and responsive approach to students, and strengthened their capacity to navigate challenging situations more effectively. Staff were also introduced to concepts and useful strategies to promote positive relationships, manage emotions and create a safe and supportive learning environment. In year 3, school staff demonstrated increased levels of confidence in their capacity to respond to students in a more compassionate, and trauma-informed way. They could manage challenging behaviours more effectively, and they reported having strengthened relationships and increased professional satisfaction. The school community also acknowledged their strengths and learnings acquired throughout the implementation journey and identified areas that they would continue to build on, including strategies for self-care and effective leadership.

<sup>401</sup> Information from MacKillop Family Services provided to the Commission dated 10 July 2023.

The application of trauma-informed practices in education settings is closely aligned with the notion of wellbeing as a pre-condition for learning, as reflected in the Framework for Improving Student Outcomes (FISO 2.0). It also aligns with the current disability reforms in schools that aim to strengthen inclusive education across Victoria. A systemised approach to addressing trauma in learning environments is about better equipping educators and supporting them to provide informed and appropriate responses to the complex needs and sometimes challenging behaviours of many students, not just those living in care.

Ideally, graduates should enter the education system with an understanding of trauma responsive practices and relational approaches, obtained through their undergraduate and early childhood training. The report of the Quality Initial Teacher Education (QITE) Review, released in February 2022, identified that many new teachers are underprepared in several areas, including supporting diverse learners, classroom management, and family/carer engagement.<sup>402</sup>

In response, the Australian Government established the Teacher Education Expert Panel to provide advice on issues raised in the QITE review. In July 2023, the expert panel's report, *Strong Beginnings*, also found that many new teachers felt they needed to be better equipped for the challenges they faced in the classroom. It recommended strengthening initial teacher education programs, including establishing and embedding core content and mandating it in national accreditation.<sup>403</sup> The recommended core content includes:

1. The brain and learning: content that provides teachers with an understanding of why specific instructional practices work, and how to implement these practices.

2. Effective pedagogical practices: practices including explicit modelling, scaffolding, formative assessment practices, and literacy and numeracy teaching strategies that support student learning because they respond to how the brain processes, stores and retrieves information.
3. Classroom management: practices that foster positive learning environments.
4. Responsive teaching:
  - First Nations peoples, cultures and perspectives
  - cultural responsiveness, including students who have English as an additional language/dialect (EAL/D)
  - family engagement for learning
  - diverse learners, including students with disability.<sup>404</sup>

Education ministers agreed in principle to the report's recommendations. The Commission considers this a timely and important opportunity for the Victorian Government to advocate for the inclusion of trauma-informed and responsive teaching practices in initial teacher education programs.

### **Recommendation 13: Advocate for trauma-informed teaching practices to be incorporated into teacher training**

**That the Victorian Government advocate for the inclusion of effective trauma-informed and responsive teaching practices in initial teacher education programs as part of national reforms to improve teacher training. Trauma-informed practices should also be incorporated into early childhood educator training.**

<sup>402</sup> Expert Panel (2023) *Next Steps: Report of the Quality Initial Teacher Education Review*, Australian Government, Canberra, p. 37.

<sup>403</sup> The Hon Jason Clare (7 July 2023) [Major reform to improve teacher training and better prepare teachers for the classroom](#) [media release], Ministers' Media Centre, accessed 9 July 2023.

<sup>404</sup> Teacher Education Expert Panel (2023) *Strong Beginnings: Report of the Teacher Education Expert Panel*, Australian Government, Canberra, p. 28.



## Recommendation 14: Adopt a 'whole school' approach to trauma

That DE work to ensure that:

- government schools adopt a 'whole school' approach to trauma and embed trauma-informed practices throughout their school environments as part of the implementation of FISO 2.0 in schools
- trauma-informed training is offered as an option under School Readiness Funding for early years educators and other staff, and that early childhood education settings are encouraged to embed these practices into their operations.

## The impact of stigma and bullying on education

The Commission heard that many children and young people in out-of-home care experience stigma and bullying at school, with negative impacts on their wellbeing and educational engagement. Problematic behaviours by teaching and other school staff, including principals, typically related to assumptions that students in the care system: did not want to attend school, had a limited desire and capacity to achieve academic success, required intensive behaviour management measures, would make schools unsafe for other students and staff, and would influence teacher attrition.

Stakeholders provided many examples of children and young people in care being subject to certain practices, such as formal and informal suspensions and soft expulsions,<sup>405</sup> that resulted in their exclusion from education settings, particularly schools. This contributed to some children and young people in care disengaging from education.

The Commission heard in consultations that schools' responses to children and young people in care often focused on issues and behaviours rather than on strengths. These types of responses and a hyper-vigilance from school staff compound harm for children and young people in care, who already feel different from their peers.

### *What we heard from children and young people*

A concerning number of children and young people reported experiencing bullying and stigma at school because they live in care.

*As a teenager who feels that their life is being destructed, it was really hard. I got bullied a lot for living in residential care. Kids pretended they were in foster or resi care and they made fun of me. (Rikki, 20, previously residential care)*

*When I went to school not a lot was positive. I'd get bullied for being in care or my hair colour. I wish to not have to be bullied for living in out-of-home care, not everyone is perfect! It impacted me 24/7. Everyone thought they had an opinion on how funny it was that my 'parents' never wanted me. I got bullied and laughed at. (Tadeo, 17, multiple placement types)*

*The information of me living out of home was spread without my permission, and as it is heavily stigmatised, I got bullied. (Sofia, 17, supported accommodation)*

Many children and young people spoke about schools not doing enough to combat bullying.

*I would change how they deal with things, and whether they see what kids are doing and try to stop it – like I get bullied and get pushed around and the response by teachers hasn't been great. (Reece, 13, kinship care)*

<sup>405</sup> Soft expulsions refer to situations where a school encourages a student to leave without a formal expulsion process.

*A lot more needs to be done about bullying. My best mate killed himself because of it. Why did they wait for it to build up to that point? Even now the school hasn't done anything about it. I want them to take things more seriously even if it's minor. (Tegan, 19, Aboriginal, previously residential care)*

*The bullying from the other students, and the teachers, it was terrible. I got kicked in the head at school and the teacher was [saying] 'you'll be right.' I was like, dude, I got kicked in the head. (Logan, 16, residential care)*

Children and young people also reported being bullied and stigmatised by their teachers.

*A few of the teachers haven't been good – they make insulting comments about my personal life, about living in out-of-home care. At some point last year, we shared in class what we did on our weekends. I spoke about having ice cream... and the teacher responded with 'is that what our tax-payer money pays for?'. (Quinn, 17, residential care)*

*I was always looked at differently cos I wasn't with my mum and that. This principal made it very clear how she thought about that. She shamed me hard. After that I wagged. I just don't wanna be looked at different. Those teachers made it fucken hard for me at the start of my life'. (Mykel, 17, Aboriginal, Youth Justice)*

*When I asked for help with schoolwork, the teacher said: 'no it's your project, you should be able to do it, typical resi kid. If you were any smarter, you wouldn't be in resi and you'd be able to do it.' (Avery, 14, residential care)*

#### *What we heard from stakeholders*

Stakeholders also shared with the Commission that children and young people in care face stigma in schools, by both staff and the school community, including other parents.

*Historical stuff follows young people. Teachers talk to one another from across schools and it leads to them being labelled. They get the 'naughty kid' label, especially resi kids, that they are violent and aggressive. Kids in resi care are aware of what's being said, what it means when there are long enrolments, teacher misconceptions, stigma – it takes a long time to repair that – why would they want to go to school and be looked down upon? (CSO staff member)*

*I think what happens in my experience is our young people get labelled, that they are challenging. And I do appreciate the issues teachers experience across the state, but they do end up being young people they don't want to work with... Our young people already feel a lot of stigma and shame around their experiences. We are often in the role of facilitating engagement and transport. I've had young people tell me, 'Please don't say you're a worker.' It's all wrapped up in that age, the peer judgment of identity. Then we have schools who really want to label. (CSO staff member)*

*Our kids are not invited to birthday parties because they're known to be in care. 'That kid's in care so we won't invite him over to the party.' The kids learn very soon that you're not playing with that kid because the mum doesn't want you over. They don't go to sleepovers, won't be invited to the birthday parties. There are all these myths that go along with kids in care. Kids exclude, learning via social cues from their parents especially in small communities, so families would know or have some connection to the parents – comes back to the kinship carer. Gossipy stuff that transfers to the children. Kids carry those stigmas. (CSO staff member)*

An example provided by stakeholders of where the stigma attached to children and young people in care commonly plays out is delayed enrolments in new schools.

*I actually have kids in resi who are desperate to re-engage in learning and head back to school – then you meet with leadership and talk about their history etc. When [schools] hear about how long they've been out of school, you can hear instantly how terrified they are...so there is a lot of reluctance. (LOOKOUT Learning Advisor)*

*When it comes to school, getting them enrolled is a barrier. Schools often push back on enrolling children in care. And then once [they are] enrolled, there are ongoing suspensions and modified timetables. Trying to have schools put behaviour in context is really challenging. And then they [children and young people] feel that the school doesn't like them, that they're always doing something wrong. (Child Protection practitioner)*

*Enrolment is a tricky time...the enrolment process can be quite sticky. It can take a really long time to get the kids in school, that is a massive barrier. The child doesn't feel wanted or needed and by that time it's really difficult to get them back. (Child Protection practitioner)*

Some stakeholders discussed how these negative stereotypes influenced the way children and young people in care perceived themselves.

*We have a girl who has been to so many schools, she doesn't even try to make friends now because she is known as 'the foster girl'. (CSO staff member)*

*With the punitive responses, they're seen as the bad kid, and they start to identify as that because they already have a low perception of themselves. (Child Protection practitioner)*

*While there have been no specific incidents at school, you get the feeling that she feels differently because of her circumstances, and she tries vehemently to be a normal kid. (Foster carer)*

### Case study: Lincoln's experiences of stigma in primary school<sup>406</sup>

Lincoln was in year 3 and lived in foster care. His carer spoke to the Commission about Lincoln often experiencing negativity from teachers and other children's parents because of his care status and incidents he was involved in. Parents were overheard talking at the school gate about Lincoln and his teachers needing 'so much professional development, just for one kid'.

There was also an incident when a parent reprimanded Lincoln in the playground when he was playing basketball and his ball accidentally hit another child. Lincoln tried to apologise but the parent told him how much trouble he is at the school.

Lincoln's carer also advised that he did not have school friends because the other students had had limited exposure to children with complex needs. In response to this and the negative labels from teachers and parents, Lincoln did not feel comfortable attending school events. His carer said 'he's not open to it at all'. The carer indicated that the school did not encourage his attendance at school events either.

<sup>406</sup> Information obtained from a stakeholder consultation.

### Research and analysis

Research has consistently found that children and young people in care face significant levels of ‘stigma, bullying, and discrimination in the school setting’.<sup>407</sup> In Australia, the 2018 CREATE survey found that bullying was a common experience of children and young people in care, with a quarter of respondents reporting that they had been bullied at least ‘reasonably often’ at school.<sup>408</sup> Students in care also often experience problems fitting in and making friends at school. They sometimes feel different to other students in ways that make them feel uncomfortable,<sup>409</sup> and they are often reluctant to tell their peers they are in care, understandably ‘fearing stigma and wishing to retain privacy about their birth parents’.<sup>410</sup>

A prominent theme in the research identifies school as a potential safe haven for children and young people in care, especially when their home life is unpredictable or chaotic. However, an international study reported that when children and young people in care experience bullying and exposure to violence at school, their response is a reluctance to attend school – ‘if school is not safe, why go to school?’<sup>411</sup> Similarly, care leavers reported in *Beyond 18: The Longitudinal Study on Leaving Care* that it was difficult to re-engage in education at a later time if they had been excluded from school or experienced ongoing peer issues.<sup>412</sup>

### What the Victorian Government is doing to respond to stigma and bullying

DE’s *Schools’ guide to attendance* states that students are more likely to come to school and be engaged in learning if the school environment is equitable and inclusive, they feel valued and respected, have agency in their learning and contribute to their school community. The guide acknowledges the important role of teachers in motivating students and the value in establishing strong relationships with their students.<sup>413</sup>

In advice to the Commission, DE acknowledged that bullying and racism in schools are ongoing challenges. DE’s online toolkit, *Bully Stoppers*, aims to support all members of the school community to understand, prevent and respond to bullying.<sup>414</sup> The reforms arising from FISO 2.0 also require schools to create positive climates for learning that promote inclusivity and supports students to develop their ‘self-management, awareness, empathy and relationship skills’, in addition to taking deliberate steps to tackle bullying and foster engagement and school connectedness. The Commission notes the very strong feedback from children and young people in care that they do not support anti-bullying campaigns targeting them. While acknowledging DE’s promising initiatives, it is important to ensure the particular stigma associated with living in care is addressed through training for school leadership teams, as recommended below.

407 Mendis K et al. (2015) ‘The education of children in out-of-home care’, *Australian Social Work*, 68(4), 483-496, p. 484, citing Jackson S and Cameron C (2012) ‘Leaving care: Looking ahead and aiming higher’, *Children and Youth Services Review*, 34(6), 1107–1114.

408 McDowall, J. J. (2018). *Out-of-home care in Australia: Children and young people’s views after five years of National Standards*. CREATE Foundation, p. 8.

409 Townsend M (2011) *Are we making the grade? The education of children and young people in out-of-home care*, Doctor of Philosophy thesis, Southern Cross University, p. 47.

410 Ibid., p. 63.

411 Townsend M et al. (2020) ‘Systemic review of the educational experiences of children in care: Children’s perspectives’, p. 5, citing Day A et al. (2012) ‘Maximizing educational opportunities for youth aging out of foster care by engaging youth voices in a partnership for social change’, *Children and Youth Services Review*, 34(5), 1007–1014.

412 Muir K et al, *Beyond 18: Longitudinal study on leaving care. Wave 3 research report: Outcomes for young people leaving care in Victoria*, p. 22.

413 Department of Education and Training (n.d.) *Schools’ Guide to Attendance*, State of Victoria, Melbourne, accessed 25 January 2023.

414 Victorian Government (2023), *Bully Stoppers*, accessed 18 April 2023; Information provided by DE to the Commission on 3 October 2023.

## The impact of low educational expectations

The Commission heard that a culture of low expectations can stifle the potential for children and young people in out-of-home care to thrive at school.

### What we heard from children and young people

For some children and young people in care, low expectations contributed to bullying. Others felt school staff held lower expectations for them because they lived in out-of-home care.

*I haven't really had a good run at school I don't really get along with teachers at all. I used to get treated like I wasn't like the other students and had to be separate for being in care, like I wasn't on level with the other students, and I needed an aid to follow me around 24/7 and that made me feel so uncomfortable. I just wanted to be with me mates, but I couldn't because I was being followed around by an old lady and me mates were like, 'nah we'll pass on that'. Since year 5 I've had one and they didn't really even help me with my schoolwork. (Dominic, 14, residential care)*

*In mainstream schools, school staff also seem to have no clue what out-of-home care even is. Some staff just completely back off and don't enforce any rules or anything onto you. (Cade, 15, residential care)*

### What we heard from stakeholders

Several stakeholders also expressed concern about low expectations placed on children and young people in care.

*I get sick and tired of people saying they are below the line, why don't you just move the line... so everything can be supported for this kid instead of having this deficit. (CSO staff member)*

*Do we hold aspiration for these young people at all, or are we just trying to get them through? You know the schools themselves aren't holding aspirations for them. Just because they have experienced trauma doesn't mean they can't be amazing individuals and contributors to society. (CSO staff member)*

*Intrinsically, people have low expectations for these kids. There's not enough work in the space to reframe people's thinking. That is a problem across education in general. These kids fall really particularly in the cracks. (Teacher, FLO)*

Some stakeholders raised that low expectations placed on young people in care can limit the type of assistance or advice they receive regarding career aspirations.

*Time and time again these kids articulate aspirations... but there is nothing in our framework to support that attainment. I would really like people to discuss this with young people as part of their Individual Education Plan. (Principal, alternative school)*

*We've helped young people undertake the Morrisby career assessment. It was one thing missing for these kids - they have few aspirations, they've dropped out of school and they think that's it. They do the Morrisby test, and they find out they might be good at gardening or something. Then they look into the different courses available and visit TAFEs. (Health and Education Assessment Coordinator)*

*A lot of the Individual Education Plans for our students in secondary school, they're very focused on behavior and attendance. There's not a lot of focus on careers and pathways, or academics so it's like why are they going to school. (LOOKOUT Learning Advisor)*



## Research and analysis

Children and young people in care have consistently reported to researchers that they want ‘respectful, engaging and supportive school staff’.<sup>415</sup> ‘Supportive, encouraging adults and processes that celebrate progress and achievements’ can boost their educational attainment.<sup>416</sup> Positive teacher relationships can also be therapeutic for students living with trauma by acting as a counterpoint to their prior experiences of abuse.<sup>417</sup>

Conversely, if carers, educators and workers have low academic expectations of children and young people in care, this may negatively influence these students’ educational aspirations and outcomes.<sup>418</sup> Educators’ poor understanding of what it means to be in out-of-home care can also contribute to the stereotype that these students do not have the ‘interest, potential or ability to manage the pressures of school’.<sup>419</sup>

### Finding 15: Negative attitudes in schools

**Negative attitudes in schools towards children and young people in out-of-home care are common and contribute to their disengagement from education.**

## What the Victorian Government is doing to address low expectations

The *Raising Expectations* program, which commenced in 2015, is a cross-sectoral collaboration between the Centre for Excellence in Child and Family Welfare (the Centre), and university partners Federation University Australia, La Trobe University, Swinburne University of Technology and Victoria University. The program also works with all Victorian TAFE providers. It aims to increase the participation of young people with an out-of-home care experience to access and succeed in vocational and higher education. DE provided funding to this program until the end of 2022. As a result of machinery of government changes, it is now funded in part by the Department of Jobs, Skills, Industries and Regions until June 2024.

*Raising Expectations* includes a range of strategies including outreach supports provided by TAFE and university partners and the Centre to provide information, encouragement and access to scholarships for young people wishing to pursue higher education and training after year 12. In addition, the program delivers training to the vocational and higher education sector to build the capacity of the workforce to respond in ways that better support the educational achievement of care leavers. The program reports a significant increase in TAFE and university enrolments from care leavers since its commencement.<sup>420</sup>

415 Townsend M (2011) *Are we making the grade? The education of children and young people in out-of-home care*, p. 61.

416 Tilbury C et al. (2015) ‘Making a connection: School engagement of young people in care’, *Child and Family Social Work*, 19(4): 455-466, p. 456 citing Harker RM (2004) ‘Who Takes Care of Education 18 months on? A follow-up study of looked after children’s perceptions of support for educational progress.’ *Child and Family Social Work* 9(3): 273-284.

417 Townsend M (2011) *Are we making the grade? The education of children and young people in out-of-home care*, p. 61 citing Cicchetti D (2010) ‘Resilience under conditions of extreme stress: a multilevel perspective.’ (3): 145-154.

418 Tilbury C (2011) ‘The school to work transition for young people in state care: perspectives from young people, carers and professionals.’ *Child and Family Social Work* 16(3): 345-352, citing Martin PY and Jackson S(2002) ‘Educational success for children in public care: advice from a group of high achievers.’ *Child and Family Social Work* 7(2): 121-130; Harker RM (2004) ‘Who Takes Care of Education 18 months on? A follow-up study of looked after children’s perceptions of support for educational progress.’ *Child and Family Social Work* 9(3): 273-284; and Townsend M (2011) *Are we making the grade? The education of children and young people in out-of-home care*, p. 65.

419 Townsend M (2011) *Are we making the grade? The education of children and young people in out-of-home care*, p. 65.

420 Raising Expectations, [Raising Expectations has impact](#), accessed 21 August 2023.

As part of *Raising Expectations*, the Centre delivers the *Game Changers Peer Mentoring Program*. This links care experienced TAFE and university students with care experienced mentors to provide support and advice throughout their educational journey. The Centre advised the Commission it is expanding *Game Changers* with support from the Commonwealth Government through the *Level Up Peer Mentoring Program*, to support young people with experiences of care to remain engaged in education, transition from secondary into post-secondary education and training. The program will recruit students aged 15 to 18 through existing connections with school staff, case managers and carers. Those who are interested in being mentored will then be matched with a student mentor with an experience of care who is currently studying at TAFE or university. The mentor will support students to establish and achieve their educational goals, including to remain engaged in secondary school and go on to complete TAFE or university study. The Centre is confident the *Level Up Peer Mentoring Program* will enable *Raising Expectations* to target students in care in secondary school and expand on the promising work already achieved.<sup>421</sup>

The Commission acknowledges the important work of the Centre in supporting children and young people in care to stay engaged and succeed in education and pursue opportunities for higher education. It is critical that the Victorian Government continues to fund these initiatives which seek to reinforce and lift the aspirations of children and young people in care and raise others' expectations of their abilities.

### **Recommendation 15: Fund programs to encourage students in out-of-home care to pursue post-secondary education**

**That the Victorian Government fund programs across government schools to encourage students in out-of-home care to pursue post-secondary education and training and to improve access to such opportunities. Funded programs should include the elements provided in *Raising Expectations*, the *Game Changers Transitions Peer Mentoring Program* and the *Level Up Peer Mentoring Program*.**

### **Designated Teacher training to raise awareness**

A core function of the LOOKOUT Centres is to deliver the Designated Teacher training to school staff who are nominated by their principal to be a Designated Teacher. In schools, Designated Teachers have a key role in supporting children and young people in care to engage in education and ensuring that schools implement the Partnering Agreement requirements (see Chapter 11). Each LOOKOUT Centre provides training for Designated Teachers in their region. Training covers the out-of-home care system, the needs of children and young people in care and strategies to support their education. The training is also intended to build Designated Teachers' capacity to advocate for the rights of children and young people in care at school.<sup>422</sup>

<sup>421</sup> Information provided from the Centre for Excellence in Child and Family Welfare, email to the Commission dated 29 May 2023.

<sup>422</sup> Department of Education (2023) [Supporting Students in Out-of-Home Care](#), accessed 27 June 2023.

The training is designed specifically for Designated Teachers, with few opportunities for other school staff, including school leadership teams, to learn about the out-of-home care system and the experiences of children and young people who live in care. The Commission considers there is a need for school leadership teams, particularly principals and assistant principals, to access training and expand their knowledge in this area. Principals strongly influence school culture and are also involved in key decisions about children and young people in care, including enrolments, the types of support they receive in the classroom, and communications with carers when issues arise.

### Recommendation 16: Training for school leadership teams to increase understanding of out-of-home care

That DE require school leadership teams to participate in training on the out-of-home care system and the experiences of children and young people in care. This requirement should be triggered upon enrolment of a child or young person in out-of-home care in a government school.

## The relationship between carers and schools

DE recognises that connections between schools and the wider school community can significantly improve students' educational, health and wellbeing outcomes.<sup>423</sup> As carers are typically the key source of educational support for children and young people in out-of-home care, positive communication and collaboration with carers is particularly important to support children and young people with their learning.

### What we heard from stakeholders

The Commission heard that carers do not always feel adequately supported by schools to help the children and young people in their care. Stakeholders reported carers experiencing difficulties communicating with schools (including using online communication platforms), an inability to meet school expectations to pick up children and young people during school hours (sometimes leading to placement breakdowns), and stigma and shame leading to carers feeling disconnected from school communities.

*Carer knowledge is an issue. Carers are fantastic, but a lot of carers don't finish high school and then we expect carers to understand systems and how to navigate school. (Foster carers support group)*

*From a carer perspective, school is one of the most challenging kinds of environments to navigate, there is a lot of hostility toward children who don't regulate – a lot of pressure to perform, then the school will find it difficult to accommodate the learning needs. (Peak body)*

*Many schools do not make accommodations for carers with low literacy and/or limited access to technology. They provide all communication through their online Compass system or via emails.<sup>424</sup>*

We heard numerous examples of schools requiring action by carers during school hours and requesting that carers pick children up when behavioural issues arose. Stakeholders identified that this can sometimes jeopardise a child or young person's care placement due to carer fatigue and lack of flexibility in employment. Stakeholders expressed that some schools treat carers in a way that they would not treat other families and parents of children who are not in care.

<sup>423</sup> Department of Education and Training (n.d.) [Schools' Guide to Attendance](#), State of Victoria, Melbourne, accessed 25 January 2023.

<sup>424</sup> Victorian Aboriginal and Young People's Alliance, *Submission to Education inquiry*, received 30 August 2022, p. 16.

*Schools ring carers to pick up their kids during the day. Carers can struggle to push back. This is not allowed unless it's in the Individual Education Plan. Teachers don't know how to manage behaviour. Carers are getting more and more run down. (CSO staff member)*

*[School] college principal rings you 24 hours a day to come and deal with your child, when you're working and they've been dropped off. (Kinship carer)*

*It puts pressure on carers and jeopardises the care of the child when we tell them about the pressure on carers, they turn around and gaslight and say it is putting pressure on them. Makes the carers feel like they aren't doing their job when negative feedback from school is constant. (CSO staff member)*

We also heard about this occurring in early childhood education services.

*We are constantly contacted about children's challenging behaviour and wanting to exclude them cos their behaviour is a risk. They don't comprehend the impact on the placement and the family and the child. And don't acknowledge the child's capacity to increase their skill. We have a little boy who has been suspended for four weeks, which has put his placement at risk. We shouldn't be having modified timetables in kinder. (LOOKOUT Early Years Learning Advisor)*

*The childcare called me on the first Monday saying, 'I think she's had enough for today', so I had to go pick her up around 12. I'm a carer having to take so much time off work and using all of your leave and not getting any support. (Kinship carer)*

Stakeholders also advised that some carers need more training to query matters with schools and advocate for the educational rights of the children and young people in their care.

*At the end of the day, their medication has worn off and I struggle to help them with the reading and homework. I need help in that area – how do I handle them. I don't want to medicate them again as then I will have the sleeping issue. It's guidance about how to handle their education. As a kinship carer, I haven't had the support with their education. (Kinship carer)*

*There could be more education for carers around the Partnering Agreement and the rights of children's education, including suspensions and enrolments...the responsibility of schools towards children and young people in care. (Child Protection practitioner)*

*Carer support for how to advocate and how to support the education of the children. They are the parent, they are helping with homework. Carers are focusing on getting kids fed, bathed etc. (Foster carers group)*

The Commission also heard about examples of schools trying to support carers and strengthen relationships with them.

*We have several out-of-home care students in kinship care...all of them are with grandparents, so it's us helping that child and helping that family member... Sometimes it's down to the detail of accessing technology... Even down to connecting them with other families... Sometimes it's hard with the age differences. I think having someone who can be in my role in the school – I call the grandmas quite often, they then feel comfortable to call me and say I'm not getting anywhere with DFFH, so I can assist them in that, so I call on behalf of them and be an advocate. (Principal, primary school)*

*Some schools are getting better at including carers – schools are doing what they can to normalise different living situations. [It] helps if families are connected in the community. [The] older cohort of carers can feel left out from the school community. (CSO staff member)*

### Supporting carer and educator relationships

Until recently, there have been no specific programs or initiatives aimed at improving connection between education settings and carers, although the Partnering Agreement includes a small focus on carers and their role. The Commission understands that the LOOKOUT Centres and Kinship Carers Victoria are conducting education seminars for carers across Victoria to build carers' confidence in dealing with schools and improve their understanding of school systems. The seminars discuss:

- how carers can negotiate the school system and beyond
- how to raise concerns with schools to get positive outcomes
- understanding the aspirations of the school system and matching them to the child's needs
- the role of the LOOKOUT Centres
- where to go for additional education related advocacy or support.

This is a welcome initiative that should be conducted regularly across Victoria. Given the important role of carers in supporting children and young people's engagement in learning, DE and DFFH should strengthen the focus of carers in the Early Childhood Agreement and the Partnering Agreement and work with education settings to improve their communication and connections with carers.

### Recommendation 17: Strengthen school and carer relationships and support carers as advocates for children and young people in out-of-home care

That DE and DFFH strengthen the focus on carers in the *Early Childhood Agreement for Children in Out-of-Home Care* and the *Out-of-Home Care Education Commitment* to:

- support carers to navigate school and early childhood education systems and enhance their capacity to advocate for children and young people in their care
- build better connections between education settings and carers.

### Strengthening the focus of wellbeing teams on community service navigation and child protection

Throughout the Commission's consultations, many stakeholders said there was a need for stronger relationships between schools' wellbeing teams, DFFH, Child Protection and the community sector. The Commission heard from school staff that there are many vulnerable students that schools have limited capacity to support, in addition to children and young people in out-of-home care. This included students known to be or at risk of being involved with Child Protection, and those in informal care arrangements.

Child Protection receives a significant number of notifications from teachers and school staff, yet schools often do not hear back from Child Protection. The Commission also understands that in many instances, reports do not progress to investigation because they are not assessed as meeting the necessary threshold. School staff may not necessarily understand what this threshold is. Some stakeholders spoke to the Commission about placing Child Protection practitioners on school wellbeing teams.



*I'd love to see community-based Child Protection staff on school wellbeing teams to respond to the different needs of students and identify issues early. How do we get more of that in schools? Someone that principals can rely on, like a consultant to talk through wellbeing concerns. The principal doesn't need to be a specialist if they can rely on someone on staff. (Child Protection practitioner)*

*Any welfare team, their main role should be about connection with the community. Outside of the school is as important as inside the school. I'm always banging on that we should be out in the community, the kids are out there as well as here. It's about connection with the community, with agencies, parents, carers, even police and other places. (Wellbeing leader, specialist school)*

*I've often thought that high schools should host some element of DFFH. I really feel like schools are so far removed from what goes on and vice versa but there's an expectation that we work together. A worker or case manager that sits here. They could provide another level of support to Child Protection workers – they can't even respond to emails. It's tough trying to have a relationship with DFFH at the moment. (Assistant principal, secondary school)*

### **Recommendation 18: Strengthen school staff understanding of Child Protection, The Orange Door and community services**

**That DE build the capacity and expertise of relevant school staff to support vulnerable students through a strengthened understanding of Child Protection, The Orange Door, and community services.**

While it may not be feasible to have Child Protection practitioners working in schools, the Commission considers that effort is needed to build the capacity of wellbeing teams and relevant school staff to support and advise other school staff and to strengthen their understanding of Child Protection and to build relationships with Child Protection where necessary.

There are also opportunities for wellbeing teams to build their expertise in supporting vulnerable students through early intervention and referral pathways to local family services through The Orange Door when required. The type of support provided should be tailored to the specific needs of the school community, but also specialise in early intervention and community service navigation.

## Chapter 8

# Challenges experienced by Aboriginal children and young people in out-of-home care in education settings

EVEN the  
Longest  
of  
Days  
will  
eventually  
come  
to  
an  
end

Life is like a flower  
the more you lose, the  
easier it is to grow  
Back 10x Stronger



### Chapter at a glance

- For Aboriginal children and young people, low expectations and racism can lead to educational disengagement. For those living in care, these experiences can be exacerbated because of their removal from family, kin, and Country.
- Many of the Aboriginal children and young people we spoke to reported experiences of racism in schools. This included racism from peers and teachers. We also heard from stakeholders that Aboriginal students do not feel supported to speak out when they experience racism in schools.
- Stakeholders also told us that a lack of cultural safety in schools is an ongoing issue that negatively impacts Aboriginal children and young people in care.
- The Commission recommends strengthening Victorian Government initiatives directed to support educational success for Aboriginal students, improving transparency of the Report Racism Hotline, and providing educational support in schools to Aboriginal students in care.

*White staff often don't want the Aboriginal kids all together. [I've been] trying to say that it is about the unconscious bias. Aboriginal kids with their cousins get called a gang, for white people in a group it's different. (Koori staff member, secondary school)*

Educational outcomes for Aboriginal students in Victoria are improving across several measures.<sup>425</sup> As recognised by the Victorian Government, Aboriginal children and young people's engagement with education is influenced by educational settings themselves, and whether the learning environment and curriculum are inclusive, encouraging, and safe.<sup>426</sup> The *Marrung Aboriginal Education Plan 2016–2026* (Marrung) aims to improve educational outcomes for Aboriginal children and young people.<sup>427</sup> Marrung was developed in partnership with the Aboriginal community and focuses on key enablers for Aboriginal learners to achieve positive outcomes, as well as acknowledging the additional needs and heightened risks of disengagement from school for Aboriginal children and young people in care.<sup>428</sup>

Several initiatives directed to supporting educational success for Aboriginal students include the Koorie Engagement Support Officers (KESOs), Community Understanding and Safety Training (CUST),<sup>429</sup> and the Aboriginal Languages Program Training Initiative.<sup>430</sup> The Department of Education (DE) is also currently progressing the *Self-determination in Education Reform* in schools. As discussed in Chapter 7, early childhood education services and schools also have a responsibility to ensure that educators and other staff provide equitable access and effectively respond to Aboriginal children and young people's needs.

Despite these initiatives, the Commission's consultations heard that racism persists in our education system from early childhood settings onwards and a lack of cultural safety is also evident. As discussed in Chapter 5, for Aboriginal children and young people in out-of-home care these experiences can be compounded because of their removal from family, community and culture, which are protective factors. While they face the same challenges as other children and young people in care, the impact is intensified by intergenerational trauma resulting from colonisation, genocide and their continued over-representation in the child protection and out-of-home care systems. It should also be remembered that exclusion and disconnection from education was an often-unseen outcome of policies that placed Aboriginal people onto reservations and missions, or stole Aboriginal children and young people from families, seeing some placed into the workforce at very young ages.

## Educational outcomes for Aboriginal children and young people in care

While there has been some progress regarding the *National Agreement on Closing the Gap*, overall educational outcomes for Aboriginal students remain lower than those of non-Aboriginal students in Victoria.<sup>431</sup> Data received from DE demonstrated that educational outcomes for Aboriginal children and young people in care are lower than Aboriginal children not in care and non-Aboriginal children and young people in care.

<sup>425</sup> Department of Education (2021) *2019 The State of Victoria's Children – Aboriginal Children and Young People*, State of Victoria, Melbourne, p. 14.

<sup>426</sup> *Ibid.*, p. 153.

<sup>427</sup> Department of Education and Training (2016) *Marrung Aboriginal Education Plan 2016–2026*, State of Victoria, Melbourne.

<sup>428</sup> *Ibid.*, p. 27.

<sup>429</sup> Both initiatives are discussed later in this chapter.

<sup>430</sup> Department of Education (2021) *2019 The State of Victoria's Children – Aboriginal Children and Young People*, p. 157.

<sup>431</sup> Productivity Commission (2022) *Closing the Gap – Information Repository: Dashboard Update June 22*, Commonwealth of Australia, Canberra.

## Chapter 8: Challenges experienced by Aboriginal children and young people in out-of-home care in education settings

In its submission, VACCA stated that Aboriginal children and young people in care 'are not experiencing school or education as positive, culturally safe or inclusive'.<sup>432</sup> This is reflected in the data and in our consultations with Aboriginal children and young people in care and stakeholders, as detailed below.

### Racism in education settings

The Victorian Government acknowledges that experiences of racism negatively impact the educational outcomes and wellbeing of Aboriginal children and young people.<sup>433</sup> This was a strong theme in the Commission's consultations with Aboriginal children and young people in care and stakeholders.

#### *What we heard from children and young people*

Almost half of the Aboriginal children and young people we spoke to reported experiences of racism in schools. This included racism from peers and teachers.

*[If you could change anything about your schooling experience, what would you change?] That people don't call me names about my skin. That people, other kids, don't judge you for who you are and what you like. (Sidney, 11, Aboriginal, kinship care)*

*There's a race war here. It's pretty bad. Basically, the people at the school don't like Aboriginal people. My teacher is racist, she says the 'n' word, says racial slurs like Abo... There's videos that people have taken of racist teachers saying the 'n' word... This school is one of those places where you encounter racism, but you don't get any response. (Drew, 14, Aboriginal)*

One young person spoke about how it affected them emotionally and impacted their engagement at school.

*I liked school but the first few years I was very social and then I just kind of dropped all my friends. A lot of them were fake and there was a lot of racism. Going to a private school like that you're bound to get some racism. There were girls making comments and it would set me off, before I did a lot of counselling and stuff my anger would just set off. One girl would constantly piss me off and say the most racist shit and I ended up fracturing my hand because of it. I punched the wall instead of her because I didn't want to get expelled. She would make fun of our dances etc. (Finnley, 19, Aboriginal, foster care)*

#### *What we heard from stakeholders*

The Commission heard that experiences of racism in schools are common for Aboriginal students. Stakeholders reported incidents of racism perpetrated by principals, teachers and other school staff and students. Stakeholders also discussed that Aboriginal students do not feel supported to speak out when they experience racism in schools, and that it can contribute to disengagement.

*Something needs to change – kids can't go on like this. Racism in schools, it's a culture fostered by principals. (Aboriginal Aunty)*

*Systemic racism. We have to constantly try to break it down. Teachers do not understand systemic racism – because they have benefited from it. They need critical self-reflection to understand unconscious bias. (Koori staff member)*

<sup>432</sup> Victorian Aboriginal Children and Young People's Alliance, *Submission to Education inquiry*, received 30 August 2022, p. 3.

<sup>433</sup> Department of Education (2021) *2019 The State of Victoria's Children – Aboriginal Children and Young People*, p. 45.

*The biggest thing that kids are asking us for is could we educate teachers on how to deal with racism and educate the other kids on what it is? (KESO)*

*One teacher here, Aboriginal kids won't go to his class because he treats them badly. Kids miss out on learning. If there is a report that is made there needs to be compulsory training so there is some kind of accountability. (Koori staff member)*

*Especially recently, racism and fights breaking out because of it, has been the biggest issue. And then the behaviour issues as a cycle of the racism. And then we get the disengagement – because what do you do when you're unsafe? Fight or flight. (KESO)*

*We had a young person last week open up about his experiences of racism at school. When he spoke about it, the principal's advisor thought about it and then changed the subject. The young people just get let down, he works up the courage to say something at a public forum and then gets completely shut down. (KESO)*

*Generally speaking, schools' fluff over racism it's a really uncomfortable space for them and they don't want to sit in the [discomfort]. (KESO)*

A KESO spoke to the Commission about the limited support they receive from DE when schools are culturally unsafe, and they experience racism.

*When we have issues with schools, we raise it with DE and we're gaslighted there. They say, 'I'm sure they didn't mean it that way, that's just what that person is like.' Meanwhile we go to the school and get racially abused or we get called up and racially abused but the local DE office does absolutely nothing to support us.*

Stakeholders also spoke of what were described as microaggressions in early childhood education services and schools, involving subtle incidents or interactions between educators and Aboriginal children and young people in care.

*There were several issues within a particular secondary school with Aboriginal students (including Aboriginal students in care). The local ACCO held a smoking ceremony at the school to support healing. Some of the teachers in the school chose not to participate.<sup>434</sup>*

*Case manager previously working as a Koorie Preschool Assistant wanted to teach all the children about Aboriginal culture including the flag. The worker was directed to teach 'the black babies' in the corner.<sup>435</sup>*

*White staff often don't want the Aboriginal kids all together. [I've been] trying to say that it is about the unconscious bias. Aboriginal kids with their cousins get called a gang, for white people in a group it's different. (Koori staff member)*

<sup>434</sup> Victorian Aboriginal and Young People's Alliance, *Submission to Education inquiry*, received 30 August, p. 5.

<sup>435</sup> *Ibid.*, p. 6.



### Case study: An Aboriginal teacher's experiences of racism in schools<sup>436</sup>

An Aboriginal teacher discussed with the Commission their experiences of racism in schools, directed at herself and Aboriginal students.

*There is a lot of really toxic traits where Aboriginal kids are stereotyped by other students and staff. They have to deal with blatant racism. I cannot tell you one Aboriginal student who has not had one racist thing happen to them at school. There are a lot of very close-minded views on Aboriginal people.*

They also described how Aboriginal staff experience racism in schools.

*There is racism within staffing groups. I've been in a training ran by the KESO; it was great training. But there was staff there making snide comments, or not participating, and then were gossiping about it outside of the training. Just your general stuff like 'they get everything' or 'the kids deserve to be taken'. That mentality that Aboriginal people get everything, that we should be grateful.*

They told the Commission that Aboriginal students can be punished for their reactions to racism in schools, sometimes with threats of exclusionary practices.

*It can be weaponised against those kids. I've also dealt with it when I had my own nephew and niece in my care, I had to micromanage the school, so they weren't using that exclusive language like 'if you act like that, we don't want you here'. They have a big emphasis on punishment.*

*[Student], in her English class, challenged her teacher's very racist viewpoint, she was then told that she was wrong and made to feel so small. She blew up at the teacher and left the class.*

The teacher discussed the impact of racism on the educational engagement of Aboriginal students.

*These experiences of racism within the school, makes them far more disengaged than they otherwise would have been. It is so detrimental to their learning.*

They explained how racism can intersect with the low expectations and deficit approaches, influencing policies and procedures in schools.

*There are always assumptions that the Indigenous kids won't have the knowledge. I got questioned recently because a couple of the Aboriginal kids got good marks for literacy, and because I am an Aboriginal woman marking them. It was like hang on.*

*Quite a lot of the time the Koori kids don't even get the IEPs done, then when they go to different schools it's not followed up. And also, any of their academic education, literacy, and numeracy skills, they just get lumped in with not having the cognitive ability to actually do it, they just assume they aren't capable.*

<sup>436</sup> Information obtained from a consultation.

We also heard that for Aboriginal students in care, a culture of low expectations is compounded by racist attitudes.

*When most program guidelines come out, Aboriginality is seen as a deficit, a vulnerability, rather than celebrating the survival of the culture. (ACCO staff member)*

*Schools' expectation of Aboriginal children in care are lower than others, it sets them on the back foot from the beginning. We had one girl in particular who was so smart but never engaged in education the whole time she was with us. If she had more support and felt equal to her peers, she may have been more willing to engage with education. The low expectations come from society's understanding of Aboriginal culture. (CSO staff member)*

*[Science teacher at high school] is actively stopping Aboriginal kids from learning, he wouldn't let an Aboriginal girl do higher level science. (ACCO staff member)*

### **Finding 16: Racism persists in the education system**

The Commission heard from many Aboriginal children and young people in out-of-home care, and other stakeholders, that experiences of racism persist in Victoria's education system. This significantly impacts the educational engagement, health and wellbeing of Aboriginal students living in the care system.

### **Cultural safety**

When Aboriginal culture is acknowledged, taught and celebrated in schools, Aboriginal children and young people are more likely to feel seen, safe and comfortable to engage in learning.<sup>437</sup> Ensuring that schools are culturally safe spaces is important for all Aboriginal children and young people but is essential for Aboriginal children and young people in out-of-home care who, as a result of being removed from family, may have lost the protective factor of their primary connection to Country, culture and community.<sup>438</sup> Despite this, cultural safety continues to be an issue in Victorian schools, with stakeholders identifying that this impedes meaningful engagement of Aboriginal children and young people in care in education.

#### *What we heard from children and young people*

Some Aboriginal children and young people spoke to the Commission about having a positive connection to culture at school through the curriculum.

*I like coming to the art program at school because I can talk to other mob in art class, paint with ochre, do dancing, perform at different places in costumes. (Sasha, 15, Aboriginal, kinship and foster care)*

*I like it in there [pointing to an Aboriginal art space in his school] because I like crafts and hanging out with my cousins. We don't have any classes together and I just like it so I can see my cousins and aunties and uncles and friends. (Kacey, 13, Aboriginal, kinship care)*

*We get to do Aboriginal drawings, colour in Aboriginal stuff, just the Aboriginal kids – we get to do fun stuff. (Sage, 9, Aboriginal, kinship care)*

<sup>437</sup> VACCA, *Submission to Education inquiry*, p. 8.

<sup>438</sup> *Ibid.*

## Chapter 8: Challenges experienced by Aboriginal children and young people in out-of-home care in education settings

### What we heard from stakeholders

Stakeholders reiterated the importance of celebrating and connecting to culture, community, and Country in schools for Aboriginal students and how it directly improved educational engagement for Aboriginal children and young people in care.

*Some of the young people spoke of positive experiences when seeing culture acknowledged taught and celebrated, through visibility of the Aboriginal flag, Acknowledgment of Country in assembly, and school excursions to Aboriginal places of cultural significance. Presence and visibility of Aboriginal staff at school, both KESO workers and teachers, were seen to be important, as were visits from Aboriginal Elders, and creating Indigenous native gardens – one child reported pride in a garden featuring Bunjil at their school. (VACCA)<sup>439</sup>*

*For kids in care, the majority of their time is spent at school. It would be good to have someone in each school to help them embed culture into the schools. As soon as they walk into the school, they should feel like they are on Aboriginal land. (ACCO staff member)*

*There doesn't seem to be any space for our kids to be able to regulate themselves, especially with Aboriginal kids, they need to be outside, connecting with Country. Some schools are better than others, it would be good to have that uniformed across the nation. (ACCO staff member)*

Stakeholders also spoke about the importance of embedding Aboriginal culture into the curriculum for all children and young people, not only Aboriginal students.

*Instead of Aboriginal kids being taken out of class to do special culture things, why not share that with the classroom and share language, special days, would love to see more of that. We try to embed that in our culture support plans, kids are to be a part of their classroom celebrating these events. (ACCO staff member)*

Stakeholders indicated that cultural safety in schools was not understood, and that cultural safety was lacking in schools and the curriculum.

*Culture in schools feels like an add on – from young people's experience. Culture needs embedding in all schools, doesn't feel culturally safe for them. (CSO staff member)*

*They [school leadership] say that the kids are too connected to Koori educators. A lot of kids don't have other connections so why is it such an issue? It's because they see that they can't have a connection with them. They say why are you so special? It's because I talk to her, listen to her, have time for her. (Koori educator)*

*A barrier to cultural safety is a lack of understanding of culturally safe language. Sometimes the bravado learned in community is deemed inappropriate in a school setting – some of the delivery of language can be seen as confrontational and avoidant (by teachers). When we go into community, we can see the language is culturally appropriate. Students are not understood in the best way they could be. Teachers don't always understand, this is when tensions arise. That delivery of language is accepted in some space and not others across the school. (Wellbeing staff member, secondary school)*

<sup>439</sup> Ibid., p. 10.

Some stakeholders raised that a lack of Aboriginal representation among staff impacts the cultural safety of schools.

*The biggest challenge is that [staff member] is a white female who oversees the Koori program, which has been a challenge when engaging with services. She's had family members come into an SSG and leave, she doesn't have buy in with some families. It's a stitch up by the school. The school has never advertised it as an identified person so not had an Aboriginal person in the role. The previous person also wasn't Aboriginal. (Wellbeing coordinator, secondary school)*

*As a school we don't have a Koori or Aboriginal teaching staff member to take on that role of setting up Cultural Support Plans, it's a real missed opportunity. (Teacher, secondary school)*

*There are no Koori people advocating for Koori kids. Recently a young person who got expelled had a KESO who wasn't allowed to go [to their expulsion decision meeting] because she was a Department [of Education] employee. The care team meetings for Aboriginal kids happen without an Aboriginal advocate. The KESO was not allowed to go to a care team meeting because they didn't like what she said in a previous meeting. (ACCO staff member)*

## Finding 17: Culturally unsafe practices in education

**The Commission heard from many stakeholders that Aboriginal children and young people in out-of-home care face additional barriers to educational engagement due to culturally unsafe practices, including racism, in education settings.**

### Research and analysis

In its review of the *National School Reform Agreement*, the Productivity Commission identified Aboriginal and Torres Strait Islander students, along with students in out-of-home care, as experiencing challenges to engagement and inclusion at school.<sup>440</sup> In Victoria, Aboriginal students report significantly higher rates of bullying than their non-Aboriginal peers. This is particularly in primary school, with 22 per cent of Aboriginal children in years four to six reporting they experienced bullying in 2020.<sup>441</sup>

The Productivity Commission found in its 2022 report that some Aboriginal students 'do not see their identities, cultures, and knowledges reflected in what they are learning'.<sup>442</sup> The report identifies how a culturally responsive curriculum and pedagogy is 'widely accepted as being critical' to address the barriers faced by Aboriginal students and meet their learning needs.<sup>443</sup>

In its submission to the inquiry, VACCA stated that when children and young people in care feel unsupported at school, they are likely to view this as 'another failure of the adults in their lives to protect and understand them, further alienating them from the systems and structures that other children grow up a part of'.<sup>444</sup> These feelings of not belonging are exacerbated when educators rely on punitive responses that further exclude children and young

<sup>440</sup> Productivity Commission (2022) *Review of the National School Reform Agreement: Study Report*, Commonwealth of Australia, Canberra, p. 142.

<sup>441</sup> First Peoples – State Relations (2022) *Victorian Government Aboriginal Affairs Report 2021: Learning and skills*, accessed 7 August 2023.

<sup>442</sup> Productivity Commission (2022) *Review of the National School Reform Agreement: Study Report*, Finding 4.6, p. 37.

<sup>443</sup> *Ibid.*, pp. 26–27.

<sup>444</sup> VACCA, *Submission to Education Inquiry*, p. 10.

people in care from classrooms, resulting in escalating patterns of disengagement. For Aboriginal children and young people in care, these feelings are further pronounced when their schools do not acknowledge or celebrate Aboriginal culture, or they are bullied and discriminated against because of their Aboriginal identity.

Research demonstrates that the negative educational impacts of traumatic stress experienced by students can be mitigated through schools and their school staff employing more informed and sensitive approaches in responding to students' challenging behaviours.<sup>445</sup> Consistent exposure to responsive and supportive relationships with educators and assistance to strengthen their self-regulation skills can be transformative for students. For Aboriginal children and young people in care, trauma-informed approaches need to acknowledge the accumulation of intergenerational trauma while also celebrating the strength and resilience of Aboriginal people.<sup>446</sup>

Aboriginal carers can also find school interactions to be disempowering and culturally unsafe, leading to them not participating in school activities or not feeling comfortable to seek assistance. The Victorian Aboriginal Children and Young People's Alliance identified in its submission that schools need to connect with carers through various low key and culturally sensitive approaches that understand the impact of intergenerational trauma and carers' possibly negative experiences of education.<sup>447</sup>

### **How the Victorian Government currently responds to racism in education settings**

In *Our youth, our way* the Commission recommended that the Victorian Government strengthen efforts to tackle and eliminate racism in schools.<sup>448</sup> In response, DE stated that it is committed to the elimination of racism and bullying in schools and identified various reforms including:

- the Bully Stoppers webpage, as discussed in Chapter 7, which includes specific resources on racist bullying
- Report Racism Hotline, which provides an entry point into DE for students, parents and carers to raise a concern about religious or racial discrimination or abuse at Victorian Government schools
- Community Understanding and Safety Training (CUST), Social Cohesion Through Education, Respectful Relationships and School-wide Positive Behaviour Support
- DE's Koorie Education Workforce supports schools to develop policies to prevent and respond to racism and bullying of Aboriginal students and provide support in responding to incidents of racism and racist bullying
- the Victorian Aboriginal Education Association Incorporated (VAEAI), which provides support to families and schools by providing advice and advocacy to prevent and respond to racism and racist bullying.<sup>449</sup>

DE also referred to its *Self-determination in Education Reform* initiative 'as likely to include reform options that contribute to the prevention and response to racism and bullying within schools'.<sup>450</sup> This is discussed in the next section, along with several initiatives to strengthen cultural safety in schools, which may also reduce racism.

<sup>445</sup> Fernandez E (2019) 'Working towards better education for children in care: longitudinal analysis of the educational outcomes of a cohort of children in care in Australia', *Oxford Review of Education*, Vol. 45, No. 4, 481-501, p. 495.

<sup>446</sup> VACCA, *Submission to Education Inquiry*, p. 10.

<sup>447</sup> Victorian Aboriginal Children and Young People's Alliance, *Submission to Education inquiry*, p. 17.

<sup>448</sup> Commission for Children and Young People, *Our youth, our way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system*, Commission for Children and Young people, Melbourne, 2021, Recommendation 49.

<sup>449</sup> Victorian Government (2022) [Victorian Government response to the 'Our Youth, Our Way' inquiry](#), State of Victoria, Melbourne, accessed 6 July 2023.

<sup>450</sup> Ibid.



## What the Victorian Government has said about cultural safety in schools

In advice to the Commission, DE acknowledged that cultural safety requires significant and ongoing improvement.<sup>451</sup> In a 2022 paper discussing data on participation and inclusion for Aboriginal students, DE recognised that:

...lower rates of feeling connected to their school, as well as lower attendance rates, remain significant challenges. This highlights that we need to do more to ensure the system and schools are culturally safe and engaging places for Koorie learners so that they can reach their full potential – including Aboriginal children and young people experiencing multiple risk factors such as those in out-of-home care.<sup>452</sup>

Several initiatives to improve cultural safety in schools include the Victorian Child Safe Standards, *Self-determination in Education Reform* initiative, Koorie Engagement Support Officers (KESOs) and CUST.

### Victorian Child Safe Standard 1

Schools in Victoria are required by law to implement the Victorian Child Safe Standards.<sup>453</sup> Standard 1 relates to cultural safety and requires organisations to establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued. This includes identifying and eliminating experiences of racism.

The Commission is committed to strengthening the understanding of schools on their compliance requirements with the Standards.

## Self-determination in Education Reform initiative

In 2022, DE hosted a series of community yarns known as campfire conversations as part of the *Self-determination in Education Reform initiative*, aimed at improving Victorian schools for Aboriginal children and young people. The community yarns were run in collaboration between DE, VAEAI and local ACCOs, and provided an opportunity for Aboriginal students, their families, carers, workers, and school staff to identify good practice and barriers to Aboriginal students' engagement. In its submission, VACCA outlined the themes from the community yarns that they hosted and identified that 'the experience of lack of cultural safety and/or representation at school was prevalent in all the community yarns'.<sup>454</sup> Other themes included that:

- some students experienced bullying based on their Aboriginal identity, and reported not trusting, or feeling comfortable around other students
- schools are slow to include and teach Aboriginal perspectives and culture in the curriculum
- some teachers are seen to share false information about Aboriginal perspectives, or a white version of Aboriginal history
- that these experiences contributed to a feeling of lack of safety at school, and a reluctance to attend school.<sup>455</sup>

The key message from the community yarns was that to make schools welcoming for Aboriginal students and families, DE must ensure that Aboriginal culture is seen and celebrated by everyone in school.<sup>456</sup> A critical component of culturally safe schools is a curriculum which embeds Aboriginal perspectives.<sup>457</sup>

<sup>451</sup> Information provided by DE to the Commission dated 6 April 2023.

<sup>452</sup> Department of Education (2022) *Marrung, 2022: Current Data – participation and inclusion*, retrieved from: <https://www.vic.gov.au/marrung>, p. 4, accessed 1 February 2023.

<sup>453</sup> *Child Wellbeing and Safety Act 2005*.

<sup>454</sup> VACCA, *Submission to Education Inquiry*, p. 8.

<sup>455</sup> *Ibid.*, p. 8.

<sup>456</sup> *Ibid.*, pp. 8–9.

<sup>457</sup> Department of Education, *Marrung: Aboriginal Education Plan 2016–2026*, p. 7.

## Chapter 8: Challenges experienced by Aboriginal children and young people in out-of-home care in education settings

In *Our youth, our way*, Aboriginal children and young people told the Commission that they ‘wanted the educational curriculum to reflect the true history of colonisation and to value Aboriginal people’s experiences and culture’.<sup>458</sup>

The Commission understands that DE is currently preparing a report of recommendations arising from the community yarns.

### Community Understanding and Safety Training

Community Understanding and Safety Training (CUST) is intended to build the capacity of school staff to better support Aboriginal students, including through more culturally inclusive practices.<sup>459</sup> It was developed by VAEAI in partnership with DE. All Victorian Government school staff are expected to complete it, including teachers, administration staff and grounds staff.<sup>460</sup>

### Aboriginal languages

For many Aboriginal children and young people, learning and speaking an Aboriginal language in school correlates with improved cultural safety and subsequent improved social and emotional wellbeing and educational engagement.<sup>461</sup> The reclamation and revival of Aboriginal languages in educational settings is ‘integral to Aboriginal self-determination and the overcoming of the legacy of colonisation’.<sup>462</sup> As reflected in the case study below, the Commission’s consultations indicated that learning Aboriginal languages was an enabler to educational engagement for Aboriginal students in out-of-home care.

Positive reforms contributing to the revival of Aboriginal language and study in Victoria, include:

- the *Early Childhood Language Program* providing funding to 18 kindergartens teaching Aboriginal languages
- the first graduates of a *Certificate III in Learning an Endangered Aboriginal Language* graduated in Victoria in 2019 as part of an Aboriginal Languages Training Initiative.<sup>463</sup>

Despite the efforts under *Marrung* to revive and preserve Aboriginal language, less than two per cent of Victorian Government schools teach an Aboriginal language.<sup>464</sup>

### Koorie Engagement Support Officers

Koorie Engagement Support Officers (KESOs) are part of DE’s Koorie Education Workforce that assists early childhood education services and schools to support the ‘engagement, attendance, wellbeing and achievement’ of Aboriginal children and young people. KESOs are members of the local Aboriginal community employed by DE to provide advice to schools about culturally inclusive learning environments and work with families, community, and service providers to support engagement and improved outcomes for Aboriginal children and young people. They also support students and families through transitions across all learning stages, from the early years to further education.<sup>465</sup> Following additional funding provided in the 2021–22 Victorian budget, there are currently 127 KESOs and 17 Koorie Education Coordinator positions employed by DE.

<sup>458</sup> Commission for Children and Young People, *Our youth, our way*, p. 399.

<sup>459</sup> First Peoples – State Relations (2022) *Aboriginal Affairs Report 2021: learning and skills*.

<sup>460</sup> Victorian Aboriginal Education Association (n.d.) [CUST: Online Information Series](#), accessed 15 August 2023.

<sup>461</sup> Department of Social Services (2020) *A Decade of Data: Findings from the first 10 years of Footprints in Time*, Commonwealth of Australia, Canberra, p. 45.

<sup>462</sup> Department of Education (2021) *2019 The State of Victoria’s Children – Aboriginal Children and Young People*, p. 39.

<sup>463</sup> *Ibid.*, p. 45.

<sup>464</sup> Department of Education (2022) *Marrung, 2022: Current Data – participation and inclusion*, p. 3 accessed 1 February 2023.

<sup>465</sup> Victorian Government (2023) [Contact a Koorie education coordinator](#), accessed 19 June 2023.

## Case study: Primary school embeds local Aboriginal language into their curriculum<sup>466</sup>

An Aboriginal Elder at a regional ACCO spoke to the Commission about a local primary school embedding the local traditional language in their curriculum in 2022. The school principal reached out to the ACCO for advice and support on how to lift the educational engagement of their Aboriginal students by connecting to culture. Many of the students were Aboriginal children and young people in out-of-home care. The elder suggested an Aboriginal language program.

*This was student driven and principal driven. It's a small school, the attendance and engagement of the students wasn't at the level it could be. So, the principal said, 'We'll ditch Japanese'.*

He supported the school to plan cultural lessons and engage students with the local Aboriginal language.

*Through bark I offered them easy words that connect to Country and animals and so forth.*

The lessons on language improved the attendance rates of the Aboriginal students in care and reduced behavioural issues in the classroom.

*They trialed it and the kids were more engaged, and they wanted to come to school and weren't playing up in school as much.*

The Elder told the Commission that while the teachers and principals were thrilled with the results of the program, what mattered to him was seeing the impact it had on the students.

*It's the kids who win out of it. They get to learn language, that is culture. Connects them to Country or to an animal. Keeps them strong.*

The Commission's previous systemic inquiries, *Our youth, our way* and *Always was, always will be Koori children*, examined the KESO role in detail, noting resourcing challenges and tensions regarding their overall purpose in schools and community expectations for more targeted support to students. *Always was, always will be Koori children* recommended that DE 'review the KESO program to ensure that all KESO positions are filled on an ongoing basis and that all Aboriginal children in out-of-home care are engaged with a KESO worker'.<sup>467</sup>

*Our youth, our way* recommended DE 'review the supports provided to Aboriginal children and young people, including the KESO role, with a view to increasing direct support for Aboriginal children and young people in schools, and prioritising access to educational support for Aboriginal children and young people in the youth justice system'.<sup>468</sup>

<sup>466</sup> Information obtained from a consultation.

<sup>467</sup> Commission for Children and Young People, *Always was, always will be Koori children*, Commission for Children and Young People, 2016, Melbourne, p. 20.

<sup>468</sup> Commission for Children and Young People, *Our youth, our way*, p. 49.

*What we heard from stakeholders*

In consultations, the Commission spoke to several KESOs across Victoria who spoke about their experiences of supporting Aboriginal children and young people in out-of-home care and their broader experiences with schools and the education system. Koorie Engagement Support Officers told the Commission that most schools do not know how to effectively engage Aboriginal children and young people in care.

*They don't even understand the needs of Aboriginal kids in education, let alone Aboriginal kids in out-of-home care. (KESO)*

*They don't have compassion or understand, teachers are privileged as they haven't been through the system. There's a lack of cultural safety, a lack of cultural awareness. (KESO)*

*It depends on the school, some put a lot of really good things in place, but others just have no idea how to do it. It's not everyone, but majority of the schools don't know how to do it. (KESO)*

Some KESOs raised examples of schools not valuing their input when they advocate for Aboriginal children and young people in care.

*Part of our role is to be in schools and go to SSG meetings – priority will always be given to kids in out-of-home care, but how can we advocate if we aren't being heard as the voice of that child? (KESO)*

*They don't listen when we are advocating, they don't take our recommendations on board, that's because we don't come from 'qualifications'. There is a lack of respect for the Aboriginal community and understanding the importance of community. (KESO)*

**Case study: A KESO's experience in supporting an Aboriginal sibling group achieve significant academic growth<sup>469</sup>**

As part of its consultations, the Commission spoke to a former KESO who advised of the support they provided to an Aboriginal family enrolled in a primary school located in outer-suburban Melbourne. The family had recently taken into their care a sibling group of three children from the Northern Territory. English was the children's third language and they had irregular attendance at school leading up to their arrival in Victoria.

The KESO, the school principal and the family worked collaboratively to support the children in their learning and build social connections to help them feel welcome and safe at school. The school implemented DE's key policies, including regular Student Support Group meetings and conducted testing to identify the children's most immediate academic needs. These results then informed their Individual Education Plans (IEPs). The KESO indicated that ensuring the IEPs were based on each child's individual academic abilities and not according to their year level or age was critical. The children's health needs were also met at school.

The KESO met with the family fortnightly to monitor the children's wellbeing and progress. At the end of the first twelve months, each of the children had achieved four years academic progress and the eldest child started high school along with their year 6 peers. The KESO advised that this collaborative approach and the school following departmental procedures contributed to the children experiencing significant growth with their literacy and numeracy.

<sup>469</sup> Information obtained from a consultation.

*The educational background we have without qualifications is our biggest barrier and they talk down to us and without respect. (KESO)*

One KESO told the Commission while they sometimes feel included in meetings, they had limited influence at higher levels.

*Everyone wants a representation from the Koori workforce at their meeting, some as they see value, sometime tokenistic, and we end up being used as a reference. It's a good thing as you want your voice heard, but it's in the really important spaces that our voices aren't being heard. Our voice isn't being heard in the leadership meetings. (KESO)*

More broadly, other stakeholders spoke about the important role of KESOs in Victoria's education system and particularly in supporting Aboriginal children and young people and often being a conduit between schools and local Aboriginal communities and families. As observed in *Our youth our way*, the Commission heard again about confusion regarding the KESO role and ongoing tension between supporting individual students, particularly those at risk of disengaging, and providing strategic advice to schools.

Many stakeholders noted the importance of KESOs' support to Aboriginal students and their families, including targeted support to Aboriginal children and young people in care.

*We have fantastic KESOs around here, they are aware how schools tend to railroad families into making decisions and how families need to have the buffer of a KESO to have good outcomes at the school... [but, there are] not enough of them. (ACCO staff member)*

*We do have a KESO who works closely with the preschool and supports in the transition process into primary school. (ACCO staff member)*

*The involvement of the KESO in this process has been really good. Has come to all the SSGs. He'll be an advocate for the child and has an interest in the whole family. (CSO staff member)*

Stakeholders spoke about the need for better resourcing of the KESO role by DE.

*We have KESOs in schools completely overwhelmed and spread so thinly, but obviously there is more funding needed in that area. It needs to be an ingrained thing across our education system. (CSO staff member)*

*KESOs are under-resourced! Unrealistic expectations on them, one KESO with over forty schools. (CSO staff member)*

*At the moment they have KESOs, they have like one KESO that covers five schools. It's too much because they are apparently meant to be reviewing curriculum to ensure it's safe, supporting kids, supporting staff, having relationships with the kid's families. That is for one staff member across multiple schools? It's not sustainable and means a lot of it gets left unattended. (ACCO staff member)*

Some stakeholders raised confusion about the purpose of the KESO role. This was also reflected in some of the feedback from KESOs.

*KESOs, there are just not enough of them. We waited over a year to get them engaged. I'm also not sure what their role is. I remember when the role was initially introduced by the Department of Education – it was never clearly defined as to what the role was, it was very wishy washy. (CSO staff member)*



*KESOs – who knows about them or how to get them involved? How are they engaged? (CSO staff member)*

*We don't have a clear position description, the KESO position is whatever you want it to be. (KESO)*

Further, KESOs provide strategic advice to schools through delivery of CUST, although some expressed disenfranchisement with this function.

*The change and expectation that KESOs would deliver CUST, it was never discussed with us in detail, the extra work that would be put on the KESO. The additional workload, that seems to be more ongoing. It impacts our ability to work with out-of-home care kids. (KESO)*

*We are already doing our Cultural Understanding and Safety Training, already put ourselves out there to reinforce all of these things, and they all sit there nodding but nothing happens. (KESO)*

*It's a systemic thing with DET, a lot of schools see DET as interfering and we are just part of that interference in the eyes of the schools. (KESO)*

### **Finding 18: The role of Koorie Engagement Support Officers**

The Commission heard from stakeholders that the Koorie Engagement Support Officers play a critical role in Victorian Government schools. However, there is ongoing confusion about the parameters of the role, which impacts their level of influence and advocacy to strengthen supports for Aboriginal students, including those living in out-of-home care.

## **Enhancing education engagement for Aboriginal children and young people in care**

### **Addressing experiences of racism in schools**

The Commission acknowledges the Victorian Government's efforts to improve educational outcomes for Aboriginal children and young people and tackle and eliminate racism in schools since our recommendations in *Our youth, our way*. However, we remain concerned by the experiences of racism in schools raised during this inquiry and community yarns held as part of the *Self-determination in Education Reform* project.

Aboriginal students still face racism at both individual and systemic levels in our education system. This is especially problematic for those living in care who are experiencing the effects of state intervention and removal from their family, culture and Country. Feelings of dispossession and invisibility are further compounded for Aboriginal students in care when their specific wellbeing needs are not prioritised in schools.

The Commission considers that educational outcomes for Aboriginal students in Victoria cannot be improved without first addressing individual and systemic experiences of racism. We look forward to the published outcomes and recommendations of the *Self-determination in Education Reform* project as an effort to address this.

While the Commission supports the establishment of the Report Racism Hotline, it is not clear how often this is used by community and or how reported incidents of racism are addressed. The Commission encourages DE to conduct and publish an audit of the Report Racism Hotline to examine the types of complaints it receives and from whom.

DE currently has no distinct and public anti-racism policy on its website for *Report racism or religious discrimination in schools*.<sup>470</sup> The development of a clear and distinct policy which explicitly addresses racism in all Victorian Government education settings is critical. Associated with this policy, the Commission recommends the development of culturally safe, youth friendly resources that explain the policy, including ways to raise concerns about racism specific to supporting Aboriginal children and young people. Aboriginal children and young people should lead the design and creation of these resources.

### **Recommendation 19: Support Aboriginal children and young people to report racism, and respond appropriately when they do**

**That DE develop a clear and distinct policy that explicitly addresses racism in Victorian Government education settings. Youth friendly resources specifically for Aboriginal children and young people should also be developed to explain the policy and raise awareness of how to raise concerns about racism. The creation and design of these resources should be done in consultation with Aboriginal children and young people.**

### **Recommendation 20: Audit the effectiveness of the Report Racism Hotline**

**That DE conduct and publish an audit of the Report Racism Hotline to examine the types of complaints it receives and from whom, in addition to the effectiveness of processes for addressing complaints of racism.**

## **Improving cultural safety in schools**

There are several opportunities for DE to bring about positive changes in schools for Aboriginal students with the widespread implementation of Child Safety Standard 1, as outlined in the textbox on the following page.<sup>471</sup>

### **Evaluation of CUST**

In May 2020, DE engaged EY Sweeney to conduct a process evaluation of CUST to be delivered in May 2021. Due to the COVID-19 Pandemic, the evaluation report was delayed and was finalised in October 2022.<sup>472</sup>

The evaluation found that CUST is having a positive impact on the level of knowledge and understanding in schools about the history and cultures of Aboriginal and Torres Strait Islander peoples and the impacts of colonialism on them. It also reported, however, that some staff who delivered and facilitated CUST (who are Aboriginal) experienced feelings of shame and being culturally unsafe while delivering the training.

As at October 2022, CUST had been delivered in 83 per cent of Victorian government schools, although not all staff attended sessions and according to the report 'there is still much to be done', including to support staff delivering training and to ensure the training leads to culture change within individual school settings.<sup>473</sup>

The report made several recommendations to DE to improve CUST, including:

- provide appropriate supports to Aboriginal workers and community members delivering the training to ensure cultural safety
- embed and foster a culture of self-directed, continuous learning so staff take responsibility for and guide their own learning and development
- promote the role of school leadership in supporting CUST to drive and sustain change in schools

<sup>470</sup> On its website *Report racism or religious discrimination in schools*, DE instead refers to its existing policies for parent complaints, bullying and student engagement.

<sup>471</sup> Education and Training Reform Act 2006 – [Ministerial Order No. 1359: Implementing the child safe standards – managing the risk of child abuse in schools and school boarding premises](#).

<sup>472</sup> Ernst and Young (2022) *Evaluation of Community Understanding and Safety Training, Report to the Victorian Department of Education and Training, October 2022*. Provided from the Department of Education to the Commission for Children and Young People dated 8 December 2022.

<sup>473</sup> *Ibid.*, p. 16.

**Ministerial Order No. 1359**

**Implementing the Child Safe Standards – Managing the risk of child abuse on schools and school boarding premises: Part 2 Minimum standards for a child safe environment**

**Culturally safe environments**

- 5.1 Schools and school boarding premises must establish culturally safe environments in which the diverse and unique identities and experiences of Aboriginal children, young people and students are respected and valued.
- 5.2 In complying with clause 5.1, the school governing authority or school boarding premises governing authority must, at a minimum, ensure:
- a child or student's ability to express their culture and enjoy their cultural rights is encouraged and actively supported
  - strategies are embedded within the school or school boarding premises which equip school staff or school boarding premises staff, students, volunteers and the school community or school boarding premises community to acknowledge and appreciate the strengths of Aboriginal culture and understand its importance to the wellbeing and safety of Aboriginal children and students
  - measures are adopted by the school or school boarding premises to ensure racism is identified, confronted and not tolerated, and any instances of racism within the school environment or school boarding premises environment are addressed with appropriate consequences
  - the school or school boarding premises actively supports and facilitates participation and inclusion by Aboriginal children and students and their families
  - all of the policies, procedures, systems and processes of the school or provider of school boarding services, taken together, create a culturally safe and inclusive environment and meet the needs of Aboriginal children and students and their families.
- 5.3 The school governing authority or school boarding premises governing authority must develop and endorse a policy or statement that details the strategies and actions the school or school boarding premises will take to implement clauses 5.1 and 5.2

- establish an expectation for the inclusion of CUST-related activities in school Annual Implementation Plans to ensure they are not regarded as additional or extra-curricular, but rather part of the day-to-day responsibilities for schools to provide support to students and families
- establish appropriate periodic evaluation and data-collection processes.

The Commission welcomes this evaluation, noting it is consistent with what we heard in consultations for this inquiry.

**Recommendation 21: Implement recommendations from the Community Understanding and Safety Training evaluation**

**That DE implement the recommendations made in the EY Sweeney evaluation report of Community Understanding and Safety Training as a priority.**

### **Recommendation 22: Develop youth relevant cultural safety resources**

**That DE develop youth relevant cultural understanding and safety content to further support progress towards culturally safe schools.**

The Commission considers that schools' efforts to improve cultural safety and address issues of racism should be an explicit component of FISO 2.0, recognising the importance of both to improve the educational and wellbeing outcomes for Aboriginal children and young people. It is critical that DE has broader oversight of how schools, including leadership teams, are implementing these measures as part of their school planning processes.

### **Recommendation 23: Require schools to report on actions taken to address racism**

**That DE require government schools to report on measures they are implementing to improve cultural safety and address racism as part of their FISO 2.0 Annual Implementation Plans and Annual Report to the School Community.**

### **Improving the direct educational support for Aboriginal students in care**

The Commission welcomes the increased funding of KESOs across Victoria, but there is an ongoing need to review and clarify the role's key functions in schools. This was first raised by the Commission in *Always was, always will be Koori children* in 2016 and in *Our youth, our way* in 2021. The Commission remains concerned that while the KESO position description stipulates that KESOs not work directly with students, community expectations are that KESOs provide direct support to at-risk Aboriginal children and young people. We know that KESOs are already providing this support in some places and the Commission heard that this was often both needed and appreciated. Limiting the KESO role to delivery of CUST training, will mean a continuing and significant gap in the individual support that Aboriginal children and young people in care often need in schools. This was highlighted in *Our youth, our way*:

...given the strategic focus of the KESO role, and, in turn, their limited capacity to assist with providing or coordinating support for Aboriginal students, there is an unmet need for assisting those who are, or who are at risk of becoming, disengaged.<sup>474</sup>

The Commission maintains that all Aboriginal children and young people in care should receive direct engagement support from the Koori education workforce. This could be a KESO responsibility or involve the creation of an additional role.

### **Recommendation 24: Strengthen educational supports to Aboriginal students in out-of-home care**

**That DE strengthen the educational support it provides in schools to Aboriginal students in out-of-home care.**

<sup>474</sup> Commission for Children and Young People, *Our youth, our way*, p. 405.

## Chapter 9

# Exclusionary and restrictive practices in education settings



### Chapter at a glance

- Between 2018 and 2022:
  - 12 per cent of students in care were on a modified timetable. Of these, 22 per cent were Aboriginal students in care and 58 per cent were students in care identified as receiving adjustments under the Nationally Consistent Collection of Data on school students with disability (NCCD) to access education.
  - students in care were five times more likely to be suspended than students in the general student population.
- In 2022:
  - foundation students in care were 12 times more likely to be suspended than other foundation students, and year 1 students in care were 11 times more likely to be suspended than other year 1 students
  - students in care were five times more likely to be expelled from school than students in the general student population.
- Students in care were seven times more likely to be subject to incidents of restraint or seclusion in 2022.
- Higher rates of exclusionary practices for children and young people in care is indicative of an education system not providing appropriate responses to students who need interventions and support.
- The Commission recommends that the Department of Education (DE) develop and monitor a modified timetable policy and strengthen DE's suspension policy to ensure appropriate processes and oversight, in addition to schools embedding a trauma-informed approach as discussed in Chapter 7.



*[What things would you change?] To be at school full time.  
To be able to stay for lunch and see my friends and play.  
(Kevin, 10, foster care)*

In Chapters 5 to 7, we examined the challenges that can prevent children and young people in out-of-home care from staying engaged in education. The impact of trauma on their capacity to participate in the classroom and a lack of understanding among educators and other school staff about how to respond appropriately to trauma-related behaviours were identified as significant barriers. Concerningly, we heard from children and young people and various stakeholders that, despite a growing emphasis on mental health and wellbeing in schools, educators often still rely upon punitive measures in response to challenging behaviours.

DE policy allows exclusionary and restrictive practices in certain circumstances where a school determines that these practices necessary to maintain the wellbeing of the entire school population and the effectiveness of school programs.

In schools, exclusionary practices involve removing students from school or an educational setting to manage their behaviour. These practices include modified timetables, suspensions and expulsions. Restrictive practices, such as restraint and seclusion, involve either physically restraining a student or leaving them alone in an area or room. Some of these practices, such as a modified timetable, can have a positive impact when used appropriately and sparingly, and alongside other strategies and approaches. Often, however, exclusionary and restrictive practices are used to the detriment of students and can lead to disengagement from school.

In early childhood education services, DE emphasises supporting children with 'behaviour guidance' rather than discipline, which focuses on children's strengths, reflects child development and learning, and is grounded in positive mutually respectful relationships between adults and children.<sup>475</sup>

In this chapter, we examine children and young people's experiences of exclusionary and restrictive practices in schools, and the extent to which they are used based on departmental data.

## Modified timetables

All children are entitled and required to attend full-time education until they turn 17. However, in certain circumstances, schools place students on a modified timetable for students' needs, teachers' needs and emergency circumstances.<sup>476</sup> The use of modified timetables for children and young people in care was a common theme discussed in our consultations. We heard of modified timetables being used:

- when children and young people only had access to one-on-one support in the classroom for part of the school day
- to re-engage students after a period of disengagement
- to keep students engaged in some form of learning, especially for those experiencing mental health issues.

Most stakeholders raised their concern that modified timetables can unnecessarily or excessively exclude children and young people in care from school, with little oversight from DE. Modified timetables, if misused, were identified as damaging the educational engagement of children and young people in care, particularly when returning them to full-time hours is not prioritised. In these instances, children and young people in care fall further behind their peers academically and lose their sense of belonging and connection to school.

<sup>475</sup> Victorian Government (2023) [Supporting children's behaviour in early childhood services](#), accessed 6 July 2023.

<sup>476</sup> Department of Education (2022) [School Hours \(including variation to hours\)](#), accessed 2 June 2023.

Between 2018 to 2022, the proportion of children and young people in care who were on a modified timetable remained stable at 12 per cent.<sup>477</sup> Of those, 22 per cent were Aboriginal students in care<sup>478</sup> and 58 per cent were students in care identified as receiving adjustments under the Nationally Consistent Collection of Data on school students with disability (NCCD)<sup>479</sup> to access education.<sup>480</sup> Only 10 per cent of these children and young people attend specialist schools whereas 54 per cent attended secondary school and 18 per cent attended primary school.<sup>481</sup>

#### *What we heard from children and young people*

Some children and young people on modified timetables indicated that they would like to be at school longer.

*I go to school twice a week but I am always happy going to school. (Cole, 13, residential care)*

*I go three days a week. Picked up at nine and go to 12, then ten to 1:30. I want to make it more days and hours and that. When I'm out I don't have anything to do, and I just fuck up. If I was doing shit at school, I wouldn't be in here. (Luca, 17, Youth Justice)*

#### *What we heard from stakeholders*

Some stakeholders, particularly those working in alternative education settings, spoke about the use of modified timetables to support students.

*Reduced timetables can be good but schools need to be doing stuff to increase student's time [at school]. Like I've got [a student] who is on a reduced timetable, she can do morning session fine, but after recess she can get very aggressive toward others. She wants to be here, so we talk about strategies to manage her behaviour in the classroom. (Teacher, alternative school)*

*Modified work, differentiated work, generally we try to have [students] here from 9-3 but it's decided on a case-by-case basis. One child who has significant issues at home, we are transitioning him back slowly. It is about leadership and it's about staying the course. (Principal, primary school)*

However, we also heard that some schools' default position is to immediately place children and young people in care on a modified timetable following their enrolment at school, sometimes without an adequate assessment of whether this is appropriate for the individual student.

<sup>477</sup> Appendix: Table 77.

<sup>478</sup> Appendix: Table 78.

<sup>479</sup> The definition of disability for the NCCD is based on a broad definition that may include chronic health conditions such as diabetes, dyslexia and behavioural issues (see s 4 *Disability Discrimination Act 1992* (Cth)). Examples of Adjustments that may be made include adapting teaching methods, making building modifications or providing personal care support (see NCCD (2019) [Fact sheet for parents, guardians and carers](#), accessed 3 May 2023)

<sup>480</sup> Appendix: Table 79.

<sup>481</sup> Appendix: Table 80. The modified timetable data discussed in this section is from schools' survey data collected from the LOOKOUT Partnering Agreement Semesterly Survey which reflects responses received from schools and is not validated for accuracy.

*It's been a huge problem for us in Bendigo. There are a lot of kids who are keen to go to school, but schools take too long to respond. They act like it's too hard basket and they can't support them in school, especially for kids with complex needs. We really struggle to get them in – sometimes we do [get them enrolled] but they are put on modified timetables. (CSO staff member)*

*What we find is kids in care it's straight away going to altered timetables because they are in care. When you get a kid who has just moved here, it's automatic that they are put straight onto an altered timetable, and they are pushed back without even understanding where that kid is at. (CSO staff member)*

Stakeholders advised of children and young people who were eligible for one-on-one support in the classroom being placed on a modified timetable that allowed them to be at school only when that support was available.

*We've tracked some of that over the years – where the kid has been enrolled in the school and the funding that was meant to be supporting them is pooled and put into other areas of the school, so the kid can only go two days per week. (Peak body)*

*The best you're ever really going to do [with PSD funding] with the most disruptive kid you can think of is 15 hours a week. That's not enough, so then schools say that kid can only be at school when they have an aide... that then undermines the idea that everyone has an equal right to education. (FLO staff member)*

*We get told from schools 'we've only got 15 hours of funding so that's the time that we're going to keep them here'. (LOOKOUT Learning Advisor)*

Stakeholders said there can be a reluctance from schools to increase school hours for children and young people in care, and that transitioning to full-time hours is not typically a set goal.

*We were working with a 13-year-old boy who was completely disengaged from school. His initial enrolment took forever, 12 months, and was outside his local area. He got lost in the system. Our first four sessions were with him and his blanket, as a starting point, but eventually we got him engaged in activities and at school on a modified timetable and interacting socially. It's amazing where he's at, but his teacher isn't the right fit. The care team is trying to increase his timetable, but the teacher wouldn't have it. They said, 'What do you expect me to teach him?' (CSO staff member)*

*Schools take advantage of Child Protection case workers not knowing the rules and policies, particularly with modified timetables. We have a current case of an Aboriginal girl in year 7 who wants to be at school full time. She is taking her meds, doing everything they want her to do. She has an outreach education service advocating and pushing for her too. The school's taken ages to respond, LOOKOUT is now involved, but the year's almost over and she's hardly been there. (Health and Education Coordinator)*

*Sometimes you'll have a child attend school, and they say only come one and a half hours per day and it's just ridiculous. One little boy I work with, a young Aboriginal boy we've only just got him to going to school until 1:30 every day. He's settled back into school now... he's a dear little boy and he's grieving for the death of his mother. They've said he needs to stay home for a bit, but he wants to be at school. He says to his grandfather 'why can't I go all day like other kids, poppy?' (CSO staff member)*

*There is a lack of collaboration around students being placed on modified attendance programs. ACCO staff reported that 'Schools are setting the agenda, deciding the level of attendance for the students (modified program), and making the plan. Children and young people [are] being moved to a modified timetable, with no plan to increase time or plan to address changes needed to support participation'... The quality of 'return to school' plans is inconsistent and often developed without collaboration with the child/young person's carer and case manager. (Victorian Aboriginal Children and Young People's Alliance)<sup>482</sup>*

We heard that modified timetables can leave children and young people in care feeling undervalued and also prevent them from forming crucial relationships with peers and teachers.

*Reduced timetables have a more detrimental effect than suspensions. Children and young people don't feel part of the school community, staying up-to-date with work is hard, they are not part of friendship groups. It really has a counterproductive effect. It feeds itself and you end up going nowhere. (CSO staff member)*

*The people that have the power is where the stigma comes from, altered timetables like two hours a day, some are for one hour a week – so then of course they have all that extra time to fuck up out in community. It's so common and they say 'we're not here to cater for naughty kids'. For these kids to be there full-time they need someone who understands them. They don't get that something's triggered him, and they need to try something different. Understanding that they need to change something not just get rid of him, having someone they can build a relationship with. That can't happen one hour a week. (ACCO staff member)*

*We had one that moved from Echuca, and his altered timetable was 9-10 every day. He was still getting to school most of the time. And then when he didn't get to school, they would question it. He wanted to be at school longer. But they wouldn't allow it. How is this timetable encouraging him to make new friends and things like that? They set him up to fail. (CSO staff member)*

Stakeholders discussed how modified timetables contribute to children and young people's disengagement from education.

*Our out-of-home care senior leadership team have identified areas of concern; precursors for kids disengaging from school and modified timetables seem to be a stepping stone to disengagement. Limited success with re-engagement. There is a power imbalance and difficulties in challenging the modified timetables for kinship carers. Often, they become aware of modified timetables later in the piece. Sometimes the story that builds up around challenging behaviours is that they'd be better off going on to something else. I'm told that alternative timetables work but I'm not seeing them ever go back. (DFFH staff member)*

*Working with kids who were in out-of-home care, if they are going for an hour or two, they can't be arsed getting up to go. The likelihood of building that timetable up to full time, I can't even think of two that have built it up. (CSO staff member)*

*We are supporting a lot of young people on modified timetables. Their academic levels are dropping – by the time they get to year 8 or 9 they are far below their age group – so they are too daunted to go because they are so far behind. (Principal, FLO)*

<sup>482</sup> Victorian Aboriginal Children and Young People's Alliance, *Submission to the Inquiry into the educational experiences of children and young people living in out-of-home care (Education inquiry)*, received 30 August 2022, p. 17.

Some stakeholders discussed the need to provide additional support to schools to move away from modified timetables and offer alternative options to ensure children and young people in care can be supported in the school environment to maintain connectedness and opportunities for healing.

*Can we safely modify a timetable and not REDUCE hours? Can we have some healing and emotional support in school and in the sector? Contact hours being reduced is not the answer. There seems to be so little flexibility on how to engage. (CSO staff member)*

*What they are doing a lot is not increasing the timetable. My suggestion would be, if school thinks it's difficult to hold someone in a learning environment from nine to three, let that student have something else to do at the school that isn't boring. That is how you can introduce structure to their day.... You know if the students love sport. Get them programs to do that sort of thing to break up their day, not just asking them to go home. I would try to accommodate young people in the mainstream environment, with availability of different programs, not modified time. Not sitting in classrooms from nine to three, but schools offering different learning options or activities within the school. That would be ideal, they don't feel they are separate, marginalised etc. then they could embrace education with a dignity. (Youth Justice stakeholder)*

*Wherever possible we will get funding through the School Focused Youth Service, we get kids engaged in the boys in the bush program, we have the therapy dog... we look at flexible options for them... all the while we are building an individualised program around this kid. That's the sort of stuff we work on, so it doesn't put stress on the placement but builds connections. (Assistant principal, primary school)*

Providing alternatives was raised as necessary to reduce pressures on carers to look after children and young people in their care during school hours. We also heard of instances of children and young people on modified timetables being looked after by Child Protection practitioners and case managers during school hours.

*Seven years old – couldn't get him into school anywhere because of his behaviours. Enrolled him into a school on a reduced timetable, however, because the carer worked full-time, the child had to spend six hours a day with Child Protection staff – often different staff members. (Child Protection practitioner)*

*One of the issues that has a huge impact on placement stability is reduced timetables. Carers often work, meaning they are not available to care for children during school hours, and so these children are left with different support workers and often spend extended periods of time in office buildings due to no care being available. For carers who are at home having a child not attending school full-time can place additional stress on placements. It's important for schools to understand the impact this can have on children and their placements, and ensure it only occurs if absolutely necessary and in agreeance with the legal guardian. Often schools make these decisions and are reluctant to increase timetables once they are reduced. (Health and Education Coordinator)*

## How schools manage modified timetables

DE does not currently have a specific policy on the use of modified timetables in schools, nor does it provide guidance to schools on when to place a student on a modified timetable and how to transition a student back to full-time school hours.



For children and young people in out-of-home care, the *Out-of-Home Education Commitment* (Partnering Agreement) outlines the expectation that all students attend school on a full-time basis. If a student is to attend school part-time, this should be in exceptional circumstances on a short-term basis with regular reviews if it lasts longer. The Partnering Agreement also states that part-time arrangements must ‘have a clear rationale that it is in the best interest of the child and identify relevant achievable goals and be made in consultation with the Student Support Group (SSG) or Program Support Group (PSG).<sup>483</sup> The SSG and PSG processes should also be used to plan and clearly document how to increase attendance and gradually transition back to full-time school. The Partnering Agreement highlights the value in listening to students to determine what would help them to attend and participate more in school.<sup>484</sup> It is unclear what, if any, oversight is provided from DE and the LOOKOUT Centres to determine how or whether schools follow these processes, nor are there any consequences when schools do not adhere to them.

Without proper oversight of the use of modified timetables, as well as clear instructions and a documented plan to transition students off modified timetables, children and young people in care may be excluded from education. In addition, because the attendance of students on modified timetables is not recorded, it is not possible to measure the engagement or otherwise of individual students.

### Finding 19: Students in out-of-home care on modified timetables

We heard extensively from stakeholders that many children and young people in out-of-home care are placed on modified timetables, without adequate assessment of their suitability and without adequate plans to transition students back to full-time school hours. However, due to the lack of DE policy, monitoring or oversight of the use of modified timetables, this practice is unregulated and its impact invisible.

DE advised the Commission that it is in the process of developing a modified timetable policy. The Commission welcomes this and recommends that the policy provide clear guidance to schools about the use of modified timetables for children and young people in care to ensure appropriate approval processes, oversight, and monitoring of the use of modified timetables.

### Recommendation 25: Develop clear guidance and monitoring in relation to the use of modified timetables

That, as part of the development of DE’s modified timetable policy, it provide clear instructions to government schools regarding:

- the appropriate use of modified timetables that are in the best interests of the child and upholds children and young people’s right to education
- development of plans to return students to full-time schooling, including a specified date and review process
- accurate attendance recording to ensure students on modified timetables are not reflected in the data as attending full-time.

The policy should also require, in circumstances where modified timetables are implemented for students in out-of-home care, that:

- consideration of the modified timetable is included in Student Support Group meetings and discussed with carers
- the use of a modified timetable triggers consideration of targeted supports to facilitate a return to full-time school
- approval is obtained from a senior departmental officer in consultation with the relevant LOOKOUT Centre.

That DE also monitor schools’ implementation of the modified timetable policy.

<sup>483</sup> Department of Education and Training and Department of Health and Human Services (2018) [Out-of-Home Care Education Commitment](#), State of Victoria, Melbourne, p. 19.

<sup>484</sup> Ibid.

## Suspensions

The Partnering Agreement defines suspensions as ‘the process of excluding a student from the standard instruction or educational opportunities being provided to other students at the school for part of a day, a full day, or multiple days’.<sup>485</sup>

According to data provided by DE, students in care were five times more likely to be suspended than their peers in the general student population from 2018 to 2022. As Figure 16 demonstrates, in 2022 most suspensions occurred in years 7, 8 and 9. However, the data also shows that a number of primary-age school children in care were suspended, including those in their first years of school. For example, 14 students in care in their foundation year were suspended (three per cent) and four per cent of students in care in year 1 were suspended (four per cent). Foundation students in care were 12 times more likely to be suspended than other foundation students, and year 1 students in care were 11 times more likely to be suspended than other year 1 students. The Commission also notes that over one third of year 7 students in care and almost 40 per cent of year 8 students in care were suspended in 2022.<sup>486</sup>

Informal suspensions involve excluding students from school but without any record or oversight of the incident. An example of an informal suspension is a calling a carer regularly to pick up a child early from school due to their behaviour. Due to the nature of informal suspensions, there is no data on how frequently they are used.<sup>488</sup>

### Formal suspensions

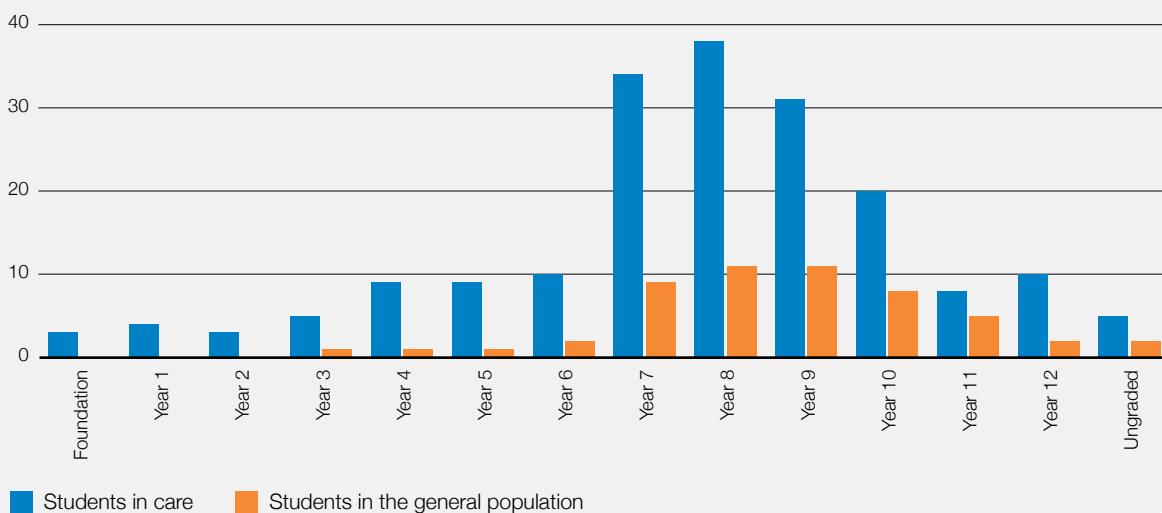
#### *What we heard from children and young people*

Children and young people who spoke about suspensions felt they were treated unfairly.

*Got suspended for calling her a stupid cunt, but I didn't. She said another teacher told her I said that. (Sasha, 15, Aboriginal, kinship and foster care)*

*I had behavioural issues – a lot of issues in primary school, getting into physical fights and was suspended a lot but it was never treated properly, I was punished. (Jeremy, 24, previously residential care)*

**Figure 16. Proportion of students suspended by year level, 2022**<sup>487</sup>



<sup>485</sup> Ibid., p. 23.

<sup>486</sup> Appendix: Table 81.

<sup>487</sup> This data relates to students who were in care at some point during the reference period.

<sup>488</sup> The term ‘informal suspensions’ is not a practice that is named or authorised by DE. However, it was a commonly used term in the Commission’s consultations with stakeholders.

*One time she had a go at me cos I was in resi she was like 'you kids get all this stuff' – but I stood up to her for that. And I got suspended for talking back to her. I explained my side and all they did was turn the other cheek. (Dani, 15, Lead Tenant, previously in residential care)*

#### What we heard from stakeholders

Some stakeholders advised of instances where suspensions might be an appropriate response to a student's behaviour but said that it is critical that they are used in conjunction with other strategies to address behaviours and underlying problems. Stakeholders also recognised that it can be difficult for teachers to manage situations when students become dysregulated without the appropriate skills. Teachers may feel unsafe or not know the best way to respond, or that they need to prioritise the learning needs of other students.

*Sometimes the suspension can give their peers a break. Helps others feel safer. It goes back to the lack of the ability to correctly diagnose these kids – problems are often due to a lack of ability to regulate. Functional assessments are not an option – they are often being suspended for something out of their control. I have a complex young lady who is on a significant suspension at the moment – ticks all the boxes for risk. How do we solve this and make it a safe place for all the other students? Sometimes it is 'Hey, perhaps don't corner and stand over that student because you will get punched.' Those conversations can be seen as enabling certain behaviours or excusing poor behaviour. (Wellbeing Team, secondary school)*

*It'd be hard for a mainstream school to hold a really dysregulated student. Things like timeout and external suspension just don't help. Timeout assumes a student can self-regulate. If you're in out-of-home care you're less likely to have formed those habits...The school will keep using things like detention and stuff that might work for 90 per cent of the kids but the other kids might get expelled. To try to work with a mainstream school, not using those systems requires something else. Having been a mainstream teacher, I know how detrimental a dysregulated young person is to the other students... then their parents and families complain, that effects staff fatigue. (Principal, FLO)*

Most stakeholders who spoke about suspensions referred to the tendency of schools to suspend children and young people in care in inappropriate circumstances.

*The suspensions are like the first point of call. It's easier for them to not be at school than manage the issues going on at school. I find that is a huge thing. Always. (Teacher, alternative school)*

*In primary school I have a young person who just gets suspended and sent home three times a week and they keep talking about how great their behaviour support program is. They are not willing to move the bar. They are like this is what we do. (CSO staff member)*

*One example is a 10-year-old being suspended on numerous occasions and the school not having any capacity or space for them to do internal suspensions rather than being at resi care all day. This is with knowing that the child's trigger is feeling excluded from peers and community. (Health and Education Coordinator)*

Stakeholders told the Commission that suspension is an ineffective method of behaviour management and often contributes to a cycle of misbehaviour and disengagement. Suspensions reinforce feelings of rejection for children and young people in care. Many stakeholders suggested in-school alternatives to maintain student engagement.

*The fact that suspensions occur at all – [there are] so many better ways to manage our children and young people. That time could be better spent repairing relationships, [or using a] restorative approach. (Education Support Worker)*

*If we use an approach that's more inclusive, time-in rather than time-out, more connection, it will help improve learning among children and young people in schools. (CSO staff member)*

*It's so hard for children and young people in care to engage in school, especially older ones, so when they do an out-of-school suspension, the more behind they get, more excluded [they become] from school community – it's a lose-lose really. (CSO staff member)*

The re-entry meetings between schools and students following the suspension were identified by stakeholders as reinforcing feelings of shame for children and young people in care.

*Often you find the young person has to come into the school to have a meeting. If you've ever sat in one of those meetings, they are quite punitive in their approach, they're told off, they're shamed. It doesn't work. And a week or two at school after that happens, they can become so dysregulated that it can take a year or two get them back on track. (CSO staff member)*

*Return to school meetings, kids are scared of this process, it's not very therapeutic. 'We are going to tell you everything you've done wrong.' No parents to support you, perhaps a case worker that they've met for the first time. Often kids don't go back. (CSO staff member)*

*If the kid has been suspended, then re-entry meetings are very tough and talking about what they did wrong and [the] need to do better. It then drags it out forever. Again, we've had the best success when we have a flexible teacher to come out to them and have that meeting at a different place. (CSO staff member)*

We also heard of schools trying to respond to challenging behaviour through alternative practices to better support children and young people in care.

*[Name] Primary School had a really understanding principal he would contact us if there were issues. When my boy first came to us, he was 11 and his mum was an ice addict. He was smashing windows and stuff. He didn't muck up at home as much as at school. [The principal] would call us in and have chats to give him options instead of exclusion and suspension, they wanted to support him rather than exclude him. (Carer)*

The Commission's review of education files also demonstrated some schools' reliance on suspensions as a response to a child's challenging behaviours as illustrated in the case study below.

## Case study: Suspensions as a response to complex behaviours in the primary school environment<sup>489</sup>

Cooper was in year 1 in 2021. He had a significant history of trauma which contributed to extreme behavioural disturbance and poor emotional regulation. He was diagnosed with Post-Traumatic Stress Disorder (PTSD). Cooper had had an unstable home life, including exposure to family violence. He was in the care of his grandmother and step-grandfather, although after they separated, he moved between their two houses, along with his brother and cousin. There was significant conflict between the three boys. Cooper spent most of his time with his step-grandfather.

In primary school, Cooper received Program for Students with Disabilities (PSD) funding under the category of severe behaviour disorder and one-on-one educational support. He was on a modified timetable of two hours per day, and the school also implemented a behavioural support plan, positive classroom plan, cultural plan, and safety plan. He was seeing a psychologist fortnightly and a KESO worker. Despite these supports, it remained challenging for the school to provide the level of support that Cooper needed.

Cooper's school file described him as aggressive and violent when overwhelmed and stated that he was quickly frustrated. He required constant supervision in the classroom and schoolyard to prevent him from hurting others. His triggers were varied and inconsistent and he was often angry. In 2021, Cooper was suspended for 11 days, with multiple suspensions occurring in a short period of time. It was clear from the school files that Cooper's behaviour did not improve because of the suspensions, and the use or threat of suspensions by school staff was used inappropriately. One staff member reported saying to Cooper when he showed her what he liked in a book catalogue, that 'she might order it when he had gone through the whole week without a suspension'.

Towards the end of 2021, the school sought an external review of the supports they implemented for Cooper. The advice they received was based on trauma-based practice and focused on minimising Cooper's PTSD responses. The review noted that being sent home was Cooper's way to gain greater control over his environment and relationships, and escape from school rules and routines.

The school was unable to implement the suggested strategies because, according to Cooper's semester two school report, he refused to return after October 2021.

## Informal suspensions

### What we heard from stakeholders

Stakeholders identified that informal suspensions can be used to manage student behaviour, but there is little oversight of this practice in schools.

*They're never formal, we never get any paperwork. No re-entry meeting. None of this is happening for kids in care. Not called suspensions, referred to as 'circuit breaker' and then their hours are reduced, and the kids develop an attitude of 'why bother.' (CSO staff member)*

<sup>489</sup> Information obtained from a DE student file provided to the Commission on 14 and 19 December 2022.



*Yes, they happen informally... very recently we have had a young person suspended, I asked 'did we get any paperwork?' and nobody did. Everybody was a bit vague as well; what was going to happen when the child returned? Was there going to be a return to school meeting... that is a fairly frequent occurrence. (Health and Education Coordinator)*

*When schools know about a young person in care's support base, they call the resi workers, or case managers – and other kids notice it. They call them rather than working through it themselves like they would with other families. (Residential care staff member)*

We heard numerous examples of schools expecting carers or case managers to pick up children and young people in care when behavioural issues arise.

*This young person either has a volume of 0 or a volume of 100. So, he would start speaking at his volume of 100 and they would ring us and just say he is heightening he needs to leave. He loves school, wanted to stay up all night so he didn't miss school. (CSO staff member)*

*There's a lot of schools that just expect us to come and pick them up. They expect us to be on call all day every day. It's just the ongoing rejection... That's where the soft suspensions come in. (CSO staff member)*

*In resi care what we find the most challenging is that because they are based in resi if there [are] any issues at school it's a phone call and 'come and pick them up.' (CSO staff member)*

## How schools manage suspensions

DE's suspension policy is outlined in the *Ministerial Order No.1125: Procedures for Suspension and Expulsion of Students in Government Schools*.<sup>490</sup>

School principals are the only people authorised to suspend a student. They are required to consider alternative support and interventions to address a student's behaviour prior to suspending them.<sup>491</sup>

To be suspended, the student's behaviour must meet one of several conditions: that the behaviour poses a danger to others, causes significant property damage or theft of property, involves the use or sale of illicit substances or weapons, vilifies or humiliates another person, or is consistently unproductive and interferes with the wellbeing, safety or educational opportunities of another student.<sup>492</sup>

DE has developed *Suspension Guidelines and Procedures* to assist principals meet their legal and policy obligations when implementing the Ministerial Order. The guidelines state that the residential and social circumstances of a student, including whether they live in care, must be considered when determining if a suspension is appropriate.<sup>493</sup>

Principals are advised to contact DE's Legal Division to understand their legal obligations and to seek advice from LOOKOUT Centres.<sup>494</sup>

<sup>490</sup> Education and Training Reform Act 2006 – [Ministerial Order No. 1125 Procedures for Suspension and Expulsion of Students in Government Schools](#).

<sup>491</sup> Department of Education (2022) [Suspensions](#), accessed 7 July 2023.

<sup>492</sup> Ibid.

<sup>493</sup> Department of Education (2023) [Suspensions processes](#), accessed 7 July 2023.

<sup>494</sup> Ibid., emphasis added.

The Ministerial Order states that a student cannot be suspended for more than 15 school days in a school year without written approval from the Regional Director. It also stipulates that principals are responsible for ensuring students are provided with meaningful work during a suspension period, and that if a suspension is for more than three consecutive days, a Student Absence Learning Plan and Return to School Support Plan must be developed.<sup>495</sup> Regarding post-suspension follow up, the *Suspensions Guidelines and Procedures* strongly recommend that principals convene an SSG meeting for students in care to discuss the student's behaviour that led to the suspension and strategies to prevent further occurrences of such behaviour.<sup>496</sup>

The Commission heard limited evidence of principals contacting LOOKOUT for assistance or guidance when suspending a child or young person in care. From the students' files that we received from DE, there was no record of either the Legal Division or LOOKOUT Centres being consulted before students were suspended.

As suspensions are defined as 'excluding a student from the standard instruction or educational opportunities...for part of a day, a full day, or multiple days',<sup>497</sup> sending a student home before the end of the day could be considered suspension. The Commission understands that in practice, schools cannot send a student home early unless their guardian agrees to pick them up. If the guardian does not agree and the school insists, this then becomes a suspension.

## Expulsions

The grounds for expulsion are the same as for suspension, but the behaviour must be of a magnitude that expulsion is the only available mechanism, 'having regard to the need of the student to receive an education compared to the need to maintain the health, safety and wellbeing of other students and staff at the school and the need to maintain the effectiveness of the school's educational programs'.<sup>498</sup> 'Soft expulsions' are not referenced in departmental policy but this is the term used to refer to situations where a school encourages a student to leave without a formal expulsion process.<sup>499</sup>

As demonstrated in Table 28, a total of three primary school and 21 secondary school students in care were expelled between 2019 and 2022 and, as shown in Table 29, Aboriginal students in care accounted for six of these expulsions.<sup>500</sup> This data demonstrates a substantial over-representation of students in care as they only make up a small proportion of the overall student population.

There was an increase in the number of expulsions from 2019 to 2022.<sup>501</sup> As demonstrated in Tables 30 and 31, the rate of expulsions per 1,000 students in 2022 in secondary years was consistently higher for students in care compared to the general student population for most year levels. For example, in 2022, students in care were five times more likely to be expelled from school than the broader student population. In addition, students in care in year 8 are ten times more likely to be expelled compared to other year 8 students.

No data is available to capture the frequency of soft expulsions, although some stakeholders raised this as a practice employed by some schools in response to certain children and young people in care.

<sup>495</sup> Education and Training Reform Act 2006 – [Ministerial Order No. 1125 Procedures for Suspension and Expulsion of Students in Government Schools](#).

<sup>496</sup> Department of Education (2022) [Suspensions](#), accessed 12 October 2023.

<sup>497</sup> Department of Education and Training and Department of Health and Human Services (2018) [Out-of-Home Care Education Commitment](#), p. 23, emphasis added.

<sup>498</sup> Education and Training Reform Act 2006 – [Ministerial Order No. 1125 Procedures for Suspension and Expulsion of Students in Government Schools](#).

<sup>499</sup> Victorian Ombudsman (2017) *Investigation into Victorian government school expulsions*, Victorian Ombudsman, Melbourne, p. 67.

<sup>500</sup> This data relates to students who were in care at some point during the reference period. Refer to Table 29.

<sup>501</sup> This data relates to students who were in care at some point during the reference period.

**Table 28. Incidents of expulsion for primary and secondary students by out-of-home care status, July 2018–22**

School type and out-of-home care status	2019		2020		2021		2022		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
<b>Primary</b>	<b>9</b>	<b>100</b>	<b>7</b>	<b>100</b>	<b>12</b>	<b>100</b>	<b>11</b>	<b>100</b>	<b>39</b>	<b>100</b>
OOHC	0	–	1	14	2	17	0	–	3	8
Non-OOHC	9	100	6	86	10	83	11	100	36	92
<b>Secondary</b>	<b>172</b>	<b>100</b>	<b>61</b>	<b>100</b>	<b>113</b>	<b>100</b>	<b>165</b>	<b>100</b>	<b>511</b>	<b>100</b>
OOHC	5	3	0	–	8	7	8	5	21	4
Non-OOHC	167	97	61	100	105	93	157	95	490	96
<b>Total</b>	<b>181</b>		<b>68</b>		<b>125</b>		<b>176</b>		<b>550</b>	

Source: Data provided by DE to the Commission on 31 May 2022 and 11 August 2023.

**Table 29. Incidents of expulsion for students in out-of-home care by Aboriginal status, July 2018–22**

Care type and Aboriginal status	2019		2020		2021		2022		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
<b>OOHC</b>	<b>5</b>	<b>100</b>	<b>1</b>	<b>100</b>	<b>10</b>	<b>100</b>	<b>8</b>	<b>100</b>	<b>24</b>	<b>100</b>
Aboriginal and/or Torres Strait Islander	2	40	1	100	1	10	2	25	6	25
Non-Aboriginal	3	60	0	–	9	90	6	75	18	75
<b>Non-OOHC</b>	<b>176</b>	<b>100</b>	<b>67</b>	<b>100</b>	<b>115</b>	<b>100</b>	<b>168</b>	<b>100</b>	<b>526</b>	<b>100</b>
Aboriginal and/or Torres Strait Islander	9	5	5	7	8	7	6	4	28	5
Non-Aboriginal	167	95	62	93	107	93	162	96	498	95
<b>Total</b>	<b>181</b>		<b>68</b>		<b>125</b>		<b>176</b>		<b>550</b>	

Source: Data provided by DE to the Commission on 31 May 2022 and 11 August 2023

**Table 30. Rate of expulsions per 1,000 students by year level, 2022**

Year level	Students in out-of-home care	Students in the general population
Year 4	0.00	0.05
Year 5	0.00	0.06
Year 6	0.00	0.10
Year 7	2.35	0.46
Year 8	8.49	0.85
Year 9	3.85	1.34
Year 10	0.00	0.55
Year 11	2.69	0.39

Source: Data provided by DE to the Commission on 11 August 2023

**Table 31. Rate of expulsions per 1,000 students by school type, 2022**

School type	Students in out-of-home care	Students in the general population
Primary	0.00	0.03
Secondary	3.31	0.63

Source: Data provided by DE to the Commission on 11 August 2023

## Formal expulsions

### What we heard from children and young people

Children and young people who spoke about expulsion said that schools did not try to understand the underlying causes of their behaviour, and they received little support to transition to other schools.

*Year 7 was alright, but I dropped in and out and was then expelled. I received no support to go to another school. Before I was expelled, I was only going once a week. Things started going downhill – I moved from one foster carer to another. But the school didn't understand what was happening and how moving placements was affecting me. (Alice, 14, Aboriginal, residential and foster care)*

*I was homeless and, on the run. I got expelled from [high school] and the [CSO] worker wasn't helping me get into indie school. I haven't had the best experiences outside of school, but school wasn't helping me at all I was constantly getting suspended or getting moved off school property. Mostly they'd do it cos I would have flip outs cos I was worried about shit happening outside, I didn't know if I'd have a bed or anything...I never had anyone to rely on. (Ebony, 15, Aboriginal, foster care)*

*They tell you [that] you have responsibilities in high school, teachers are meaner, they'll expel you instantly. (Arthur, 15, residential care)*

### What we heard from stakeholders

Some stakeholders suggested that certain schools exercise a low threshold for formal expulsions with children and young people in care.

*We had a school who in the care team meeting said the student 'was taking up too much time with the wellbeing coordinator and year level coordinator'. The school wouldn't let the student enact the plan that they helped her create. It was going outside for 10 mins when feeling dysregulated, but when she wasn't allowed to leave the classroom, her behaviour would escalate in the classroom. There were consequences, which led her to become expelled at end of last term. She's in year 8. The school took a punitive approach and had no understanding that school and her friends was the most safe and stable part of her life. (CSO staff member)*

*We have a young girl in mainstream, her main issue is she can't control her mouth, and they send her home on suspension for a week. Now they want to expel her. They have wellbeing people in there, why aren't they doing work around what makes her tick? (CSO staff member)*

We heard one example from a Child Protection practitioner of a successful appeal against an expulsion, highlighting the importance of schools following DE's expulsion policy and considering the home and social life of children and young people in care.

*The question was asked of the school, 'Did anyone ask what was happening at home?' The school didn't but it was found out that the young person's two grandparents had both died in a six month period and they were experiencing family violence. (Child Protection practitioner)*

## Soft expulsions

### What we heard from children and young people

Most of our consultations with children and young people about expulsions related to soft expulsions.

*I have not attended in at least four terms. My school did not wish for me to attend after a brief stay at Parkville, but it is where I am enrolled. (Maeve, 14, residential care)*

*I refuse to go now cos every time I go to school, they're like 'Who wanted you in this classroom?' (Logan, 16, residential care)*

*[Secondary school] told me that they wanted to send me here cos they couldn't handle me anymore and I wasn't allowed back on school property. I don't actually know if they expelled me, they never told me, didn't even tell me why I couldn't go back to the school property... so then I was out of school for four months and had nothing. (Ebony, 15, Aboriginal, foster care)*

### What we heard from stakeholders

*They are meant to come up with an alternative option, but in a lot of the cases we have lately they have nothing to go to. All schools are bound by the same legislation that the young people in the case of an expulsion, must get an alternative education environment. A couple of the young people are being subtly told it'd be better if you aren't at this school. They simply don't fit in the school is the message, it's a bit like 'welcome to my home, I'd prefer you weren't here and I won't give you any food or talk to you and I'll go and sit in the other room where the big TV is and you can stay here'. That is the message these kids get at school and they feel that way. Schools aren't following the process they should. (Principal, alternative school)*

*A young person from another resi care unit was expelled early this year, there wasn't an official expulsion, and they held some professional meetings to get her back in but the school pushed back. The options and objectives that the school presented were too hard for her to meet so we took her out and she's now at the Berry Street school. (Residential carer)*

*There are tens of thousands of kids not in school cos they are gently pushed out. So you need to say why are they softly expelling the kids? (Teacher, FLO)*

## How schools manage expulsions

The process for expulsions is outlined in the *Ministerial Order No.1125: Procedures for Suspension and Expulsion of Students in Government Schools* and the *Expulsion Policy Overview*.<sup>502</sup> Principals are responsible for expelling a student, although the Regional Director must be informed of expulsions of students in out-of-home care, students with disability, or Aboriginal and Torres Strait Islander students. Like suspensions, before deciding to expel a student, the principal must determine, among other things, whether the expulsion is appropriate when compared to the residential and social circumstances of the student.<sup>503</sup>

The *Expulsion Policy Overview* outlines early interventions and supports that schools can use before deciding to expel a student in response to concerning behaviours. It states that 'successful interventions require an understanding of why a student may be behaving in a particular way (such as learning difficulties, trauma, mental health, disability or factors within the learning environment)'. The policy also advises that schools can draw on various supports for vulnerable students with complex needs, including through the local area teams.<sup>504</sup>

<sup>502</sup> Department of Education (n.d.) [Expulsion Policy Overview](#), accessed 7 July 2023.

<sup>503</sup> Department of Education (2023) [Expulsions](#), accessed 7 July 2023; Department of Education (2023) [Expulsions: Guidance](#), accessed 7 July 2023.

<sup>504</sup> Department of Education (n.d.) [Expulsion Policy Overview](#).



## Case study: Suspensions as a response to complex behaviours in secondary school

Mason was in year 8 in 2021. Throughout the year, his home life was very unstable, and he moved between living in foster care, with his parents who did not live together, and couch surfing. Mason and his younger brother were exposed to neglect and family violence.

Mason's student files were predominantly a mixture of reported school absences or incidents about his behaviour in class. Teachers repeatedly reported Mason as displaying sexualised behaviour and using sexualised language, as well as regularly exhibiting aggressive behaviour. He often attended class late and was unprepared, disrupted the class, did not complete tasks and frequently left class without permission. His behaviour escalated when approached by teachers, even when they attempted to have a 'restorative chat' with him. These incidents were a daily occurrence.

In an incident with a teacher, Mason reported to school staff that the teacher told him 'he was hopeless and useless and that his work was worthless'. Other students also witnessed the teacher grabbing Mason by the back of his collar and manhandling him out of the classroom in response to him throwing pens at the ceiling.

Some of Mason's teachers noted in his student files that they were concerned for him. One teacher wrote 'it saddened me to see Mason at this level, I know he can be a little cheeky but today he was just off the wall'. Another teacher prepared a report for Child Protection detailing Mason's escalating behaviour as evidence of him potentially being subject to family violence. The teacher described Mason as an 'unhappy student who is fearful of his father'.

From March to July 2021, Mason was suspended for a total of 20 days, with three suspensions lasting five days each. He was also given one in-school suspension with a teacher noting 'this kid needs MORE support' and that his suspension total had him in a space where the expulsion process could start.

In mid-August 2021, Mason was placed on a modified timetable to re-engage him into learning. He was also on a Behavioural Support Plan. By the end of that month, in a meeting between the Assistant Principal and Child Protection, they agreed that Mason needed a stable home before any education took place. His behaviour was not improving at school despite the various supports in place for him there. They decided that 'Mason will not re-enter until all stakeholders are confident that he will succeed'.

Mason did not attend school again, although in a meeting between the school, his carer and Child Protection, his carer advised that Mason struggled without the routine of school, and it was her priority to re-engage him. In 2022, Mason was still not attending school and the school contacted Child Protection to determine whether he was engaged in any education. The school also advised Child Protection that it was compulsory for him to attend until he was 17 years of age. Child Protection did not respond to these emails. However, there was a note on Mason's student file at the end of 2022 stating that Child Protection had referred him to the Navigator Program.

For children and young people in care, principals should ensure the Partnering Agreement has been delivered on and that they work with:

- the case manager to understand how trauma may impact the student's behaviour and underlying needs
- the LOOKOUT Learning Advisor to discuss previous intervention as well as strategies, prevention and supports available
- the school's Designated Teacher and the student's learning mentor to understand the student's individual needs and support offered to them.<sup>505</sup>

Further, when a school is considering an expulsion for a child or young person in care, the area executive director or regional engagement coordinator 'will also contact the LOOKOUT Centre to work closely with the respective executive principals in their region to ensure available supports are put in place'.<sup>506</sup>

The case study about Mason (left) is from the Commission's review of education files and demonstrates one school's reliance on suspensions in response to a child's challenging behaviours, followed by an informal decision not to allow him to return to school until his home life stabilised.

## Finding 20: Exclusionary practices in schools

**Children and young people in out-of-home care are disproportionately excluded from education through the formal use of suspensions and expulsions.**

## Victorian Ombudsman report

The Victorian Ombudsman published a report in 2017 on government school expulsions. The report raised concerns about whether mandatory expulsion procedures were being adhered to, and whether DE provided enough oversight and support during the process.<sup>507</sup> The Victorian Ombudsman identified that clear evidence (but limited departmental data) indicated that soft expulsions were prevalent despite being prohibited.<sup>508</sup>

The Victorian Ombudsman recommended preventing soft expulsions by mandating timely reporting by the principal to the relevant regional office when a student leaves a school not by formal expulsion but where the departure is preceded by disciplinary measures or behavioural issues. The Victorian Ombudsman also recommended that the parent or guardian complete a form on whether they agree with the exit and the educational, employment or training opportunities identified for the student.

In an update on the progress of this implementation in 2018, DE advised that it is 'continuing to work with stakeholders to identify appropriate reporting mechanisms for school exits where they are preceded by behavioural issues'. It also stated that DE has a complaints policy about informal expulsions for parents and carers that can be escalated to their local regional office if necessary.<sup>509</sup>

In 2021, the Commission repeated the Ombudsman's recommendations in *Our youth, our way*, and recommended 'implementing mandatory reporting of informal expulsions and requiring parents or guardians to provide information regarding the student's departure from school'.<sup>510</sup> In response, the Victorian Government stated that this had already been completed by DE following the Victorian Ombudsman recommendation.<sup>511</sup> This included implementing a process requiring principals to record a Student Exit Form in CASES21 when a school exit of a student occurs outside the formal expulsion process and was

<sup>505</sup> Department of Education (2023) *Expulsions: Guidance*.

<sup>506</sup> Ibid.

<sup>507</sup> Victorian Ombudsman, *Investigation into Victorian government school expulsions*, pp. 5–6.

<sup>508</sup> Ibid., p. 8.

<sup>509</sup> Victorian Ombudsman (2018), *Ombudsman's recommendations – second report*, Victorian Ombudsman, Melbourne, p. 53.

<sup>510</sup> Commission for Children and Young People (2021) *Our youth, our way*, Commission for Children and Young People, Melbourne, p. 49.

<sup>511</sup> Victorian Government (2022) [Victorian Government response to the 'Our Youth, Our Way' inquiry](#), State of Victoria, Melbourne, accessed 3 April 2023, p. 22.

immediately preceded by a behaviour or discipline issue. The form documents parents' or carers' approval of the student's exit, in addition to supports or referrals to assist the student to make a successful and positive transition. DE monitors compliance of this process by conducting a bi-annual reconciliation of CASES21 data. Regional staff then upskill schools identified as non-compliant to carry out their obligation in recording the Student Exit Forms in CASES21.<sup>512</sup>

Further, advice from DE for this inquiry indicated that it received \$19.9 million in the 2023-24 State Budget over three years to support early school leavers to reengage in education and training. This includes a support and referral service for young people who are not engaged in employment, education or training after leaving school, as well as culturally safe and inclusive pathways for Aboriginal young people and young people with a disability who are early school leavers to support re-engagement and successful transitions. The investment also includes top-up funding to non-school senior secondary and foundation secondary providers to enable them to continue to deliver 'a crucial second chance option' for early school leavers to complete year 12. The investment also includes funding to enhance DE's data linkage capacity and capability to track life outcomes for young people as they transition from school to their post-school destinations.<sup>513</sup>

### Finding 21: Use of informal suspensions and soft expulsions

**The Commission heard from children and young people in out-of-home care and other stakeholders that children and young people in care are often subject to informal suspensions and soft expulsions, which contributes to their disengagement from education. However, due to the informal and unauthorised nature of these practices, they are unregulated and difficult to measure.**

## Physical restraint and seclusion

Physical restraint involves the use of force to 'prevent, restrict or subdue the movement of a student's body or part of their body' so that students are not free to move away when being physically restrained. The use of seclusion refers to 'leaving a student alone in a room or area from which they are prevented from leaving by a barrier or another person'.<sup>514</sup>

The Commission did not hear about incidents of restraint or seclusion throughout its consultations, however data from DE demonstrates that from 2019 to 2022, students in care were disproportionately involved in restraint and seclusion incidents compared to the general student population.<sup>515</sup> As demonstrated in Table 32, students in care were seven times more likely to be subject to incidents of restraint or seclusion in 2022.

**Table 32. Rate of restraint and seclusion incidents per 1,000 students**

Care status	2019	2020	2021	2022
Students in out-of-home care	11.4	11.8	16.5	18.1
Other students	2.3	1.4	2.1	2.7
<b>All students</b>	<b>2.4</b>	<b>1.5</b>	<b>2.3</b>	<b>2.9</b>

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023.

As shown in Table 33, from 2019 to 2022, there were 338 restraint and seclusion incidents involving students in care. Some students were involved in more than one incident. The number of incidents increased year-on-year from 66 in 2019 to 105 in 2022. Incidents predominately occurred in primary school (64 per cent).

Table 34 demonstrates that most restraint and seclusion incidents for students in care involved those who had received adjustments in the classroom to access education (89 per cent). Seventeen per cent of incidents occurred in specialist schools.

<sup>512</sup> Information provided by DE to the Commission on 25 September 2023.

<sup>513</sup> Information provided by DE to the Commission on 18 July 2023.

<sup>514</sup> Department of Education (2023) *School operations: Restraint and Seclusion*, State of Victoria, Melbourne, accessed January 2023.

<sup>515</sup> This data relates to students who were in care at some point during the reference period.

**Table 33. Number of incidents of restraint or seclusion for students in out-of-home care by school type, 2019 to 2022**

School type	2019		2020		2021		2022		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Pri/Sec	2	3	10	14	8	8	18	17	38	11
Primary	50	76	42	60	66	68	60	57	218	64
Secondary	4	6	8	11	5	5	6	6	23	7
Special	10	15	10	14	18	19	21	20	59	17
<b>Total</b>	<b>66</b>	<b>100</b>	<b>70</b>	<b>100</b>	<b>97</b>	<b>100</b>	<b>105</b>	<b>100</b>	<b>338</b>	<b>100</b>

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023.

**Table 34. Number of incidents of restraint or seclusion for students in out-of-home care by NCCD status, 2019 to 2022**

NCCD status	2019		2020		2021		2022		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
NCCD	61	92	55	79	90	93	95	90	301	89
No-NCCD	5	8	15	21	7	7	10	10	37	11
<b>Total</b>	<b>66</b>	<b>100</b>	<b>70</b>	<b>100</b>	<b>97</b>	<b>100</b>	<b>105</b>	<b>100</b>	<b>338</b>	<b>100</b>

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023.

### How schools manage restraints and seclusions

DE's *Restraint and Seclusion Policy* outlines that both practices are only permitted in exceptional circumstances where it is necessary and immediately required to protect the safety of the student or another person and to prevent harm. Either practice can only be used if a less restrictive measure is unavailable and the practice must stop as soon as the immediate threat of harm or danger has passed. Physical restraint and seclusion cannot be used as 'behaviour management techniques, for convenience, as retaliation, or to discipline or punish a student'.<sup>516</sup>

Every incident involving seclusion and physical restraint must be reported to the school principal, DE and the parent or carer. Support must be offered to all affected students and staff should be encouraged to access mental health support. The school must document the incident and consider de-escalation or preventative strategies to reduce the likelihood of another occurring.<sup>517</sup>

#### Finding 22: Use of restraint and seclusion in schools

Children and young people in out-of-home care are seven times more likely to be subject to restraint and seclusion incidents in schools than other students.

<sup>516</sup> Ibid.

<sup>517</sup> Ibid.

## Research and analysis

The effectiveness of schools' use of practices that seek to exclude students from classrooms and learning opportunities as a behaviour management strategy has been examined by various statutory and other research bodies in Australia.<sup>518</sup> The underlying theme in each of these reports is that modified timetables, suspensions (both formal and informal) and expulsions (both formal and soft) have detrimental consequences. For example, suspensions were reported to lead to 'increased recurrence of the problem behaviour, lower scores in academic achievement, lower school retention rates, increased likelihood of involvement with the youth justice system, and poor long-term health and wellbeing outcomes'.<sup>519</sup> These practices also adversely impact students' relationships with peers and teachers, which is essential in supporting students' sense of belonging and overall engagement in school.

The New South Wales Ombudsman's *Inquiry into behaviour management in schools* found there is no research that shows the practice of suspending students reduces disruptive classroom behaviour, but it can exacerbate the challenging behaviour of students with trauma. It also acknowledged concerns that modified timetables are used by schools as a strategy to limit the amount of support they need to provide to students, and that the time that students were at school tended to align with when one-on-one support was available.<sup>520</sup> This is consistent with what we heard in consultations for this inquiry.

The broader literature supports the evidence we received in consultations and data that these practices disproportionately affect vulnerable and marginalised students, including those in care.<sup>521</sup> Meeting the needs of students exhibiting difficult behaviours is a key challenge for the education system and schools, and needs to be balanced with the safety of teachers and learning of other students.<sup>522</sup> But the evidence demonstrates we do not have this balance right for children and young people in care and schools do not have the appropriate skills or support to effectively respond to complex and challenging behaviours. The impact of the use of exclusionary practices for children and young people in care is acknowledged in the Partnering Agreement:

The behaviours that some children and young people in OOH use to cope with situations of extreme stress and anxiety may not be useful or appropriate in the classroom, although they may have been crucial to their survival in other environments... School exclusion, through suspension or expulsion, has significant impact on children and young people's educational and life outcomes, and can lead to further disengagement from schooling.<sup>523</sup>

The issues associated with exclusionary practices were also raised in submissions to the inquiry. There was broad recognition that schools are still struggling to apply trauma-informed responses to children and young people in care and that the over-reliance on punitive approaches perpetuates a cycle of shame-based behaviours.<sup>524</sup> Stakeholders identified that children and young people in care have far better education outcomes when schools 'employ flexible learning, restorative practices and relationship-based approaches... and introduce a range of alternative

518 Sullivan A et al. (2020) [Understanding Disproportionality and School Exclusions, School Exclusions Study - Key Issues Paper No. 4](#), University of South Australia, p. 1; Ombudsman New South Wales (2017) [NSW Ombudsman Inquiry into behaviour management in schools](#), State of New South Wales, Sydney; Victorian Ombudsman (2017) [Investigation into Victorian government school expulsions](#); Graham et al. (2020) [Inquiry into Suspension, Exclusion and Expulsion Processes in South Australian government schools: Final Report](#), The Centre for Inclusive Education, QUT: Brisbane, Queensland.

519 Ombudsman New South Wales (2017) [NSW Ombudsman Inquiry into behaviour management in schools](#), p. 37.

520 *Ibid.*, p. 34.

521 Sullivan A et al. (2020) [Understanding Disproportionality and School Exclusions, School Exclusions Study - Key Issues Paper No. 4](#), University of South Australia, p. 1; Ombudsman New South Wales (2017) [NSW Ombudsman Inquiry into behaviour management in schools](#), p. 48; Victorian Ombudsman (2017) [Investigation into Victorian government school expulsions](#), p. 82; Graham et al. (2020) [Inquiry into Suspension, Exclusion and Expulsion Processes in South Australian government schools: Final Report](#), p. 374.

522 Ombudsman New South Wales (2017) [NSW Ombudsman Inquiry into behaviour management in schools](#), p. 47; Victorian Ombudsman (2017) [Investigation into Victorian government school expulsions](#), p. 82.

523 Department of Education and Training and Department of Health and Human Services (2018) [Out-of-Home Care Education Commitment](#), p. 23.

524 Barnardos Australia, [Submission to Education inquiry](#), received 31 August 2022, p. 5; MacKillop, [Submission to Education inquiry](#), 4 August 2022, p. 5; Save the Children, [Submission to Education inquiry](#), received 5 August 2022, pp. 2–3.



diversionary programs that work to address the underlying issues rather than excluding the young person'.<sup>525</sup>

### **Strengthening monitoring and oversight of suspensions and expulsions**

The higher rates of suspensions and expulsions for children and young people in care is indicative of an education system that is not providing informed or trauma-informed responses to students who need interventions and support. The Commission acknowledges that in the first instance suspensions might be an appropriate response to a student's aggressive and unsafe behaviour. However, if the behaviour is repeated and suspensions are the only tool employed by schools, the behaviour is unlikely to change. This was observed in some of DE's student files where students were suspended multiple times, in some cases without supports being put in place, and their behaviour escalated. This occurred in both primary and secondary school for children and young people in care.

While schools have little control over what happens outside the school gates, they have a responsibility to develop strategies in the school environment to assist their students. They also have a responsibility to build the expertise of teachers and other school staff to better manage situations when students become dysregulated and to minimise dysregulation in the first place. This will be addressed to some extent if schools are supported by DE to embed trauma-informed approaches throughout school environments, as recommended in Chapter 7. However, pursuing other more targeted support is also critical and will contribute to restoring and maintaining positive connections between schools and children and young people in care.

There is also a need to strengthen monitoring around the practice of informal suspensions. While it is difficult to capture data relating to unauthorised practices, it is important to better understand the extent to which this is occurring and the circumstances underpinning schools' use of these practices. This should be part of the broader shift to an inclusive education system that does not exclude vulnerable students and those at risk of disengagement from learning environments.

<sup>525</sup> Anglicare Victoria, *Submission to Education inquiry*, received 15 August 2022.

### **Recommendation 26: Review suspensions policy**

That DE update its suspensions policy to:

- implement an appropriate process to ensure that suspensions in primary schools only occur in exceptional circumstances and as a last resort
- ensure the suspension triggers an urgent assessment of appropriate supports required to address student behaviour
- require suspensions of children and young people in out-of-home care to be reported immediately to a senior departmental officer and the relevant LOOKOUT Centre to prompt consultation about alternative interventions and supports to address student behaviour
- monitor and review schools' implementation of post-suspension Student Support Group meetings to determine whether they occur and how effectively these support the re-engagement of students.

### **Recommendation 27: Improve understanding of and responses to the use of informal suspensions by schools**

That DE review schools' reasons for sending students home early to understand the regularity of schools using informal suspensions, the implications for students and their caregivers, and to inform what other supports are required in schools to reduce this practice.

# Chapter 10

## Impact of COVID-19 on children and young people in out-of-home care

### Chapter at a glance

- Many children and young people in care experienced unique challenges in their home and school environments that made it particularly difficult to adjust to remote learning and subsequently return to the classroom.
- Absence rates for students in care increased incrementally throughout the periods of remote learning in 2020 and 2021 and continued to rise after the return to face-to-face learning.
- We heard that for some children and young people in care remote learning was beneficial due to less stimulation and distraction, allowing them to focus more on their schoolwork.
- Some stakeholders spoke about an increase in children and young people in care who were referred to alternative education settings or re-engagement programs. They also spoke about the increase in mental health and behavioural issues among children and young people when they returned to onsite learning.
- The Commission recommends:
  - enhancing consideration of the impacts on children and young people’s rights, safety and wellbeing when considering making pandemic orders
  - ensuring the Department of Education measures and reports on student disengagement during periods of disruption to education services.

*I haven't been to school in about two years. I didn't want to do the Zoom stuff so I just quit. I was going a fair bit before that though. (Ashley, 15, Youth Justice)*

The COVID-19 pandemic prompted an unprecedented transformation of Victoria's education system. Schools, students, teachers, parents and carers had to quickly adapt to new ways of teaching and learning remotely.<sup>526</sup> Unfortunately, the pandemic and our efforts to mitigate its harm to human life contributed to poorer mental health and wellbeing for many children and young people.<sup>527</sup> The COVID-19 pandemic highlighted that school is important for children and young people for many reasons beyond academic learning.<sup>528</sup>

Disrupted routines, extended time out of the classroom, lack of supports to learn at home, loss of peer contact, mask wearing and social distancing affected learning during 2020 and 2021 and many students struggled to return to the classroom. Schools and students are still experiencing the flow-on effects today, including increased mental health issues, school refusal, and behaviour management issues.<sup>529</sup>

While COVID-19 was hard for many students, children and young people living in out-of-home care experienced unique challenges in their home and school environments that made it particularly difficult to adjust to remote learning and then to return to the classroom. The Commission acknowledges that disengagement and negative educational experiences for children and young people in care was a problem predating the pandemic, as reflected in the data outlined in Chapter 4. However, we heard throughout our consultations that children and young people with low attendance rates found it easier to drift away from education and remain disengaged after face-to-face learning was disrupted.

This chapter provides an overview of what children and young people in care and stakeholders shared with the Commission about their experiences of education and supporting children and young people's engagement throughout the periods of remote learning and the return to onsite learning.

## Commission's COVID-19 snapshots

In response to COVID-19 and the associated lockdowns in Victoria, the Commission conducted a series of consultations throughout 2020 and 2021 to develop a point-in-time snapshot of the impact of COVID-19 on children and young people in Victoria during each of the lockdowns. In April to July 2020, we heard from 644 children and young people and 172 staff from 70 organisations providing a range of services and supports to children and young people to understand the impact of the pandemic in the areas of safety, mental health, and education. We conducted further consultations on these topics from November 2020 to October 2021, hearing from over 1,400 Victorian children and young people.

In their survey responses, children and young people described feeling lonely, isolated, stressed, and worried for loved ones. Regarding their education, many children and young people were unable to participate fully in online learning because they did not have access to reliable internet and devices, which was affected by location and cost. Some also lacked quiet spaces to study, with siblings and other family members also engaging in education and parents and carers undertaking work from home.<sup>530</sup>

<sup>526</sup> Productivity Commission (2022) *Review of the National School Reform Agreement: Study report*, Commonwealth of Australia, Canberra, p. 50.

<sup>527</sup> Ibid., p. 71, 143-144; Cunningham M (12 February 2023) [“Children were invisible”: commissioner calls for national kids' as part of COVID recovery](#), The Sydney Morning Herald; Commission for Children and Young People, *Snapshot: Impact of COVID-19 on children and young people – Education*, Commission for Children and Young People, Melbourne, 2020, pp. 7–8; Commission for Children and Young People, *Snapshot: Impact of COVID-19 on children and young people – Mental Health*, Commission for Children and Young People, Melbourne, 2020, p. 6.

<sup>528</sup> Cunningham M (12 February 2023) [“Children were invisible”: commissioner calls for national kids' as part of COVID recovery](#), The Sydney Morning Herald.

<sup>529</sup> CREATE Foundation, *Submission to the Inquiry into the educational experiences of children and young people living in out-of-home care (Submission to education inquiry)*, 29 July 2022, p. 4.

<sup>530</sup> Commission for Children and Young People, *Snapshot: Impact of COVID-19 on children and young people – Education*, pp. 4–5.

## Periods of remote learning

Children and young people moved between remote and onsite learning many times during the pandemic following Victorian Government directions. At various times, the directions differed between metropolitan and regional areas and across year levels.

After bringing forward school holidays in March 2020, on 7 April 2020 the Victorian Government announced that all government primary, secondary and specialist schools would transition to flexible and remote learning for term 2.<sup>531</sup> The Victorian Government funded free internet and loaned devices for government school students who needed them.<sup>532</sup> Students briefly returned to school onsite in a staggered approach on 26 May and 9 June 2020, before remote learning was enacted again for metropolitan schools on 12 July and regional schools on 5 August. Metropolitan and rural students returned to onsite learning at different points in October 2020.<sup>533</sup> All students began school in 2021 onsite with a one-week remote period from 15 to 17 February.<sup>534</sup> With some variations, schools moved to remote learning again from 28 May to 10 June, 16 July to 27 July, and 5 August to 21 October 2021.<sup>535</sup>

'Vulnerable students' and the children of authorised workers were exempt from remote learning and able to attend school onsite.<sup>536</sup> 'Vulnerable students' included those living in out-of-home care.<sup>537</sup>

Children and young people reported having poorer routines and coping mechanisms because of the pandemic.<sup>538</sup> They described feeling unmotivated or distracted when learning online and confused and frustrated about online learning processes. They also reported feeling anxious about their grades and lonely due to missing their friends and networks. Many children and young people continued to struggle with their mental health and with onsite learning as the pandemic continued.<sup>539</sup>

Children and young people said they required better support from schools and government to return to onsite learning and for their mental health, and greater recognition about how the pandemic affected their grades.<sup>540</sup>

<sup>531</sup> Commission for Children and Young People, *Snapshot: Impact of COVID-19 on children and young people – Education*, p. 1.

<sup>532</sup> Parliament of Australia (2020) [COVID-19: a chronology of state and territory government announcements \(p until 30 June 2020\)](#).

<sup>533</sup> Commission for Children and Young People, *Snapshot: Impact of COVID-19 on children and young people – Education*, p. 1.

<sup>534</sup> A. Wright (2021) [Primary and secondary school closures in Victoria due to COVID-19](#), Parliamentary Library and Information Service, Melbourne, Parliament of Victoria.

<sup>535</sup> Victorian Government (2021) [Restrictions from 11:59pm Thursday 10 June](#), State of Victoria, Melbourne; Willingham R (27 May 2021) ['Victoria enters COVID-19 lockdown as cases from Melbourne outbreak grow'](#), ABC NEWS, accessed 15 January, 2023; Andrews D, Premier 2021 (15 July 2021) [Statement from the Premier](#) [media release], Victorian Government, accessed 15 January, 2023; Andrews D, Premier 2021 (20 July 2021) [Extended lockdown and stronger borders keep us safe](#) [media release], Victorian Government, accessed 15 January, 2023; Victorian Government (2021) [Lockdown Restrictions from 8pm Thursday 5 August](#), State of Victoria, Melbourne; Victorian Government (2021) [Staged return to onsite learning for schools](#), State of Victoria, Melbourne.

<sup>536</sup> Victorian Government (2021) [Lockdown Restrictions from 8.00pm Thursday 5 August](#), State of Victoria, Melbourne.

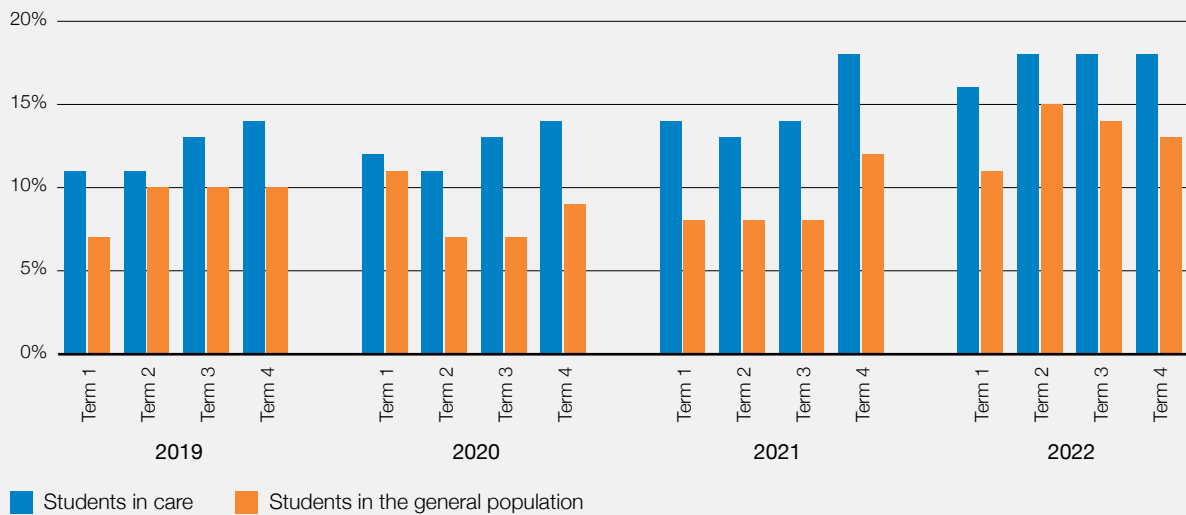
<sup>537</sup> Learning First (2020) *The experience of remote and flexible learning in Victoria*, p. 12; Foster Care Association of Victoria (n.d.); [COVID-19 Carer update – onsite learning at schools](#), accessed 15 January, 2023.

<sup>538</sup> Commission for Children and Young People, *Snapshot: Impact of COVID-19 on children and young people – Mental Health*, p. 3.

<sup>539</sup> Commission for Children and Young People, [Snapshot: Checking in with children and young people – Youth Survey November 2020 to February 2021](#), Commission for Children and Young People, Melbourne, 2021, pp. 3, 7; Commission for Children and Young People, [Snapshot: Checking in with children and young people – Lockdown 4 June 2021](#), Commission for Children and Young People, Melbourne, 2021, p. 3.

<sup>540</sup> Ibid.

**Figure 17. Absence rates for students, terms 1 to 4, 2019–22**



Source: Quarterly data provided by DE to the Commission between 2021 to 2023.

Conversely, some children and young people said they appreciated fewer distractions and the flexibility afforded by remote learning. Some also reported feeling safer at home than at school.<sup>541</sup> A small number of children and young people thrived in the home learning environment, including some neurodiverse students or those with certain anxiety or other mental health needs.<sup>542</sup> Over half of the children and young people surveyed said they received adequate support from teachers and school staff, but many others said teachers were inaccessible, lacked necessary specialist knowledge, or did not adequately recognise the challenges they faced. Some students did not know who to talk to if they needed help.<sup>543</sup>

Some services consulted for the snapshots indicated there was confusion about who was eligible for onsite learning. There were reported cases where schools had refused or discouraged attendance despite the child or young person being in out-of-home care, receiving a family violence service or otherwise experiencing significant vulnerability. Other educators were more proactive in encouraging children to attend where appropriate.<sup>544</sup>

<sup>541</sup> Commission for Children and Young People, *Snapshot: Impact of COVID-19 on children and young people – Education*, pp. 7–8; Victorian Aboriginal Children and Young People’s Alliance, *Submission to Education Inquiry*, received 30 August 2022, p. 18; Anglicare Victoria, *Submission to Education Inquiry*, received 15 August 2022, p. 7.

<sup>542</sup> *Ibid.*

<sup>543</sup> Commission for Children and Young People, *Snapshot: Impact of COVID-19 on children and young people – Education*, pp. 7–8.

<sup>544</sup> *Ibid.*, p. 8.



## Student absences have increased since the return to face-to-face learning

The average absence rate for students living in out-of-home care and other students increased incrementally throughout the periods of remote learning in 2020 and 2021. For students in care, the absence rate has continued to rise since students returned to face-to-face learning.

Students in care have consistently had higher absence rates compared to their peers, as demonstrated in Figure 17, with an average of four per cent higher per term from 2019 to 2022. It is evident that students' experiences during COVID-19 and the associated lockdowns negatively impacted their engagement at school.

### Finding 23: Absence rates for students in care during COVID-19 and the associated lockdowns

Absence rates for students in out-of-home care in Victorian Government schools increased throughout COVID-19 and the associated lockdowns and have risen again since the return to face-to-face learning. The absence rate for students in care was, on average, four per cent higher than for other students throughout the period from 2019 to 2022.

## COVID-19 and remote learning

Throughout the consultations for the inquiry, COVID-19 and the impact on the learning and wellbeing of children and young people was discussed at length. We heard a diverse range of positive and negative views and experiences, from children and young people and the various stakeholders who support them.

### Positive education experiences

#### *What we heard from children and young people*

Some children and young people described the benefits of life during the pandemic, including that less stimulation and distractions allowed them to focus on schoolwork. They also felt a sense of gratitude for the people around them.

*I liked school last year a lot. I had a really good teacher, and I made a lot of friends... My teacher was really fun and engaging, especially because most of the year was on Zoom. (Coral, 13, foster care)*

*I know for a fact that I learnt better when I was at school [onsite learning] so I wish other kids had that opportunity. With smaller classes, I found I learnt a lot better. I could do it my way and at my own pace...In some ways it was hard not seeing friends as much, but it was also good because I didn't get held back with friends being stupid and I could learn. (Blair, 15, residential care)*

*COVID-19 was better because my seizures weren't an issue as I was in my own environment. It was nice to be able to do stuff at my own pace. (Eliza, 16, residential care)*

### What we heard from stakeholders

Several stakeholders told us that many children and young people in care preferred remote learning and that their learning improved during these periods. For some children and young people, they became more engaged in their education.

*[It] took away the anxiety and stress that big numbers of students in a classroom cause. (LOOKOUT Learning Advisor)*

*Those on the autism spectrum who struggled with the social aspect of school, they're used to being on screens and are good users of technology. (Education Support Worker)*

*Some of our kids did better during remote learning. Learning from home was easier rather than trying to keep themselves regulated in classrooms. (LOOKOUT Learning Advisor)*

Some stakeholders identified the need to maintain some of the benefits that arose from remote learning once schools returned to onsite learning.

*COVID-19 has probably revealed issues. My view is that those who were a little uncomfortable in the class setting have had a massive period of time to just be themselves. (Navigator worker)*

*COVID-19 and remote learning has shown that we need to more flexible with learning options going forward - online and onsite. (LOOKOUT Learning Advisor)*

*It was really good for kids with anxieties...It highlights the value of outreach by psychologists in schools or classroom teachers emailing students the learning program for the day and students returning the work online rather learning in the classroom. It's an example of inclusive practice - a stepping stone for those kids to get back to the classroom. It's a real shame to stop that because it was working for them. (Education Support Worker)*

### Negative education experiences

#### What we heard from children and young people

Most children and young people who spoke about COVID-19 during the consultations reflected on their negative experiences during the periods of remote learning. Some indicated that they did not enjoy online learning and found it difficult to stay motivated and not see their friends.

*Remote learning was different and weird. It felt hard to concentrate learning on the computer. It was hard for me to learn with my brothers and sisters around. (Kacey, 13, Aboriginal, kinship care)*

*I think in year 7 I got really lazy, I got behind heaps. I found it a bit hard, I do way better when I'm physically at school. I didn't have the option to go to school. (Brooklyn, 15, foster care)*

*I didn't do any of the remote learning, couldn't talk to friends. I did other stuff, didn't do much schoolwork. I prefer to be in a classroom. (Reece, 13, kinship care)*

Some children and young people spoke about not having the appropriate resources or struggling with the technology. Others found the lack of support from school challenging.

*I didn't really do too good in the lockdown because I needed teachers to actually explain things and it was very hard because I lived with my 60 something grandmother. My primary school didn't do any online learning, they gave out physical packs. If we did go in, we would have to sit 1.5 metres away from each other and have no teachers... so that sucked anyway. We didn't have any opportunities to have support we needed in that time. (Delilah, 12, Aboriginal, kinship care)*

*I did a lot of the online stuff, it was okay. I like face-to-face not online because it's a bit hard to feel safe and supported but the work itself was easier. (Lorelai, 15, residential care)*

*I lost a lot of motivation and at the start I didn't have adequate resources, I didn't have a computer that worked. That was really hard. My case worker assisted with that. (Marleigh, 17, kinship care)*

#### *What we heard from stakeholders*

Many stakeholders, particularly those who support Aboriginal children and young people, spoke about children and young people in care having negative experiences of learning, both onsite and remotely.

*COVID-19 has also disrupted supports available for Aboriginal students who are facing complex issues or vulnerabilities, including those with additional learning requirements and/or a disability. Remote learning for students without the adequate supports in place has been challenging with consequences for their social and emotional wellbeing, especially for those who have experienced trauma. (VACCA)<sup>545</sup>*

*As KESOs we weren't allowed to be part of that. We weren't allowed to ring families. We weren't allowed to do anything. No home visits, no school, and no contacting families... to be honest, some of us did because we wanted to ensure they were okay. (KESO)*

*It was so hard; it was pretty non-existent. Just the trauma alone, getting the kids to sit on a computer in their home environment. They had the option to go to school but it was really pushed on us to do it in the home, mostly because there was limited staff available. There was a lot of dropping off boxes and work sheets and things like that but not a lot of support. And then when the schools re-opened, it took so long to re-engage. They had nearly two years off. (CSO staff member)*

<sup>545</sup> VACCA, *Submission to Education inquiry*, received 28 July 2022, p. 21.

In its submission, VACCA described the concerns for younger Aboriginal children not being able to participate in early childhood education services during the several lockdown periods.

*Early childhood education and support services have been impacted with limited access to services such as playgroups for Koorie children. Families are concerned about sending their children to day care due to fears about COVID-19 transmission... Being unable to access alternative care due to these restrictions meant very limited, if any extended family and community supports during this time... if children and families are not accessing early childhood and kindergarten, this may have harmful implications for their school readiness in the years to come.*<sup>546</sup>

Stakeholders, including carers, spoke about the challenges for carers who were supporting children and young people in their care during this time.

*It was tough on the carers. In some instances, we were able to use money from NDIS to engage a support person to be in the home for lessons with children...when you have a carer caring for two adolescent boys with learning difficulties and ADHD, I don't know how they got through it. It did result in one of the boys assaulting the carer and he was removed. (CSO staff member)*

*Carers were not confident and struggled to support their children with learning...It was hard for carers to see where the children were up to with their learning. Some grandparent kinship carers felt guilty for not supporting their grandchildren effectively. (VAEAI)<sup>547</sup>*

*Some service providers we consulted with reported an increase in challenging behaviours of children, with limited external family supports available for carers. For children in care, there was the added challenge of not always being able to see their birth parents during lockdowns or of changed arrangements at short notice and sudden cancellations. (Centre for Excellence in Child and Family Welfare)<sup>548</sup>*

A teacher from Parkville College in Secure Care Services spoke about the particular challenges in supporting children and young people with their education during remote learning.

*Real hit and miss, a shambles, we were limited in what we could do. It was hard to get access to kids when we were working from home. We could only use work sheets and the like, it was a real loss. Relationships are the cornerstone of any learning here but without that, kids were disadvantaged immediately. An impossible task and the reality was, it didn't work at all. (Secure Care teacher)*

## Experiences of learning onsite

All students in care were eligible to learn onsite, although some stakeholders said that schools were sometimes reluctant to accept students or unable to provide adequate supervision because they were operating with significantly reduced staff.<sup>549</sup> It was observed in consultations that many primary school students attended onsite learning whereas secondary school students were more likely to stay at home.

<sup>546</sup> Ibid., p. 21.

<sup>547</sup> Victorian Aboriginal Children and Young People's Alliance, *Submission to Education inquiry*, 15 August 2022, p. 18.

<sup>548</sup> Centre for Excellence in Child and Family Welfare, *Submission to Education inquiry*, 15 August 2022, p. 8.

<sup>549</sup> MacKillop Family Services, *Submission to Education inquiry*, 4 August 2022, p. 6.

What we heard from children and young people

*It was good. I went to school so I didn't have much schoolwork. We hung out, talked to each other. I didn't do remote learning because I found it too difficult. (Addison, 12, Aboriginal, residential care)*

*Yeah we did remote learning but at school. It was great for me, I made new friends and could play lots of sport. We got fresh air and wasn't sitting at home all day. (Maya, 12, foster care)*

*I actually went to school during the pandemic in the library and I went because when I was at home, I wouldn't learn. That's my time. I didn't have an aide then so that made it better, the only bad thing was that none of the people there were my friends. (Dominic, 14, residential care)*

What we heard from stakeholders

*We had students in care onsite. There were smaller learning environments and they received one-on-one teacher support, plus an opportunity to form friendships with other children. (Principal, primary school)*

*We had at least 100 students here every day. We reached out to every student in care, and they all came, all of those who were at risk. (Principal, primary school)*

*[Child] went to school. The Child Protection workers pushed for it and even picked him up and took him to school. (Carer)*

Some school staff also spoke about the additional supports they provided to their students, including those living in out-of-home care.

*We made two differences. One was to ring up every day and ask about why they were absent. We changed to saying how can we help, how are you going, are you coping okay. We took food parcels around once a week to our families, we went around twice a week to every family and helped with tech and just to pop in and see how they were going. That was with all families. Some didn't want us back again. Others appreciated it. (Wellbeing coordinator, primary school)*

*Myself and my whole team tried to keep relationships and connect with those kids in care. It was very time consuming. The ones in resi care kept their same workers and kids in their household. That was okay. It was the kids in foster or kinship care that we had to try to keep the relationship with. (Wellbeing leader, secondary school)*

Transitioning back to onsite learning

While most students successfully returned to the classroom, transitioning back to onsite learning was a challenge for some children and young people in care, particularly those already at risk of disengaging. Some students did not return to school in 2021.

What we heard from children and young people

*COVID-19 contributed a bit in that it made it easier for me to drift away. The work was too hard to do at home with no teacher to help. My motivation was low with no one to push me. The online stuff was too hard with no teacher to help and all the IT stuff was crap and didn't work. (Kayla, 15, kinship care)*



*I stopped going in middle of year 8, once COVID-19 happened that was it. Zoom is boring. (Hanan, 14, Youth Justice)*

#### What we heard from stakeholders

*For [child], it had a negative impact, and it was really hard to get him back to school, mainly because he wasn't connected socially. Also, the consistency of work in remote learning was flexible in terms of teachers' expectations but now they expect more, which has added to the complexity. It was really hard for him to engage online, he was very distracted. (Foster carer)*

*Carers were talking about not being able to get their child to go back to school because of anxiety...that increased. The length of time to reengage kids after summer breaks has also been longer since COVID-19, and I think we are only on the brink of facing the mental health issues that are just bubbling away, I don't think we are seeing the extent of that at all... I mean for staff as well as students and families. (CSO staff member)*

*We lost some of our most vulnerable kids and they haven't come back. (Wellbeing staff member, secondary school)*

Some stakeholders spoke about an increase in children and young people in care who were referred to alternative education settings or re-engagement programs.

*We've had referrals come from schools of kids who'd disengaged or who were generally getting into trouble. There's a cohort of kids with high levels of anxiety and some struggled to transition into high school due to COVID-19. (Principal, alternative school)*

*The referrals I've been getting are years 7 to 9. When you think about the two years of lockdowns, so many kids missed the year 7 transition [from primary school]. It's already hard. (Teacher, alternative school)*

*Our FLO base camp is built for 15 students but 12 is the optimum. Coming back from COVID-19, we have 28 kids in there... All schools are finding the FLOs are overflowing. We could split ours in two but there is no staffing. (Wellbeing leader, secondary school)*

Some stakeholders spoke about the increase in mental health and behavioural issues among children and young people when they returned to onsite learning. In its submission, the Victorian Aboriginal Children and Young People's Alliance outlined a range of challenges with Aboriginal children and young people returning to face-to-face learning, including family being cautious about sending their children back, vaccine hesitancy, and increased anxiety about separating from caregivers, being around unfamiliar people and leaving the house.<sup>550</sup>

<sup>550</sup> Victorian Aboriginal Children and Young People's Alliance, *Submission to Education inquiry*, p. 19.

*Kids are presenting with more mental health concerns due to lots of isolation and anxiety, self-harming. Couple of weeks we were calling an ambulance every day to have a young person sectioned! (Principal, alternative school)*

*We actually have a bit of a cultural issue at the moment. The boys carry on with their misogynistic views...Every taunt is very sexualised and quite graphic... there's a lack of socialisation coming out of lockdown...A lot of these boys were at home the last two years. (Principal, FLO)*

*Anxiety relating to socialising after extended social isolation and/or shame associated with having fallen behind in learning has also led to school refusal and associated forms of disengagement. (MacKillop Family Services)<sup>551</sup>*

### Finding 24: Experiences of education during periods of remote learning

The Commission heard from children and young people in out-of-home care and other stakeholders that some students in care enjoyed online school and were more engaged during the remote learning periods. However, most children and young people in care, and their carers, had negative experiences with remote learning and for some this led to complete disengagement from education.

## How the Victorian Government responded to issues in schools

Access to reliable internet and devices was a significant barrier to many Victorian students participating in remote learning during the lockdowns. In response, the Victorian Government provided more than 25,000 devices and 28,000 internet access services to students who needed a device or internet connectivity.<sup>552</sup> Various initiatives were also introduced by the Victorian Curriculum Assessment Authority to support students to complete VCE and VCAL, including the *Consideration of Educational Disadvantage* process to calculate VCE scores.<sup>553</sup>

In 2021 and 2022, the Victorian Government invested \$480 million in the *Tutor Learning Initiative*, which enabled all Victorian Government schools to engage tutors to help students whose learning was disrupted during the remote learning periods. In September 2023, the government announced an additional investment of \$485 million to extend the initiative until at least the end of 2025. A new component of the program is the provision of tailored education support to 500 students in care who have become disengaged from school in care settings.<sup>554</sup> This is discussed further in Chapter 12.

Funding was also provided to engage KESOs for schools that have Aboriginal students who require additional support, in addition to Family Liaison Officers to work in schools with students who needed support to re-engage in learning. Schools could also use a proportion of their allocated *Tutor Learning Initiative* funding to engage allied health support staff. In specialist schools, the funding could be applied to the teaching and learning models relevant to their settings.<sup>555</sup>

<sup>551</sup> MacKillop Family Services, *Submission to Education Inquiry*, received 4 August 2022, p. 6.

<sup>552</sup> Andrews D, Premier 2021 (7 August 2020) [Supporting students through the pandemic](#) [media release], Victorian Government, accessed 24 July 2023; Victorian Government (2021) [Government Response to the Recommendations of the Inquiry into the Victorian Government's response to the COVID-19 pandemic](#), p. 12.

<sup>553</sup> Andrews D, Premier 2021 (7 August 2020) [Supporting students through the pandemic](#) [media release], Victorian Government, accessed 24 July 2023.

<sup>554</sup> Andrews D, Premier (5 September 2023) [Backing our tutor program to keep supporting kids](#), accessed 12 October 2023.

<sup>555</sup> Victorian Government (2021) [Government Response to the Recommendations of the Inquiry into the Victorian Government's response to the COVID-19 pandemic](#), p. 14.

For school leavers with a disability, specialist and other schools received additional funding of \$750 per student to support them to transition to post-school options. This included opportunities to familiarise students with their new settings and to learn new skills to confidently transition from their existing school.<sup>556</sup>

The Victorian Government also expanded several of its existing programs that support mental health in schools and education re-engagement, including:

- mental health training for school staff to help identify students at-risk as remote learning continued
- school-based mental health practitioners in all specialist schools to build wrap-around support to students and families
- the Mental Health in Primary Schools Program, where participating schools employ a Mental Health and Wellbeing Coordinator with teaching qualifications
- the Navigator Program
- the LOOKOUT Program.<sup>557</sup>

In early childhood education settings, the Victorian Government made all kindergarten free in terms 3 and 4 in 2020 to provide regional and rural Victoria access to services already being offered in metropolitan Melbourne and Mitchell Shire under Stage 4 restrictions. Further, \$1.6 million was provided in grants via the *School Readiness Funding* for kindergartens to facilitate learning at home for children.<sup>558</sup> Several other initiatives were introduced to support children's transition to primary school, including:

- additional hours of kindergarten each week for vulnerable children to help them catch up on disrupted or missed learning before starting school

- funding extra hours in kindergartens to allow teachers to visit and help children prepare for primary school
- outreach supports to re-engage children from Aboriginal and culturally and linguistically diverse communities with their learning
- additional hours for kindergarten teachers to liaise with schools to support children with disabilities in their transition.<sup>559</sup>

## Research and analysis

In the two years since the return to face-to-face learning in schools, there has been extensive public commentary and some research into the impact of COVID-19 restrictions and remote learning on the health and wellbeing of children and young people. There is a growing understanding that, during this time, the needs of children and young people were often overlooked. While this was evident for children and young people experiencing vulnerability earlier on in the pandemic, the impact on other students is now more visible with an increase in mental health concerns and a rise in school refusal. A recent Senate inquiry into school refusal explored the impact of COVID-19 and heard that it intensified an issue already affecting students.<sup>560</sup> A stakeholder described the effects of COVID-19 to the Senate inquiry as 'school refusal, but it's now on steroids'.<sup>561</sup>

Research by the Murdoch Children's Research Institute (MCRI) identified that the lockdowns highlighted the value of schools in supporting 'the social, emotional, and physical health of children and young people'.<sup>562</sup> A youth survey conducted in partnership between Mission Australia and Orygen found that in 2021, 77 per cent of young people who reported having poor mental health and wellbeing

<sup>556</sup> Victorian Government (2021) [Government Response to the Recommendations of the Inquiry into the Victorian Government's response to the COVID-19 pandemic](#), p. 15.

<sup>557</sup> Andrews D, Premier 2020 (7 August 2020) [Supporting students through the pandemic](#) [media release], Victorian Government, accessed 24 July 2023.

<sup>558</sup> Public Accounts and Estimates Committee (2021) [Inquiry into the Victorian Government's response to the COVID-19 pandemic](#), State of Victoria, Melbourne, p. 236.

<sup>559</sup> Andrews D, Premier 2020 (17 September 2020) [Getting our kids back to kinder and ready for school](#) [media release], Victorian Government, accessed 24 July 2023.

<sup>560</sup> The Senate Education and Employment References Committee (2023), *The national trend of school refusal and related matters*, Commonwealth of Australia, Canberra, p. 21.

<sup>561</sup> Ibid.

<sup>562</sup> Melbourne Children's COVID Governance Committee (2022) [The indirect effects of the COVID-19 pandemic on children and adolescents](#), Brief Number 4, Version 1 Murdoch Children's Research Institute, The Royal Children's Hospital, University of Melbourne Department of Paediatrics: Parkville, Victoria, p. 1.

identified the negative impact of the pandemic on their mental health. More young people currently studying reported negative impacts, and across multiple domains, than those not studying.<sup>563</sup>

The MCRI research also affirmed that the negative impacts did not fall equally across different groups of children and young people, potentially widening disparities in health and wellbeing across the community.<sup>564</sup> Research commissioned by the Australian Government on the potential effects of remote learning on vulnerable cohorts of children and young people reported similar findings.<sup>565</sup> Aboriginal and Torres Strait Islander students were found to have experienced additional challenges due to their reduced interaction with Indigenous teacher assistance and online resources not reflecting culturally appropriate pedagogies. Remote learning also resulted in limited opportunities for schools to identify and respond to issues relating to child safety and protection.<sup>566</sup> In the Commission's COVID-19 Snapshots, children and young people told us they felt the impacts of the pandemic on their parents or carers, who were themselves struggling with poor mental health or because of lost jobs or income. In some cases, this affected children's feelings of safety at home and in the community.<sup>567</sup>

### Lessons from COVID-19

A key lesson from COVID-19, based on the growing body of research, the Commission's COVID-19 Snapshots and consultations conducted for this inquiry, is that the negative impacts of related restrictions were disproportionately experienced by children and young people who were already experiencing disadvantage or vulnerability. As reflected throughout this report, the negative impacts persist for some children and young people living in care.

The MCRI research concluded that attention to equity in all policy considerations is essential and that 'resources should focus on those already experiencing disadvantage and the opportunity to address the upstream determinants of inequalities'.<sup>568</sup> While COVID-19 required the Victorian Government to take unprecedented steps to implement protection measures, there is an opportunity to ensure consideration is given to the impact of future public health order decisions on children and young people. The Commission proposes that strengthened decision-making be introduced to require that relevant decision-makers in the Victorian Government consider the rights, safety and wellbeing of children and young people in the exercise of emergency powers in future.

### Recommendation 28: Include consideration of the impact on children of pandemic orders

**That the Minister for Health implement a process to ensure consideration of the impact on children's rights, safety and wellbeing before making (or varying, extending, or revoking) pandemic orders and to include these considerations when publishing their Statement of Reasons for the making of pandemic orders.**

<sup>563</sup> Filia K et al. (2022) *Clusters of COVID-19 impact: Identifying the impact of COVID-19 on young Australians in 2021*. Orygen: Melbourne, VIC and Mission Australia: Sydney, NSW.

<sup>564</sup> Melbourne Children's COVID Governance Committee (2022) *The indirect effects of the COVID-19 pandemic on children and adolescents*, Brief Number 4, Version 1 Murdoch Children's Research Institute, The Royal Children's Hospital, University of Melbourne Department of Paediatrics: Parkville, Victoria, p. 1.

<sup>565</sup> Australian Institute of Health and Welfare (25 June 2021) *Australia's youth: COVID-19 and the impact on young people*, accessed 5 August 2023.

<sup>566</sup> Ibid.

<sup>567</sup> Commission for Children and Young People, *Snapshot: Impact of COVID-19 on children and young people – Safety*, Commission for Children and Young People, Melbourne, 2020.

<sup>568</sup> Melbourne Children's COVID Governance Committee. *The indirect effects of the COVID-19 pandemic on children and adolescents*, p. 1.

The Commission understands that during and since the COVID-19 lockdowns and the associated periods of remote learning, DE has been unable to track the number of students who disengaged from education. As part of strengthened decision-making and to address the educational impact, it is critical that DE specifically monitor student disengagement levels during major disruptions to education services to understand the extent of the issue and the characteristics of students who disengage.

**Recommendation 29: Ensure the ability to measure and report on student disengagement in state emergencies**

**That DE develop guidelines to ensure it can measure and report on the number of students who disengage during or immediately after periods of major disruption to education services.**



## Chapter 11

# The *Out-of-Home Care Education Commitment* and the *Early Childhood Agreement for Children in Out-of-Home Care*

I would turn the whole school into a pancake shop

### Chapter at a glance

- The Commission heard there was significant variation in schools' implementation of the *Out-of-Home Care Education Commitment* (Partnering Agreement) with some schools more willing and able to support children and young people in care than others.
- Data collection under the Partnering Agreement and the *Early Childhood Agreement for Children in Out-of-Home Care* (Early Childhood Agreement) only measures compliance rather than educational engagement or outcomes.
- Data collected under the Partnering Agreement suggests inconsistent compliance with its requirements; between 2018 to 2022, 18 per cent of students in care did not have a learning mentor, ten per cent did not have a Student Support Group, 11 per cent did not have an Individual Learning Plan and 37 per cent did not receive an Educational Needs Assessment.
- Inconsistent information sharing practices by Child Protection when students are enrolled sometimes limits the types of support provided to children and young people in care when they start at a new school.
- There was evidence of system improvements in some schools, often due to the positive work of the LOOKOUT Centres and their partnerships with key stakeholders.
- However, systemic improvements for children and young people in care have been limited in part by the governance structures of the Partnering Agreement and the Early Childhood Agreement, including inadequate clarity on partners' roles and objectives, and insufficient accountability measures.
- The Commission recommends strengthening the effectiveness of the Agreements through:
  - clarification of their purpose, governance and measures to track educational engagement of children and young people in care
  - a review of key components of the Partnering Agreement including the Designated Teacher role and the Educational Needs Analysis process
  - provision of additional funding to the LOOKOUT Centres.

*We have a Partnering Agreement with DFFH – we are not notified when kids are placed in care. We usually find out from the child, or they disappear. We are not provided with copies of orders, we are not aware of when access visits are planned so we can't support [students] before or after. (Wellbeing staff member, secondary school)*

The *Out-of-Home Care Education Commitment* (Partnering Agreement), referred to throughout this report, was first established in 2003 and last revised in 2018. It is a specific policy framework aimed at enhancing education outcomes for children and young people in out-of-home care and mitigating the risks of disengagement. It is included in the Department of Education's (DE) Tier 2 programs, which recognise that students with specific needs or vulnerabilities may require additional supports in schools. Tier 2 programs are intended to complement and build on Tier 1 universal supports,<sup>569</sup> some of which are discussed in previous chapters.

The *Early Childhood Agreement for Children in Out-of-Home Care* (Early Childhood Agreement) complements the Partnering Agreement. It was developed in 2014 and refreshed in 2018 to support young children in care to participate in high-quality early childhood education and to support their transition to primary school.

Implementation of the Agreements is the responsibility of various agencies, with guidance and support from DE's LOOKOUT Centres. The Agreements are broadly governed through collaboration between several departments and community organisations.

The Commission heard about the important role of the Agreements and the LOOKOUT Centres in raising awareness of, and promoting a greater focus on, the educational needs and rights of children and young people in care. The Commission also observed positive practices employed by many schools to provide tailored support to children and young people in care.

We also heard, however, that progress on achieving consistent, system-wide improvement across the state has been slow. This chapter examines the Agreements in detail, exploring their current governance and oversight structures, accountability measures and the role of LOOKOUT and schools in implementing the Agreements.

## Overview and purpose of the Agreements

The Agreements are intended to govern collaborative efforts to improve the education, health and wellbeing of children and young people living in care. They apply to children and young people who are subject to statutory orders and live in kinship, foster and residential care placements. They also apply to children and young people on Permanent Care Orders (PCOs), if their carers consent. In addition, the Early Childhood Agreement has a broader remit, applying to children in voluntary care placements as well as vulnerable children 'wherever possible', including Aboriginal children and children known to Child Protection.<sup>570</sup>

The Early Childhood Agreement seeks to achieve children's engagement in universal services, such as Maternal Child Health services, kindergarten programs and Supported Playgroups. The Early Childhood Agreement's priorities are to achieve clear enrolment and information sharing processes to support children through transitions to, and between, early childhood education services, and from these services to primary school.

<sup>569</sup> Victorian Government (2022) [Tier 2: Early intervention and cohort specific mental health support for students](#), accessed 31 May 2023.

<sup>570</sup> Department of Education and Training and Department of Health and Human Services (2019) *Early Childhood Agreement for Children in Out-of-Home Care*, State of Victoria, Melbourne, p. 6.

The Partnering Agreement aims to improve educational outcomes through implementation of strategies in relation to school enrolments, attendance and achievement, retention and school completion, and transitions from primary to secondary school and between schools.<sup>571</sup> It includes several requirements that schools need to implement for every child or young person in care enrolled at their school.

### Key partners and responsibilities

As outlined in Table 35 there are several government and non-government partners to the Agreements.

The Agreements outline responsibilities for each partner and their agents, which broadly include:

- schools, early childhood education services and local governments
- regional departmental staff, including LOOKOUT Centres, Designated Teachers and the Koorie Education Workforce
- case managers who work in Child Protection, Aboriginal Children in Aboriginal Care (ACAC) programs, community service organisations (CSO), or Aboriginal Community Controlled Organisations (ACCO), in addition to case managers in CSOs and ACCOs delivering the ACAC program
- kinship carers, foster carers and residential carer workers.<sup>572</sup>

The key purpose of LOOKOUT Centres is to build schools, kindergarten services and other agencies' capacity to implement the Agreements. There are four LOOKOUT Centres across Victoria, with one located in each of DE's regional offices. They work with and across the regional and area teams, collaborating with the Health and Wellbeing Specialist Services, Education Improvement, and Service Support staff.

This enables LOOKOUT Centres to 'bring focus to the needs of children and young people in out-of-home care and collaboratively work to embed a culture of shared responsibility across [DE's] regional and Area-based workforces'.<sup>573</sup> Each centre is led by an experienced principal and staffed by teams of education specialists, allied health professionals, Koorie Cultural Advisors, Youth Justice Advisors and data and administration officers to support the needs of children and young people in care. They achieve this through building the capacity of schools, case managers and out-of-home care services to deliver on the Partnering Agreement goals.<sup>574</sup>

For the Early Childhood Agreement, the LOOKOUT Centre's key source of information is the Early Years Roll, which contains a list of children who live in care in the current calendar year and includes both Child Protection and kindergarten information. It is updated fortnightly and is designed to assist the Early Childhood Learning Advisors monitor and support access to funded kindergarten for children living in care.<sup>575</sup> For the Partnering Agreement, the LOOKOUT Centres use Student Insight to identify and support children and young people in care in their education journey. While its primary purpose is school-aged children, it includes all children in statutory care, aged 0 to 17 years. As discussed later in this chapter, Student Insight will replace the existing student management system, CASES21, for all government students.<sup>576</sup>

<sup>571</sup> Department of Education and Training and Department of Health and Human Services (2018) [Out-of-Home Care Education Commitment](#), State of Victoria, Melbourne, p. 9.

<sup>572</sup> Department of Education and Training and Department of Health and Human Services (2018) [Out-of-Home Care Education Commitment](#), p. 8; Department of Education and Training and Department of Health and Human Services (2019) *Early Childhood Agreement for Children in Out-of-Home Care*, pp. 41–42.

<sup>573</sup> Department of Education and Training (2020) [LOOKOUT Centre Handbook](#), p. 15.

<sup>574</sup> *Ibid.*, p. 10.

<sup>575</sup> Information provided by DE to the Commission on 3 October 2023.

<sup>576</sup> Information provided by DE to the Commission on 22 September 2023.

**Table 35. Early Childhood Agreement and Partnering Agreement partners<sup>577</sup>**

Early Childhood Agreement	Partnering Agreement
Department of Education	Department of Education
Department of Families, Fairness and Housing	Department of Families, Fairness and Housing
Department of Health	Department of Health
Municipal Association of Victoria	Catholic Education Commission of Victoria
Early Learning Association Australia	Independent Schools of Victoria
Victorian Aboriginal Child Care Agency	Victorian Aboriginal Child Care Agency
Victorian Aboriginal Children and Young People's Alliance	Centre for Excellence in Child and Family Welfare
Centre for Excellence in Child and Family Welfare	
Community Child Care Association	
Victorian and Tasmanian Primary Health Network Alliance	
Victorian Healthcare Association	
Victorian Aboriginal Education Association Incorporated	

## The role and effectiveness of LOOKOUT Centres

Despite still being relatively new, LOOKOUT Centres have become integral to addressing the educational disadvantages experienced by children and young people in care by building system capacity to strengthen supports.<sup>578</sup> They raise awareness of the Agreements among various stakeholders and work to ensure they are effectively implemented. LOOKOUT Centres also aim to raise the educational expectations that schools, case managers and carers hold for children and young people in care.

The 2020 evaluation of LOOKOUT Centres found that from 2016 to 2019, centres succeeded in raising awareness of the Partnering Agreement and increasing implementation of key requirements by schools. However, while there were improvements in system capacity to generate positive outcomes for children and young people in care, the evaluation identified that 'there is not yet a consistent level of capability across Victoria which can result in inconsistent practices within schools'.<sup>579</sup>

The evaluation also reported that capacity building had focused more on schools, rather than on developing the knowledge and skills of the two key departments, which limited system-wide change. Further, LOOKOUT Centre staff had established strong connections and collaboration with key stakeholders, which was identified as important given there were 'few processes formally embedded to ensure the agencies work together'.<sup>580</sup>

Key challenges for LOOKOUT Centres identified in the evaluation were role clarity and resourcing. There was confusion among stakeholders about the responsibilities of LOOKOUT staff, in particular about whether their role is focused on capacity building or individual support, and a broader perception that they focused more on compliance with the Partnering Agreement rather than on meaningful outcomes for students.<sup>581</sup> Related to this issue was the high workload of LOOKOUT Centres and resourcing levels not accounting for the scale of individual-level support provided by the Learning Advisors:

The level of resourcing for the LOOKOUT Centres makes it challenging to deliver the scale of activities required to achieve the full range of their objectives. This creates an operational tension and a need to balance individual-level and system level assistance.<sup>582</sup>

<sup>577</sup> Department of Education and Training and Department of Health and Human Services (2019) *Early Childhood Agreement for Children in Out-of-Home Care*; Department of Education and Training and Department of Health and Human Services (2018) *Out-of-Home Care Education Commitment*.

<sup>578</sup> Acil Allen Consulting, Report to the Department of Education and Training (2020) *Evaluation of the LOOKOUT Centres*, p. iv. Provided from DE to the Commission dated 8 December 2022.

<sup>579</sup> Ibid, p. v.

<sup>580</sup> Ibid.

<sup>581</sup> Ibid.

<sup>582</sup> Ibid., p. 23

LOOKOUT Learning Advisors interviewed as part of the evaluation reported that they were often drawn into providing individual support because it was unclear who in DE was responsible for providing such support or there was no one else available to do it. A LOOKOUT staff member stated:

*Regarding systemic versus case-by-case management, it's really easy to fall into case management because of the loose dynamics in the department...If we don't do that, then no-one would.<sup>583</sup>*

These issues were also identified in consultations conducted for this inquiry. The work of LOOKOUT Centres was a strong focus in our consultations. We heard similar confusion among stakeholders about the intended responsibilities of LOOKOUT Centres, although most recognised that centres become involved in individual cases when problems arise in schools. We observed more broadly that staff in LOOKOUT Centres devote significant effort to building capacity of other stakeholders to advocate for the educational rights of children and young people in care.

Several stakeholders, including those working in schools and CSOs, called for more LOOKOUT staff given their extensive knowledge of the education and out-of-home care systems, and the fact that individual Learning Advisors had oversight responsibilities for hundreds of schools. The Commission welcomes the recent commitment by the Victorian Government to respond to the increase in school-aged students in care through the addition of two LOOKOUT Learning Advisors in high growth areas.<sup>584</sup>

### What we heard from stakeholders

A key role of LOOKOUT Centres is to provide professional development opportunities and advice to schools about the learning and wellbeing needs of children and young people in care. Many stakeholders identified this as a key benefit of the centres, recognising that they contributed to positive changes in schools, as well as encouraging schools and Child Protection to work more collaboratively.

*We have worked very closely with [LOOKOUT]. Advocating with them, partnering with them to address challenges in schools, especially when schools refuse to take students back. They have been really effective in bringing about change. (CSO staff member)*

*Both schools and Child Protection work in silos but we're getting better at being more collaborative. LOOKOUT has been great at smoothing out the relationship so it's not so much an 'us versus them'. It helps to have a good relationship with schools and strong communication, which helps with information sharing. (Child Protection practitioner)*

*LOOKOUT have been a really big advocate for education, which has made a huge difference for us. It's helped us track forward in care team meetings and advocate for the student's needs. (Assistant principal, secondary school)*

Some stakeholders spoke about the value of LOOKOUT Centres working with DFFH's Health and Education Assessment Coordinators (HEAC) to enhance Child Protection's knowledge of the Agreements and strengthen the understanding of education as a protective factor for children and young people in care. Case and care managers in CSOs also advised how LOOKOUT Centres had supported them in these areas.

*Fortnightly LOOKOUT staff come into the building and walk the floor. They know to be a friendly helper because the work of child protection is so stressful, and they work with so many challenging parts of the system. LOOKOUT pitch their involvement in a safe and friendly way, so Child Protection workers feel comfortable reaching out to them for support when needed. They are lovely to work with. (Child Protection practitioner)*

<sup>583</sup> Ibid.

<sup>584</sup> Information provided by DE to the Commission on 3 October 2023.



*We have health and education consults every Wednesday for four hours and we send staff along. That is an easier and better way to learn because you're applying it to a child, and we've got someone with that lens supporting you in that. We workshop cases individually when cases come up. LOOKOUT and HEACs also do a session once or twice a year. (Child Protection practitioner)*

*[LOOKOUT Learning Advisors] empowered me to feel confident to advocate for the kids. (Residential care staff member)*

The Commission also heard examples of LOOKOUT Centres advocating on behalf of individual children and young people in care to ensure their rights to education were upheld.

*[Education support program] has forged good relationships with LOOKOUT. It's an absolute bonus in getting LOOKOUT in after a suspension or an expulsion – we have a crucial partnership in achieving the best for children and young people and getting them back to school. (Education Support Worker)*

*LOOKOUT does a really good job of keeping kids engaged especially if they are in non-Aboriginal placements and something we really care about is the connection to culture and cultural plans; the my life story which follows them from placement to placement. (DE staff member)*

*I've been in the situation where we had a young person who was known to be difficult, and I was trying to enrol them in a school...and they were all saying 'no we don't want him'. But a meeting with LOOKOUT, it stops that happening. I've had the opportunity to invite two schools to come to the same meeting, and a joint agreement from them about who is best placed to support a child's enrolment. They couldn't leave the table without someone enrolling the child. When you put people together like that in a room, it's powerful. (LOOKOUT Learning Advisor)*

Several stakeholders advised of the importance of LOOKOUT Centres in holding schools to account in how they support children and young people in care.

*LOOKOUT is beneficial to mainstream schools as it keeps them accountable, keeps us accountable too. They are very good in creating consistency with SSGs. (Principal, alternative school)*

*I loved working with the LOOKOUT staff, they are really good at keeping schools accountable, which residential carers can't do. (Residential care staff member)*

*Some principals don't like being made accountable by LOOKOUT. The issue comes down to the Partnering Agreement not being mandatory. For the most part, schools take it seriously, but a minority don't. This is when LOOKOUT needs to be a 'pushy parent'. (LOOKOUT Learning Advisor)*

The Commission observed confusion among some stakeholders about the role of the LOOKOUT Centres, including the perception that they are intended to provide individual case management support to children and young people in care or advice and professional development to schools.

*The centre has really responded to the needs of schools over the years. We just need more of them! [LOOKOUT Learning Advisor] comes to as many SSGs and care team meetings as she can but is very stretched. She's very good at sharing information that I struggle to get. (Assistant principal, primary school)*

*They're responsive but not much participation otherwise. They need to be more active in the school space. (Wellbeing staff member, secondary school)*

There was also broad recognition that LOOKOUT Centres had limited resourcing, which adversely affected their reach and influence in schools, and potentially also the retention of LOOKOUT staff.

*They need a lot more workers. We rely on [LOOKOUT Learning Advisor], she's unreal. She's got 100 or more kids and she's part-time...If there's more of them, they could go to more meetings, push through more assessments, upskill schools who don't have capacity or knowledge. Tracking kids so they don't fall off radar has been a big piece of work they are still refining to ensure these kids don't drift off. (Assistant principal, primary school)*

*Only problem for LOOKOUT is the demand far outstrips the capacity to respond. (CSO staff member)*

*Job security is a really big issue for staff. The positions are not ongoing, and some regions do have high staff turnover because there's no substantive roles. (LOOKOUT Learning Advisor)*

### Finding 25: The role of the LOOKOUT Centres

Stakeholders consistently identified LOOKOUT Centre principals and staff as strong advocates for children and young people in out-of-home care. The Commission heard that LOOKOUT Centres have been instrumental in facilitating implementation of the *Early Childhood Agreement for Children in Out-of-Home Care* and the *Out-of-Home Care Education Commitment* in education settings through awareness raising, capacity building in schools, and improved collaboration between the out-of-home care and education systems. However, as identified in the 2020 evaluation of the LOOKOUT model, current resourcing does not match the scale of LOOKOUT's responsibilities, which has affected their reach and impact.

### The implementation of the Partnering Agreement in schools

Under the Partnering Agreement, schools are the stakeholder with key accountability responsibilities against which the effectiveness of the Agreement is measured. Schools' requirements under the Agreement include:

- allocation of a school staff member as a learning mentor to every child or young person in care enrolled in a school. The learning mentor should be chosen by the school leadership team in consultation with the child or young person.<sup>585</sup>

<sup>585</sup> Department of Education (2020) [Supporting students in out-of-home care: Guidance – 1 Appointing a learning mentor](#), accessed 10 May 2023.

Their purpose is to provide additional learning and wellbeing support, as well as participate in Student Support Groups (SSGs) and facilitate the child or young person's input into their Individual Education Plans (IEP) and SSG process<sup>586</sup>

- every child or young person in care enrolled in a school is to have either an SSG or Program Support Group (PSG). An SSG or PSG meeting should be held per term, with participation from those with the most knowledge of, and responsibility for, the child or young person including the child or young person themselves. The purpose of SSGs and PSGs is to enable workers to collaborate to establish shared educational goals for the child or young person, develop their IEP, plan reasonable adjustments to enable their access to the curriculum and monitor their progress<sup>587</sup>
- every child or young person in care is to have an IEP, to be developed by the SSG. The purpose of an IEP is to detail how the child or young person's educational needs will be addressed. This may include any social and behavioural difficulties and concerns that the child or young person may have, should have 'an emphasis on engaging the child and [be] based on a good understanding of their strengths, needs and circumstances'.<sup>588</sup> LOOKOUT's Koorie Cultural Advisors are responsible for ensuring that Aboriginal children and young people's cultural plans are embedded in their IEPs<sup>589</sup>
- children and young people in care for three months or longer should have an Educational Needs Analysis (ENA). The purpose of an ENA is to determine targeted support required to improve a child or young person's educational progress and achievement. This is achieved through a holistic assessment of the child or the young person, including the impact of trauma, and their physical, social, emotional and educational development.<sup>590</sup>

Unfortunately, while some schools perform well in relation to these requirements, overall compliance rates are concerning. From 2018 to 2022, on average each year, 18 per cent of students in care did not have a learning mentor, 10 per cent did not have an SSG, 11 per cent did not have an IEP, and 37 per cent of eligible students did not have an ENA. In addition, there are currently no agreed metrics for measuring outcomes or efficacy of educational supports for students in care.<sup>591</sup>

The variance in schools' implementation of the Partnering Agreement was a common theme in consultations. While it was clear that some schools were willing and had the capacity to support children and young people in care, the level of support provided depended on the culture and priorities of a school, as established by its leadership team. There was also evidence of systems changes across some schools, however, these were more evident when partnerships between the LOOKOUT Centres and relevant stakeholders, such as HEACs, had driven better processes.

There were aspects of the Partnering Agreement (primarily in relation to enrolments and information sharing) where schools' compliance was strong, but the actions of other stakeholders, such as Child Protection, contributed to poor outcomes for the child or young person. The Commission observed examples of collaborative work between some of the LOOKOUT Centres and HEACs that aimed to address these issues.

<sup>586</sup> Ibid.

<sup>587</sup> Department of Education (2020) [Supporting students in out-of-home care: Guidance – 2 Assign a student support group to the student](#), accessed 10 May 2023.

<sup>588</sup> Department of Education and Training and Department of Health and Human Services (2018) [Out-of-Home Care Education Commitment](#), State of Victoria, Melbourne, p. 20.

<sup>589</sup> Department of Education and Training (2020) *LOOKOUT Centre Handbook*, p. 10.

<sup>590</sup> Ibid., p. 26; Department of Education and Training and Department of Health and Human Services (2018) [Out-of-Home Care Education Commitment](#), p. 21.

<sup>591</sup> The information provided from the LOOKOUT Partnering Agreement Semesterly Survey reflects responses received from schools and is not validated for accuracy.

*What we heard from stakeholders*

We heard that some schools were better equipped than others to support the education engagement of children and young people in care.

*Schools' awareness of out-of-home carers and children's needs has increased... many schools have made a go at it and are responding in their own ways to support children and young people in care, such as alternative learning streams in the school, one-on-one options. It's had a good impact on the approach of schools. (Education Support Worker)*

*Seventy per cent of schools are well aware, but the others I don't get a reply from. Little schools often like [regional school]. They won't acknowledge the pre-emptive work until something goes down. (LOOKOUT Learning Advisor)*

*The LOOKOUT Centres, by and large they're a good news story. They are really attempting to make a difference. But again, part of their success relies on schools nominating teachers to work with them. (Peak body)*

A common view was that schools' engagement with the Partnering Agreement varied across Victoria.

*In most instances, [schools] understand the requirements but the level of engagement with it might be the variation. Some were being extremely flexible, good at catering to individual needs and others may not have the best understanding in trauma-informed practices. (DE staff member)*

*Overall, it's a school-by-school experience regarding their understanding of the Partnering Agreement and the requirements. (Child Protection practitioner)*

*It's very much like an afterthought, this whole agreement. It's like we do what we can, but it's not ever going to be an experience that is going to be beneficial for the young person. (LOOKOUT Learning Advisor)*

One stakeholder expressed that implementing the Partnering Agreement helped schools to support children and young people in care, but schools also needed to explore holistically how they can adapt to the diverse and sometimes complex needs of their students.

*Even if the school has all the things in place like the Partnering Agreement, the staff don't really have an understanding of what it means to live in out-of-home care. What is the nature of that professional learning that is done in schools to deepen the understanding to be more responsive, inclusive and to support the child more effectively. So you go back to teacher training or ongoing professional development for all teachers. Then the next part is the lack of understanding and applying the school's policies and procedures to situations that they shouldn't be applied to. If there was that understanding, what are the adjustments that need to be made for this child. The curriculum, learning environment, assessment – how do we know this child has what they need, what we do or don't do in terms of compounding the trauma, disconnection from peers, shame etc. (CSO staff member)*

## Case study: A primary school's commitment to support children and young people in out-of-home care

A regional primary school with around 500 students had several students living in out-of-home care. The school had a strong wellbeing focus and all school staff, including those who worked in the office and the school canteen, completed the Berry Street trauma training. While the school did not receive much equity funding, it prioritised a staff member to be the school's Inclusive Education Coordinator. The school also had five or six teachers with a strong wellbeing focus who were responsible for advocating for wellbeing in their individual departments.

The school was particularly focused on the Partnering Agreement and implementing the requirements to support students in care. This was mainly the responsibility of the Inclusive Education Coordinator who supported teachers before SSGs, assisted with preparing IEPs, and documented positive practices.

The support provided by the Inclusive Education Coordinator to students in care included facilitating their involvement in SSGs, familiarising them with the process prior to meetings and offering adjustments to suit each student. They also ensured each student in care received assistance from an educational support officer in the classroom, regardless of whether the student received disability-related funding. The school also spoke about supporting students in care to transition to new schools, with staff spending time with students at the new school.

The Inclusive Education Coordinator was also in regular contact with carers, particularly older kinship carers, who needed assistance with technology and navigating service systems if they had been unable to receive that support from their case manager.

The principal told the Commission that they reflected every year on how to improve their implementation of the Agreement. They said that the school's approach was boosted by various champions in the school who were committed to supporting students in care.

The Commission heard from stakeholders that schools' engagement with the Partnering Agreement often depended on the overall culture of the school and leadership team. The Commission observed that schools with a strong wellbeing focus were better equipped and more likely to support the needs of children and young people in care.

*We work with a principal here who labels these kids as naughty. And schools hold a lot of power out here. They can make things very hard for the kids. They get very outcome driven. (Navigator staff member)*

*There are terrible schools that have a champion who makes change, sometimes it's just one person; and there are schools with a leader who drives change – you can get teachers trying their best but without the leadership being on board nothing changes and without good communication nothing filters down. (KESO)*

*We have seen principals and assistant principals who aren't trauma-informed, which influences what they can and can't do and this results in negative outcomes for children when what they need is a wellbeing approach. (Child Protection practitioner)*



### Case study: A primary school's culture of wellbeing and supporting vulnerable students

A regional primary school shared with the Commission how it used its equity funding to holistically support the education and wellbeing needs of its students. This included smaller class sizes and having an Education Support Worker in every class to support all students, not just those with disability-related funding. The school employed a psychologist who undertook cognitive assessments of students, made referrals to other services and trained teachers on alternative teaching methods. At the time of the consultation, the school was exploring the viability of a paediatrician visiting the school monthly to see students.

The school also had various programs either onsite full-time or that visited regularly, such as weekly cultural learning sessions run by the Victorian Aboriginal Child Care Agency (VACCA), the Boys to the Bush program and a therapy dog. Students also participated in a weekly emotional intelligence program.

This school was particularly attentive to the needs of their students in care and worked closely with LOOKOUT and their Learning Advisor to implement the Partnering Agreement and liaised regularly with case managers and DFFH regarding students' placements and other supports. The school supported students on modified timetables to stay at school through an individualised program to avoid additional stress on the placement and to maintain a positive connection between the student and the school.

### Enrolments and school zones

The Partnering Agreement stipulates that children and young people in out-of-home care be enrolled in school without delay. A delay of more than a day must be reported to the Department of Education's Regional Director and a delay of more than a week requires their endorsement. School enrolment is largely the responsibility of schools, although the Partnering Agreement highlights the role of several other stakeholders in ensuring that enrolments occur quickly with minimal disruptions to learning, and that children and young people in care feel welcomed into the new learning environment.

The Partnering Agreement states that while children and young people in care will generally be enrolled in the neighbourhood school, there will be times when it is in their best interests to attend another school or a Flexible Learning Option (FLO) outside their residential boundary.<sup>592</sup>

The Commission heard in consultations that the enrolment process for children and young people in care can be complex and delays were not uncommon due to schools 'pushing back' on enrolments, and inadequate information sharing between Child Protection practitioners and schools or between schools themselves. These delays result in disruptions to children and young people's learning or further disengagement for those who had experienced previous disruptions due to placement instability, exclusion from another school or involvement in the Youth Justice system.

<sup>592</sup> Department of Education and Training and Department of Health and Human Services (2018) [Out-of-Home Care Education Commitment](#), p. 16.

### What we heard from children and young people

Some young people spoke of the challenges they experienced enrolling in a new school.

*Our case worker helped me to enrol in a school. It was a really, really complicated process because we had to have my mum's consent which she couldn't give but [the case worker] worked a way around that. She was pretty motivated this worker. I don't really know exactly what she did, but she just said if we can't get in this way, we'll find another way. She spoke to a lot of principals and other case workers...Her drive was what made the difference. (Marleigh, 17, kinship care)*

*I was discouraged from enrolling into school despite me wanting to graduate from high school. It took an hour in an interview, and I did it all by myself. My AOD [alcohol and other drug] worker was my referee. Because of my background, they didn't want me there. (Nia, 19, previously foster care)*

*School zones should change as well. You can't go to a school that would be best for you because it's too far away. Even if it's a 20-minute bus ride, I would have gone to school if I had that chance with this school. (Mykel, 17, Aboriginal, Youth Justice)*

### What we heard from stakeholders

Various stakeholders said that schools sometimes resisted or created barriers to enrolments for children and young people in out-of-home care.

*A school changed their enrolment process to require the Child Protection worker and the young person to come to the school in-person to do the enrolment, which was difficult because the young person was located a few hours away. LOOKOUT got involved and addressed the issue. (Child Protection practitioner)*

*The goal of enrolling [Navigator participant] in her current school, which is what she and the care team wanted, was really challenging. I had to advocate for her to go to this school, but there was push back because of her history. There were long delays and a lot of tick boxes needed. (Navigator staff member)*

*The enrolment process sometimes is not student friendly but is service provider friendly. I have a kid in custody, we cannot facilitate face-to-face enrolment at the school, they insist on the kid being there in person. There should be some flexibility to suit these kids and their background. (Youth Justice stakeholder)*

Some indicated that in certain areas, the preference was to enrol children and young people in care at schools that were known to provide better support to children and young people in care, rather than their neighbourhood school. These views were expressed by stakeholders from across Child Protection and DFFH, and various sections of DE, including schools, LOOKOUT staff and regional departmental staff.

*Sometimes there's push back from schools – there's a small school outside of [regional town] that would frequently be asked to take out-of-home care kids because they think the school is a more suitable environment, but the school gets frustrated by the additional work. (DE regional staff member)*

*Support from LOOKOUT is phenomenal but they also take a perspective to stay away from certain schools for as long as possible to avoid negative experiences for children. (Placement Coordination Unit, DFFH)*

However, there was also recognition among stakeholders that children and young people in care were not always enrolled in schools that could best support their needs. There also appeared to be variability across schools regarding application of the school zoning policy.

*I do believe that all schools should be able to include all students regardless of their background or where they come from. At the moment, we cannot place children where we think is the best place for them. (LOOKOUT Learning Advisor)*

*Frequently, they are enrolled at a school that nobody believes they will engage with, but you know, it's the closest school. The school don't want them. But DE and DFFH think requiring schools to take kids they don't want will work. That doesn't work. (Teacher, FLO)*

*Some schools are better than others, some schools are less comfortable with supporting children in care. Zoning can be a real challenge. We had a boy who was transitioning from primary to secondary school, but he was moved into a contingency placement. This required an enrolment at another school that weren't as supportive. (Placement Coordination Unit, DFFH)*

## Learning mentors

One of the key reporting requirements for schools is the number of children and young people in care with a learning mentor. Data from 2018 to 2022 demonstrated that an average of 82 per cent of children and young people in care had been assigned a learning mentor and an average of 86 per cent of Aboriginal children and young people in care had been assigned a learning mentor.<sup>593</sup>

<sup>593</sup> Appendix: Tables 82 and 83. The information provided from the LOOKOUT Partnering Agreement Semesterly Survey reflects responses received from schools and is not validated for accuracy.

<sup>594</sup> Uniting Vic.Tas, *Submission to the Inquiry into the educational experiences of children and young people living in out-of-home care (Submission to Education inquiry)*, received 31 August 2023, p. 3.

<sup>595</sup> Ibid.

The Commission heard in consultations that some schools found it difficult to assign learning mentors due to limited resources. In preparing its submission, the Victorian Aboriginal Children and Young People's Alliance (the Alliance) surveyed ACCO staff about key elements of early childhood and school supports and found that 41 per cent of respondents were aware of the learning mentor role. The Alliance reported that many Aboriginal children and young people in care did not have a learning mentor.

### *What we heard from children and young people*

While children and young people did not refer specifically to the requirements of the Partnering Agreement, some appeared to be unaware of, or unable to, access supports in their particular school context.

*I didn't get any help. I had missed a year of school and it was really hard. We tried to get a teacher's aide but the school I went to only had teacher aides for people with disabilities. There was a lot of things going on outside of school, so I didn't ask for help. The school didn't ask enough questions I think.<sup>594</sup>*

*If someone teaches me and pushes me through it, I will actually learn. There was no one there to do that so I hated school. I was always that kid that sat in the corner cause everyone else was smarter and I was still on prep work and it wasn't my fault. I had to move schools and I have a past they wouldn't know about and it made me feel bad about myself. I couldn't help it.<sup>595</sup>*

### *What we heard from stakeholders*

Various stakeholders said that children and young people in care did not always have a learning mentor, often due to limited resourcing in schools.

*I have schools pushing back saying they can't do core things in the Partnering Agreement. They say, 'It's all well and good to have a learning mentor but we don't have the resources to do it'. I said even just a check-in daily. I gave examples for how different people can be the mentor. The principal still shut it down. (LOOKOUT Learning Advisor)*

*There should be a learning mentor for every child in out-of-home care in every school. But many don't know they have one, or don't like them. (Foster carer)*

*The learning mentor is flawed. The learning mentors are less informed. They are meant to be the supportive person for the kid... but again the learning mentor has no time and resources. (Principal, FLO)*

In some schools, the learning mentor was the child or young person's teacher and teachers sometimes nominated themselves. Some stakeholders recognised the value of a learning mentor being chosen by the child or young person, as intended under the Partnering Agreement.

*I'm reflecting every year on how we can improve. Previously with the learning mentors, teachers would come to me saying they want to be a learning mentor, whereas now I ask the children 'who is a teacher you can go to if you are worried or sad?' (Wellbeing staff, primary school)*

*Learning mentor could be anyone on the school staff – someone that the child feels comfortable with. (LOOKOUT Learning Advisor)*

## Student Support Groups

Data provided by DE demonstrated that an average of 90 per cent of enrolled children and young people in care were in an SSG from 2018 to 2022. This was slightly higher for Aboriginal children and young people in care at 93 per cent.<sup>596</sup>

The Partnering Agreement acknowledges that 'student voice in decision-making and having agency in learning is pivotal to positive academic and social outcomes'.<sup>597</sup> It states that children and young people in care should be involved in decisions that affect them, including involvement in SSGs, the ENA process, development of their IEP and the selection of the learning mentor.<sup>598</sup> Whether this occurs is not currently captured in the school survey data.

Stakeholders spoke positively about the purpose of the SSG process. It was identified as a valuable tool that seeks to identify and support the educational needs of children and young people in care. Stakeholders also advised, however, that some schools do not hold SSGs, and there was broad agreement that children and young people rarely participate in them and follow up actions do not always occur.

### *What we heard from children and young people*

A young person spoke about their experience of participating in a process that sounded similar to an SSG meeting.

*It wasn't until halfway through year 10 when they gave me a progress thing at school. I had been at that school since year 8 and that was the first time anyone had sat me down. Me, my foster family, my DHHS worker and a support teacher wrote out all the ways I wasn't doing well in school and what could be affecting that. I didn't really like it. I didn't like to talk about the things I was lacking in as it made me feel more disappointed in myself.<sup>599</sup>*

<sup>596</sup> Tables 84 and 85. The information provided from the LOOKOUT Partnering Agreement Semesterly Survey reflects responses received from schools and is not validated for accuracy.

<sup>597</sup> Department of Education and Training and Department of Health and Human Services (2018) [Out-of-Home Care Education Commitment](#), p. 13.

<sup>598</sup> Ibid.

<sup>599</sup> Uniting Care, *Submission to Education inquiry*, p. 3.

*What we heard from stakeholders*

Some stakeholders spoke positively about the SSG process, including the importance of having teachers involved and a holistic approach in the school to supporting the learning needs of children and young people in care.

*Our school has a focus on kids in care – all teachers are involved and are accountable to the needs of each child... Within the SSG, we make sure the teachers are accountable and provide feedback. (Wellbeing coordinator, secondary school)*

*The previous school was more willing and capable to support [child], making it easier for him to stay engaged and attend school. The principal made a huge difference, they were very action-driven and advocating for everyone to take shared responsibility for [child's] learning through the SSG. (Foster carer)*

A common theme among stakeholders was the lack of student participation in SSG meetings due to them not being student focused. Children and young people in care were often reluctant to attend or were not always invited to attend.

*People lose sight of who is at the end of those decisions. I don't like going to SSGs when the young person isn't there. I find a lot of people don't want to have these conversations or bring the young person in and empower their voice... but I think we should let them know 'hey we are doing this, do you want to be there? What do you want me to say?' (Navigator staff member)*

*It's a really intimidating space. I understand the need to bring people together, but the student doesn't always know everyone in the room due to staff turnover. Students don't want to have [SSG] – that's the feedback. (Wellbeing coordinator, secondary school)*

*Sitting in SSGs in the high school space, there's such a superiority complex with teachers over students; I'm older and smarter and more important than you and our kids pick up on all that nonverbal communication. (KESO)*

The Commission also received evidence about schools not holding SSG meetings when children and young people in care were doing well.

*SSGs I'm not all over to be honest, but we're in regular contact with her carer, so that communication happens naturally...I'm guilty of the formal SSG meeting not happening as often as it should. Her overall engagement in school is really good and her academic progress is fantastic. (Principal, primary school)*

In student files received from DE, the Commission identified an instance of a principal not holding SSGs because the child appeared to be doing well. However, as discussed below, the child's school absences increased over time. Despite this, no concerns were raised or interventions enacted by the school.



## Case study: A primary school not complying with the Student Support Group requirement

Bethany completed year 5 at a new primary school in 2021. She was living with her grandmother under a family reunification order due to her mother's mental health issues, history of substance dependency, and difficulty engaging with her children.

From her school reports, Bethany was characterised as an outstanding student. Teachers identified her as hardworking, well-behaved and having a wide social network.

In 2021, Bethany was absent from school for three and a half days. In 2022, her school absences significantly increased. She was absent for six days in term 1 and three days in term 2. By term 3, Bethany had fallen into the category of being at risk of chronic absence, which worsened in term 4.

At the end of the school year, Bethany's primary school reported to the local LOOKOUT Centre that it was unsure why she had been absent from school but that it might be because Bethany was spending more time with her mum, or she was anxious about the transition to secondary school.

There was no evidence on Bethany's student file that the school attempted to respond to her absences in a formal or intentional way. On the contrary, the school advised LOOKOUT that it did not think Bethany's absences were due to any issue at school because she was still connected socially and completed her work successfully in class. It also did not hold any SSG meetings for Bethany because 'she was socially and academically at or above level and progressing well'.

### Finding 26: Participation of students in care in Student Support Group meetings

The participation of children and young people in out-of-home care in Student Support Group (SSG) meetings is not monitored by DE. The Commission heard from many stakeholders that participation of children and young people in SSGs is inconsistent and not an embedded practice in many schools, and there are often limited opportunities for children and young people to express their views and inform decisions made about them.

### Recommendation 30: Ensure strengths-based student involvement in Student Support Group meetings

That DE strengthen in-school supports for children and young people in out-of-home care by reviewing the Student Support Group process to ensure that student voice is a key component of goal setting and review, and that it is strengths-based. This review should be conducted in collaboration with children and young people in care and the LOOKOUT Centres.

## Individual Education Plans

Data provided by DE indicates that from 2018 to 2022, an average of 89 per cent of children and young people in care had an Individual Education Plan (IEP). In the same period, 94 per cent of Aboriginal children and young people had an IEP.<sup>600</sup>

In consultations, there was broad recognition of the importance of IEPs, although some suggested they are not being used by schools as intended. The Victorian Aboriginal Child Care Agency (VACCA) highlighted in its submission that it observed a lack of follow up and implementation of IEPs, especially when children and young people were at risk of disengagement.<sup>601</sup> Similarly, the Alliance indicated in its submission that there was mixed practice in the development of IEPs in schools, with carers, case managers and students not always involved in developing them.

### What we heard from children and young people

One young person spoke to the Commission about the development of their IEP.

*Schools only had to do a mandatory education plan. They only did it because they had to do it. It's hard being in a room when they try to talk with you about it. I told them I'd never seen it before. I said 'you never talked to me about this'. They didn't do anything with me more than what they had to do. (McKenzie, residential care)*

### What we heard from stakeholders

There was a concern among some stakeholders that schools were unsure about what should be included in IEPs or their obligation to develop one for every child and young person in care enrolled at their school.

*IEPs – we're still unclear about what type of goals should be in these – academic, wellbeing. Some of the kids don't need them, especially those in stable placements. (Principal, primary school)*

*This student attended school regularly but was uncomfortable with participating in the formal meetings. They did not want to attend the meeting to contribute to the IEP process. The IEP was not completed by the school, because 'the student voice' was not heard. There was no problem solving or commitment to hearing the student voice in other ways. (Victorian Aboriginal and Young People's Alliance)<sup>602</sup>*

*I think schools even struggle to know what an IEP needs to look like. That is where sometimes I go in and support that. It's not wielding a big stick, but it's about what it could look like, who the contact person will be. (Health and Education Coordinator)*

Several stakeholders advised that IEPs are not fit for purpose and lacked focus on personalised and achievable goals for children and young people.

*IEPs used to be about education and learning, about literacy and numeracy. Now they've diluted them to be about behaviour-based things. They're all about what the student has to do rather than what the school does for them. (KESO)*

*IEPs are focused on attendance rather than goals. Why do [students] bother? What sense of achievement do they have at the end of their day? It's just a tick box. (LOOKOUT Learning Advisor)*

<sup>600</sup> Appendix: Tables 86 and 87. The information provided from the LOOKOUT Partnering Agreement Semesterly Survey reflects responses received from schools and is not validated for accuracy.

<sup>601</sup> VACCA, *Submission to Education inquiry*, p. 17.

<sup>602</sup> Victorian Aboriginal and Young People's Alliance, *Submission to Education inquiry*, received 30 August 2022, p. 10.

*Time and time again these kids articulate aspirations but there is nothing in our framework to support that attainment. I would really like people to talk with kids about their IEP. They are a system serving tool and it should be a tool. But don't make it the only thing when the kid has no idea it's even a thing. (Principal, FLO)*

### **Finding 27: Schools' compliance with the *Out-of-Home Care Education Commitment***

The Commission heard about examples of individual schools with strong commitment to meaningfully engage students in out-of-home care. However, overall compliance by government schools with the *Out-of-Home Care Education Commitment* is inconsistent across Victoria, resulting in significant variability in the support provided to children and young people in care.

## **Cultural plans**

Cultural plans for Aboriginal children and young people in care are intended to inform their IEP. It is the responsibility of a child or young person's case manager to provide schools and SSGs with relevant information about the cultural plan. According to the Agreements, relevant information may include:

- *where the child is from* (cultural identity - clan/nation, language group, totem, traditional land or water)
- what the child would like to learn about and connect with (cultural aspirations)
- how the care team and other important people in the child's life are keeping them connected
- any goals, tasks, information about responsibility, timing and frequency.<sup>603</sup>

Data from DE shows that in 2021 and 2022, schools

had a cultural plan for 49 per cent of Aboriginal students in care.<sup>604</sup> The Commission considers this to be concerningly low.

### *What we heard from stakeholders*

Some stakeholders indicated that Aboriginal children and young people in care did not always have a cultural plan, or the plans were not shared with schools.

*[Child] has a cultural plan, but I've never seen it. (Foster carer)*

*There's still a real lack of understanding about the cultural plans. I believe it's still a box ticking exercise. (Assistant principal, primary school)*

*Six of our children in care are Aboriginal and their cultural plans can be difficult to obtain or be completed. And they are not always useful documents. (Assistant principal, primary school)*

### *Ensuring cultural plans are shared with education settings*

Chapter 5 discussed the need for more investment to ensure the timely completion and ongoing implementation of quality cultural plans for children and young people in care. In the education context, as reflected in the schools' survey data, cultural plans are not consistently shared with schools and early childhood education centres.

<sup>603</sup> Department of Education and Training and Department of Health and Human Services (2018) [Out-of-Home Care Education Commitment](#), p. 31; Department of Education and Training and Department of Health and Human Services (2019) *Early Childhood Agreement for Children in Out-of-Home Care*, p. 37.

<sup>604</sup> Appendix: Table 88.

The Commission understands that because cultural plans are confidential and include sensitive information about the child or young person, some Child Protection practitioners, ACCOs, case managers and care teams are not clear about what information can be shared with education settings. This is despite the Agreements containing information about what can be shared and indicating that case managers should ‘provide relevant information from the cultural plans, or related information to schools’. DFFH advises that, despite these provisions, clarity is required about the process of seeking consent to share information in the cultural plan and about what types of information can be shared.

The Commission also heard about practices employed by Koorie Cultural Advisors to support greater sharing of cultural plans with education settings. This includes pre-populating plans with comprehensive and accurate information about Aboriginal communities, depending on where the child or young person is from, which can then be shared with education settings.

Issues regarding the completion, quality and implementation of cultural plans was discussed at length in the Commission’s *Our youth, our way* inquiry. A key concern was the duplication of plans when Aboriginal children and young people are in the youth justice and child protection systems, with both systems requiring children and young people to have a cultural plan. We suggested in that inquiry that ‘a single, high-quality cultural plan should follow each Aboriginal child and be shared (with consent) between relevant departments’<sup>605</sup> and recommended:

That DJCS, DFFH and DET work together and with Aboriginal organisations to develop protocols for the sharing of cultural support plans with the young person’s consent. An Aboriginal child or young person should only have one cultural support plan across all agencies.<sup>606</sup>

The Commission understands a project is underway to address this recommendation and should contribute in some way to enhancing Child Protection practitioners’ and other case managers’ understanding about what can be shared with education settings. The Commission also considers this issue should be addressed by the Partnering Agreements’ governance group, with the LOOKOUT Centres and the Wungurilwil Gaggapduir working group,<sup>607</sup> to ensure that Aboriginal children and young people’s IEPs and their education experiences can be enriched with links to their culture in their learning, their cultural aspirations, cultural supports in education settings, and a greater sense of belonging.

### Recommendation 31: Require that cultural plans inform Individual Education Plans

That DE, DFFH and partners of the Wungurilwil Gaggapduir working group strengthen the requirements in the *Out-of-Home Care Education Commitment* for relevant information from Aboriginal students’ cultural plans to be shared by care teams and case managers with education settings to inform their Individual Education Plan and cultural connections in schools and early childhood education centres.

<sup>605</sup> Commission for Children and Young People, *Our youth, our way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system*, Commission for Children and Young People, Melbourne, 2021, p. 282.

<sup>606</sup> *Ibid.*, p. 283.

<sup>607</sup> DFFH works closely with the Wungurilwil Gaggapduir objective one working group, which approves and decides changes to the Cultural Plan policy and practice. Information provided by DFFH to the Commission on 26 September 2023.

## Educational Needs Analysis

DE's Student Support Services (SSS) teams are responsible for developing an Education Needs Analysis (ENA) for children and young people in care enrolled in government schools. However, we heard extensively that due to resourcing limitations in SSS teams, ENAs are often conducted by external organisations. The Health and Education Assessment Coordinators (HEAC) in DFFH are involved in organising ENAs for children and young people living in residential care who are not enrolled in or regularly attending school.<sup>608</sup> The HEACs draw on education brokerage funding from DFFH to complete ENAs.<sup>609</sup> The Commission heard several examples of HEACs and the LOOKOUT Centres collaborating to provide children and young people with timely access to ENAs and offering guidance to schools on how to apply ENA recommendations to support the child or young person in question.

The completion of ENAs for children and young people in care is an area of concern, with data demonstrating that from 2019 to 2022, an average of 30 per cent of eligible students in care had a completed ENA per year.<sup>610</sup> This figure was slightly higher for Aboriginal children and young people in care at 32 per cent.<sup>611</sup>

### What we heard from stakeholders

Various stakeholders advised the Commission of lengthy delays in having ENAs completed.

*ENAs can take up to a year. (Assistant principal, secondary school)*

*DET have done at least two SSS reviews – they don't get it! The bulk of people in SSS want to make a difference but they're not resourced properly and it's not a well-paid workforce. ENAs are done in their spare time. It should stay with the allied health workforce to bring that lens to education. (LOOKOUT Learning Advisor)*

*We're mandated to do ENA referrals, but they just sit there and they're not getting done. How do we implement strategies for the child without them? (Wellbeing staff, secondary school)*

Some stakeholders indicated that in response to these delays, some ENAs were conducted externally, which was costly. Although several stakeholders discussed that with more funding, this was a viable option.

*In our area you do them externally or you don't get them done. (Health and Education Coordinator)*

*If we are referring externally, there are people we have linked in with over the state, but our hands are tied with the funding we receive from central office. I could probably contract one of our services to do 30-40 ENAs a year but we only have enough money to do ten. (Health and Education Coordinator)*

*The ENAs I've read by external organisations are very very good. I think there is room to employ someone to do it and it would be cheaper. (LOOKOUT Learning Advisor)*

<sup>608</sup> Department of Education and Training (2020) *LOOKOUT Centre Handbook*, p. 26.

<sup>609</sup> *Ibid.*, p. 29.

<sup>610</sup> Appendix: Table 89. The 2018 data does not differentiate between ENA commencement and ENA completion. An ENA is required for every student who has been in out-of-home care for three months

<sup>611</sup> Appendix: Table 90. The information provided from the LOOKOUT Partnering Agreement Semesterly Survey reflects responses received from schools and is not validated for accuracy.



The Commission was advised of the HEACs' role in organising ENAs for children and young people in residential care, particularly those who are disengaged from education.

*Normally ENAs are done through the SSS team. But because our kids are disengaged we receive funding to have them done externally. Technically we are supposed to prioritise those kids who are disengaged from school, however, if I can get one done for any of our kids, I just do it. The SSS teams are stretched. The responsibility sits with DE to ensure every kid in care has an ENA, but in the spirit of goodwill, we have funding to provide this extra support. In my case, I consult with the LOOKOUT team to identify those [children and young people] who are a priority. (Health and Education Coordinator)*

Another concern raised by stakeholders was that, even if an ENA is completed, they are not always used and schools receive limited support to assist them to implement the ENA recommendations.

*There's limited information sharing with the actual teacher, for example it took us three months to have a school accept a child because they'd heard terrible things from the previous school. We were insisting that the ENA be shared with the child's teacher, and we asked for six months to have a session with a school to provide a presentation. Once we provided it, the teacher said how powerful it was. They'd had a challenging time with the child because of what they'd heard but they were then able to connect emotionally with them. Their relationship changed and the child started to thrive. (Health and Education Coordinator)*

Several HEACs advised that ENA referrals should occur prior to children and young people being in care for three months.

*I would like to see an ENA referred and done immediately. We can then be more proactive and identify [children and young people's] strengths. (Health and Education Coordinator)*

*We have a young person in [regional town] with a significant trauma history and she's displaying all the behaviours in the classroom. You can understand why. She came in and did an ENA and she finally felt heard. The way the school acts when you talk about her, they roll their eyes you know. (Navigator staff member)*

*There should be an immediate notification to SSS, as this will speed up the process for having an ENA done. (Health and Education Coordinator)*

*One of the things about doing an ENA for our kids in resi, it's about capturing their voice and them being the focus. But quite often they do all these assessments, and no one gives them any feedback about what the outcome was...We have this amazing practitioner who insists on meeting with the young person again and talking to them about what the outcomes are and helping them to understand how they learn. I also get the psych to present the ENA to the care team, and to the school so they can ask questions. And it absolutely informs the IEP – they cost so much money; we do not want them to just sit there. (Health and Education Coordinator)*

*It really should be an automatic process when a kid goes into out-of-home care, that it's flagged to SSS. It would start the process so much earlier than what it is now. (Health and Education Coordinator)*

## Finding 28: Educational Needs Analysis

**The Educational Needs Analysis (ENA) is a critical component of the *Out-of-Home Care Education Commitment*, yet from 2019 to 2021 less than a third of eligible children and young people in care received one. DE's current approach to completing ENAs and implementing ENA recommendations in schools is inadequate and requires urgent attention.**

### Review the Educational Needs Analysis process

The Commission acknowledges the significant value of the ENA process. These assessments are highly valued by sections of DE and DFFH, yet the overall process requires significant improvement to ensure children and young people receive the assistance they need in a timely way. Data provided by DE to the Commission for this inquiry demonstrates that children and young people in care are not progressing through their education in the same way as their peers. It is therefore disappointing that wait times for ENAs are lengthy and ENA recommendations are not consistently being implemented by schools.

The Commission considers that an ENA should be completed soon after and no later than 90 days after a child or young person enters the out-of-home care system. This could inform whether a child or young person needs one-on-one education support, as discussed in Chapter 12, while also supporting them at school.

Further, the Commission heard in consultations that some children and young people may require additional behaviour assessments, such as a Functional Behaviour Assessment (FBA), if their behaviour is impacting their learning. These types of assessments collect information about the student and their behaviour, and detail strategies to support the student to participate in learning and improve how they communicate their needs.<sup>612</sup> The option of

funding additional appropriate behaviour assessments if needed for children and young people in care should be incorporated into the broader ENA process.

In August 2023, the Victorian Government announced additional investments to boost education supports for students in care. This includes reviewing the current ENA model and expanding the delivery of ENA to students in care.<sup>613</sup>

## Recommendation 32: Review Educational Needs Analysis model

**That as part of the review of the Educational Needs Analysis (ENA) model, DE and DFFH review the ENA assessment process and resourcing for primary, secondary and specialist school students to ensure:**

- **children and young people undergo an assessment soon after and no later than 90 days from when they enter out-of-home care to determine their educational needs and whether they require additional one-on-one support**
- **schools receive financial support to implement ENA recommendations for any enrolled children and young people in care**
- **additional funding is provided for appropriate behaviour assessments as required.**

<sup>612</sup> Ahlgren-Berg A and Leif E (2019) [How to find the underlying reasons for challenging behaviour with functional behaviour assessment](#), accessed 9 July 2023.

<sup>613</sup> Information provided by DE to the Commission on 3 October 2023.

## Designated Teachers

The Partnering Agreement requires schools to assign a teaching staff member as the 'Designated Teacher'. Designated Teachers are intended to be the main conduit between LOOKOUT Centres and schools and to support schools to implement the Partnering Agreement requirements. Key responsibilities of Designated Teachers include:

- promoting a culture of high expectations and aspirations for students in care
- having oversight of IEPs to ensure they are of high quality and regularly updated
- ensuring that SSGs are established and meet at least once a term
- ensuring students have a learning mentor
- ensuring carers understand the importance of supporting learning at home
- promoting the implementation of all school-related elements of the Partnering Agreement
- ensuring KESOs are invited to the first SSG for Aboriginal students in out-of-home care and that the KESO continues to receive information from the SSG.<sup>614</sup>

In consultations, the Commission heard that Designated Teachers can play a significant role in schools and, when they work well, improve schools' responses to students in care and reduce the need for LOOKOUT to intervene. However, a commonly raised concern was that the responsibilities result in unmanageable workloads for Designated Teachers as they are expected to undertake the functions in addition to their usual workload. Stakeholders indicated that this also depends on how the role is implemented in schools and the number of children and young people in care enrolled.

### What we heard from stakeholders

There was a view among stakeholders that the role deserved greater recognition and remuneration.

*Designated Teachers don't get paid any more to do that role, and they don't get more time to do the role. Often they have no leadership support. I'd love to see a school like [secondary school] have a Designated Teacher that is paid to do just that. The resourcing in schools — I've got one teacher in a regional college at the moment, she manages Disability Inclusion, the Partnering Agreement and has a full-time teaching role on top of that. (LOOKOUT Learning Advisor)*

*We need to elevate the Designated Teacher role with more pay and specific training, to advocate for the child in the school space. The Designated Teacher is in name only. (FLO Educator)*

*The very fact that it's not an additional resource diminishes the purpose of that role. (Education Support Worker)*

A Child Protection practitioner also spoke of their experiences of working with Designated Teachers and reflected on their limited understanding of the out-of-home care system and limited capacity to fulfill the role.

*I get calls every week from Designated Teachers seeking advice because they actually don't know anything about the system or feel like they have the tools to navigate it. These people are so stretched already, they are teachers or principals. I can tell you that it's good in theory but the practice of it means the role doesn't do what it is designed to, because it can't. (Child Protection practitioner)*

614 Acil Allen Consulting, *Report to the Department of Education and Training Evaluation of the LOOKOUT Centres*, p. 5.

## Finding 29: Designated Teachers

**The capacity of Designated Teachers to effectively fulfil their responsibilities under the *Out-of-Home Care Education Commitment* is undermined by the limited time that school staff can allocate to the role.**

### Strengthening the Designated Teacher role in schools

Despite the existing limitations to the Designated Teacher role, the Commission heard that it is an important component of the Partnering Agreement and should be strengthened in schools. The Commission considers the role should be reviewed to explore common barriers to its effectiveness in schools and identify ways to elevate its purpose.

LOOKOUT staff spoke to the Commission about ways the Designated Teacher role could be enhanced. Some staff discussed the benefit of creating a network of Designated Teachers across Victoria. This had been the intention when the LOOKOUT model was first established but became challenging during COVID-19 and the associated lockdowns.

*I think the Designated Teacher is one of the big pluses of LOOKOUT. When we first started, it was a major part of the model...[There's] potential to create an enormous network across the state, not just school-to-school, but region-to-region and LOOKOUT being the connectors. Where it works well, we have Designated Teachers talking to Designated Teachers. When a student transitions to a new school, the Designated Teacher passes on information – they get the IEP, the goal setting and the next school can hit the ground running...it's then a decrease in time we spend to getting the student back on the ground running...When it works, everyone benefits. (LOOKOUT Learning Advisor)*

In consultations with school staff, the Commission observed that Designated Teachers were not always teachers. Some were embedded in school leadership teams and others were part of the wellbeing team. This was also highlighted by LOOKOUT staff.

*Some of the really good Designated Teachers aren't actually teachers... there are some Education Support Workers who are phenomenal in the role. (LOOKOUT Learning Advisor)*

*If it's a small school often the principal is a Designated Teacher and that works really well. (LOOKOUT Learning Advisor)*

*The original idea was for it to be a teacher to have oversight of the education plans etc, but we had schools sending chaplains along because they associate better with this view that LOOKOUT has a health and wellbeing oversight to education...And the wellbeing coordinators just get handed everything. (LOOKOUT Learning Advisor)*

The consensus among the LOOKOUT staff we consulted with was that the Designated Teacher should be someone with influence in the school, not necessarily a teacher, although a leading teacher or specialist was identified as a viable option.

*For me, the way it ran in the school I was in, it was a role of responsibility. I was a leading teacher and had that responsibility, so it was a lot...When you're in the space and understand the space, but you aren't in a position of power within the school, there is the internal barrier with leadership who may want to exclude a child...We need to increase the power of the Designated Teacher through a specialist role or leadership role. (LOOKOUT Learning Advisor)*

The Commission also notes that in its consultations with children and young people in care, there was no mention of Designated Teachers in schools. Some, when asked, indicated they had never heard of the role. While it is not always necessary for the Designated Teacher to liaise directly with children and young people in care, it is important for these students to be aware of the supports specifically available to them in schools. They should also feel comfortable to advocate for themselves and liaise with school staff, including the Designated Teacher, if issues arise. Raising awareness of the Designated Teacher role among children and young people in care should also be considered as part of the review.

### Recommendation 33: Review and strengthen the Designated Teacher role

That DE, in collaboration with the LOOKOUT Centres, conduct a review of the Designated Teacher role to strengthen capacity to effectively fulfil the role's functions under the *Out-of-Home Care Education Commitment (Partnering Agreement)*. The review should consider:

- which positions in schools should be assigned the Designated Teacher role and what time allowance should be provided to undertake the role's functions
- improving awareness of the role and its purpose among children and young people in out-of-home care to enhance their understanding of the Partnering Agreement and the supports available to them in schools
- any necessary improvements to the Designated Teacher training
- options to build a network of Designated Teachers and communities of practice.

## Information sharing to support school enrolments

The appropriate collection and sharing of information about children and young people in out-of-home care among relevant stakeholders is critical to early childhood education and school enrolment processes. Information sharing is also critical to transition planning when children and young people in care move between early childhood education services and schools and when transitioning from kindergarten to primary school and primary school to secondary school. The Partnering Agreement outlines that the timely and accurate transfer of updated student data and information from primary school to secondary school 'is possibly the most important component for a successful transition'.<sup>615</sup>

Both the Early Childhood Agreement and the Partnering Agreement refer to the *Child Information Sharing Scheme (CISS)* as a mechanism for authorised professionals to share information to promote children's wellbeing and safety. The Agreements outline key responsibilities of early childhood education services, schools, case managers, care managers and carers, in sharing relevant and updated information with one another. In the Partnering Agreement, case managers are required to provide relevant and up-to-date information about a student's circumstances and care arrangements (including carer authorisations) to the school principal and LOOKOUT Centre principal upon enrolment. They are also required to advise of the Aboriginal status of children and young people in care and update information on an ongoing basis when circumstances change.<sup>616</sup>

In an update for this inquiry, DE advised that the CISS can be used by schools, long-day care centres and department delivered and funded services that support children and young people in care, including the LOOKOUT Centres and Child Protection. DE also advised that there are various other information sharing arrangements that predate the CISS and which are intended to enable effective information sharing to support children and young people in care:

<sup>615</sup> Department of Education and Training and Department of Health and Human Services (2018) [Out-of-Home Care Education Commitment](#), p. 35.

<sup>616</sup> *Ibid.*, p. 17.



Either by virtue of the *Children, Youth and Families Act 2005* or the *Privacy and Data Protection Act 2014*, a DFFH appointed worker or carer will be formally or by circumstance, legally authorised to receive relevant personal information about the child. Relevant DET policy, Schools' Privacy Policy and the Department's policy on Requests for Information about Students set out that parents and carers are ordinarily entitled to receive enrolment information and 'school reports and other school communications ordinarily provided to parents'.<sup>617</sup>

Despite the CISS and other information sharing provisions, the Commission heard extensively from stakeholders that a lack of information sharing, particularly from Child Protection practitioners to schools, at times prevented the smooth transition to a new education setting for children and young people in care.

#### *What we heard from stakeholders*

Several schools told the Commission about the challenges of obtaining relevant information about children and young people in care upon their enrolment.

*It can take weeks to get a response from Child Protection regarding a young person's background when they're first enrolled. Meanwhile they're placed in a mainstream school and the system is setting them up to fail. We had a kid placed in care from a different region and we called to get information and they didn't know anything. The young person is just plonked in [regional town] and enrolled into the closest zoned school. But is this the best option for them? Another example was a young person who was enrolled, and they had witnessed their mother stab their father. He was enrolled by the Child Protection worker who was unaware of this. We were given no information; we didn't know where he was living. Meanwhile he's not coping, and we don't have any idea of what supports have been in place for him previously. (Principal, secondary school)*

*We find things out way too late! But when you have the right information and the people to contact, we have all the supports in place in the education setting – it can be really successful. But if it's rushed or we don't have the right information, it's not going to work, and it falls over really fast. (Principal, primary school)*

*Getting information is the difficult bit. Figuring out who their Child Protection practitioner is, who the agency is, do they have an ENA, any assessments. The collection of information is really challenging. I think in this day and age, the education system should be much better at that... Sometimes you get information about students, and you really should have had it from the get-go. (Wellbeing staff member, secondary school)*

Stakeholders also advised of Child Protection not providing early childhood education services and schools with information about children and young people's court orders.

*We have a Partnering Agreement with DFFH – we are not notified when kids are placed in care. We usually find out from the child, or they disappear. We are not provided with copies of orders, we are not aware of when access visits are planned so we can't support [students] before or after. (Wellbeing staff member, secondary school)*

*Schools have a lot of confusion around court orders, who the legal guardian is and who has responsibility. Schools aren't informed when orders change. There is no system in place for that to occur. (LOOKOUT Learning Advisor)*

<sup>617</sup> Information provided from DE to the Commission dated 8 December 2022.

*Getting the paperwork is really challenging. Where's the paperwork, the birth certificate, the continuity. There is no clear guidance as to who is responsible for different paperwork. Schools need copies of the order but some DFFH staff ask why do they need it. Out of ten kids, you might get one or two orders. (Assistant principal, primary school)*

The Commission heard that early childhood education services and schools are not always provided with information about consent authorisations for children and young people to attend incursions, excursions and other activities.

*From the child's perspective, because we don't get the paperwork, it's sad when you come to kinder, and you can't go on the excursion because we don't know who the guardian is. That pisses me off. That is a basic right. It's really impactful for these kids. (Early years' service manager, local council)*

*Carers can be provided with authority to approve things but sometimes this can be lost in translation and there's this perception that Child Protection needs to approve camps and excursions, so we need to have more conversations with schools to clarify. (Child Protection practitioner)*

*No consistency regarding sharing of information about children by Child Protection and LOOKOUT is doing a lot of grunt work in this space. For example, children are missing out on experiences because forms are sent to Child Protection rather than carers and it takes too long to authorise. This should be streamlined in the case management process. (LOOKOUT Learning Advisor)*

### **Case study: The case for comprehensive enrolment processes to contribute to students in care having a positive start to school**

A boy living in residential care was enrolled in a new school in year 6 by the residential unit worker, however, none of his history was provided to the school. The boy had a terrible start, and the school went into lockdown due to him having a weapon. The school called the police and ambulance in response, and the child was sedated and taken to hospital.

The child was then enrolled in a different school and the care team and LOOKOUT staff implemented a planned and collaborative transition strategy. The boy started attending one hour a day and over time he transitioned to full time hours. He is now happy to be at school and is participating in school activities. According to the LOOKOUT Learning Advisor, this positive outcome was due to the planned approach and the school having the relevant information prior to him starting, which ensured he was properly supported from day one.

The Commission notes the work done to date on the development and roll-out of the Child Link Register, which will allow data from existing systems and services to form a single and aggregated source of information about a child and their engagement in services including education.<sup>618</sup> The Commission will continue to monitor the progressive roll-out of Child Link and the practice changes that will also be necessary to ensure that all relevant information about a student is made available as part of school transitions and enrolments.

<sup>618</sup> Information provided by DFFH to the Commission on 26 September 2023.

### **Finding 30: Information sharing during enrolment processes**

**The Commission heard that inconsistent information sharing during enrolment processes by Child Protection practitioners to education settings sometimes limits the types of support provided to children and young people in out-of-home care in those environments, and adversely impacts their experiences of education.**

As recommended in Chapter 5, the Commission considers there is a need for DFFH to strengthen Child Protection practitioners' capacity to meet their obligations under the Agreements.

#### **Good practice examples**

The Commission also heard about practices employed by early childhood education services, schools and case managers to facilitate smooth enrolments and transitions for children and young people in care through effective information sharing and other processes. A common example was a meeting prior to the child or young person starting at the new school, involving the school principal and sometimes other wellbeing-related staff, a Child Protection worker or case manager and LOOKOUT. In some instances, schools had wellbeing staff present at the enrolment meeting with the child or young person. We also observed LOOKOUT teams partnering with HEACs and other relevant partners to establish enrolment processes and protocols to build the capacity of schools and Child Protection in specific regions. As these were localised strategies, they were not implemented across the state. They should be.

#### *What we heard from stakeholders*

The Commission heard from LOOKOUT Learning Advisors about some of their work to support children to effectively transition from kindergarten to primary school.

*The transition from kinder to primary school starts in term 2 for an extended transition time, which involves a transitional plan and regular meetings with the school. Some schools are really proactive, especially in smaller communities. (LOOKOUT Early Learning Advisor)*

*We have an early ENA project, it's the third year of a statewide pilot. We use the ENA to support children's transition from kinder to school, which is building relationships between the care sector and the schools. Our project looks at the 12 most vulnerable kids transitioning to school. We have a Program Support Group in the kinder space, including a term four meeting with all key stakeholders including the carer. The clinician presents the ENA to the care team in plain English, and we also encourage the classroom teacher to be there...We're taking the guess work out to assist everyone to support the child's transition to school. (LOOKOUT Learning Advisor)*

Several stakeholders, including schools, provided examples of positive enrolment processes for children and young people in care.

*There are some schools and some Child Protection teams that do it better than others...Some have innovative approaches; they work with the care team and LOOKOUT and placement provider. It really comes down to the individual Child Protection practitioner and also the school and their understanding and empathy working with kids' complexities, especially those in residential care. (Health and Education Coordinator)*

*We had a young person transitioning from year 6 to year 7 and VACCA, LOOKOUT, SSS and the principals were all very involved and it worked out well. We want to be preventative rather than reactive but it's difficult without having any background information. (Assistant principal, secondary school)*

*If we get the notice from DFFH or [funded agency], being able to receive a handover from the previous school is useful, especially if it's a kid we know has experienced trauma. We will know there are things we can put in place for them. (Wellbeing coordinator, secondary school)*

In one region, an enrolment protocol was initiated by DE and DFFH area directors, requiring strong collaboration from LOOKOUT, schools and Child Protection practitioners. There was strong support for the protocol among some of the schools we consulted with and recognition that it improved a child or young person's start at their new school.

*The enrolment protocol is the ideal time for critical exchange of the information before a student starts at the school. It's to minimise fallout when schools have students start without any relevant information...Otherwise LOOKOUT is called at a crisis point and there's already some relational downfall between the student and the school. But this is minimised when these meetings occur. (LOOKOUT Learning Advisor)*

*Care team meeting prior to enrolment of child in school – we meet with previous school and stakeholders around the child, and then we meet with their teachers. The placement is stronger, school experience is better, operational practices are ready to go. There are no delays in children starting school. They don't allow children to start without that meeting, even with pressure from Child Protection. (Wellbeing coordinator, primary school)*

In another region, LOOKOUT and the HEACs created a resource for primary schools about living in residential care. The resource included a meeting template with questions for schools to ask case managers during the enrolment process. In addition to assisting schools, the intention of the resource was also to help build Child Protection's capacity to attend these meetings without LOOKOUT's involvement.

*We developed a resource guide for when primary schools receive an enrolment for a child in residential care. It includes templates with prompting questions for schools to ask. Primary schools are finding it really tricky, they aren't used to having to deal with a rotating roster of carers, and the volume of professionals involved with young people. (LOOKOUT Learning Advisor)*

### **Finding 31: Collaboration between LOOKOUT Centres and Health and Education Assessment Coordinators**

**Strong collaboration between LOOKOUT Centres and Health and Education Assessment Coordinators has resulted in effective enrolment protocols and consistent information sharing practices between schools and Child Protection in some areas of Victoria.**

### **Recommendation 34: Review school enrolment process for children and young people in out-of-home care**

**That DE and DFFH, through LOOKOUT Centres, review current enrolment processes and develop a best practice tool for use across Victoria to ensure that children and young people in out-of-home care receive the appropriate supports when starting at a new school.**

#### **Record keeping practices in schools**

A centralised record keeping system can facilitate the sharing of information and allow teachers and other professionals to understand a child or young person's educational history. This is especially important for students who are engaging with a wide range of professionals and frequently changing schools. As the Partnering Agreement requires a range of information sharing activities be completed, it seems critical to have a platform to store and support information sharing.

DE advised the Commission that it does not have a centralised system for storing student files and that schools are responsible for managing student records, including storage, access, sharing and destruction.<sup>619</sup> While DE provides guidance to schools on record management, there is no oversight of schools' record keeping practices. As a result of the significant variability in school record keeping, the Commission was unable to conduct a comparative file review of students in care for this inquiry, as discussed in Chapter 1.

DE also advised that different components of student information are recorded by schools in different data systems, which prevents streamlined information sharing between schools. While some general information is recorded through CASES21,<sup>620</sup> the system cannot store the information required by the Partnering Agreement, such as IEPs, ENAs and SSG minutes, nor any other assessments or information relevant to students' education, wellbeing and continued engagement. This information is recorded on third-party provider systems. Another example of related student data shared on separate systems are suspensions and expulsions, with suspensions recorded on CASES21 and expulsions recorded on a third-party provider system. None of these systems can be integrated, again making it difficult for student information to be readily accessed if students change schools.

The Commission also understands that CASES21 cannot be integrated with DFFH's *Client Relationship Information System (CRIS)*. This is the system where all information relating to children and young people living in out-of-home care is held and updated when their circumstances, such as their placement or carer, change. Child Protection practitioners are required to update schools when a child or young person's details change, and this is then entered manually into CASES21 by school staff. The Commission heard from stakeholders that this information is not always provided by Child Protection practitioners.

DE advised that it is in the process of finalising a centralised database, Student Insight, which has been in development for five years and which is intended to replace CASES21. The database is currently being trialled with information relating to children and young people in care, with each profile detailing where they are enrolled and their care arrangements. Student Insight will be expanded to record other relevant information and will eventually track students' education, from kindergarten to secondary school.

<sup>619</sup> Department of Education (2023) [Records Management – School Records](#), accessed 30 May 2023.

<sup>620</sup> Including enrolment data; attendances and absences; health and wellbeing information; student specific discipline, merit, and behaviours, including expulsion and suspension actions; school or student incidents or activities and recording of consent; student and family profile information.



Due to budgetary constraints, DE is conducting a staged implementation of Student Insight, and once finalised, Victorian public schools will be subject to universal record keeping requirements and information sharing processes. In the meantime, transfer of student information is the responsibility of individual schools. Guidance from DE stipulates that 'schools should transfer any information that may assist the new school to promote the wellbeing or safety of children'.<sup>621</sup> The Partnering Agreement states that schools should contact the student's early childhood education service or previous school to ensure all relevant information is transferred.<sup>622</sup> Despite this guidance, the variance in record keeping practices means that records can be difficult to locate and are frequently not provided.

### Finding 32: Student record keeping systems

**Current student record keeping systems and practices in Victorian Government schools mean that critical information about the educational needs of children and young people in out-of-home care is not always available or shared between services or schools.**

### Recommendation 35: Consider integrating digital information systems about children and young people in out-of-home care

**That DE and DFFH assess the feasibility of integrating Student Insight and the Client Relationship Information System to ensure government schools receive real time information about the care arrangements for children and young people in out-of-home care.**

### Recommendation 36: Expedite the roll-out of Student Insight

**That DE resource and expedite the roll-out of Student Insight, and ensure that the system stores all information relevant to student learning and appropriate oversight of record keeping and information sharing.**

### Governance and oversight

The Early Childhood Agreement and the Partnering Agreement reflect a collaborative approach to the educational and wellbeing outcomes of children and young people in out-of-home care. The Agreements are overseen by the same governance structure, which comprises the following three layers:

- The Partners Governance Group – a statewide forum for all signatories to the Agreements to discuss joint issues and drive implementation of policies, programs, practice and advice that support the educational, health and wellbeing outcomes of children in care. The Partners Governance Group's role is to oversee and steer implementation of the Agreements, monitor shared and individual implementation accountabilities, authorise systems development and strategies to improve participation in education and early childhood services, and identify resources as required. Its membership comprises executive directors and directors of various program areas in DE, DFFH and DH, and chief executive officers of other partner organisations. It meets every six months.

<sup>621</sup> Department of Education (2023) [Enrolment: Student transfers between schools](#), accessed 30 May 2023.

<sup>622</sup> Department of Education and Training and Department of Health and Human Services (2018) [Out-of-Home Care Education Commitment](#), p. 16.

- The Departmental Governance Group – a statewide forum for DE, DFFH, and DH to provide updates on policy and implementation of the Agreements and to provide a forum to raise, discuss and support resolution of issues including, among other things, escalating systemic concerns from operational divisions, stakeholder engagement and risk management, and identifying areas for future collaboration. Its membership comprises departmental directors of relevant program areas and a LOOKOUT principal. It meets every six months.
- The LOOKOUT Partner Agency Governance Group – a statewide forum for collaboration between the key partners to discuss issues related to the partner agency positions funded to support the LOOKOUT program and progress work related to the Agreements. Its membership comprises directors and senior staff from DE and DFFH, including a LOOKOUT principal, and representatives of the Centre for Excellence in Child and Family Welfare, the Victorian Aboriginal Child Care Agency and the Victorian Aboriginal Children and Young People’s Alliance. It meets once a term.

The Commission heard throughout consultations that the Partnering Agreement was first developed following recognition by past departmental secretaries of the need to improve the educational outcomes of children and young people in care. Stakeholders indicated that the Agreements currently receive broad support in the departments, as reflected by this governance structure. However, secretaries and deputy secretaries are not part of the current governance structure, nor are regional directors despite the LOOKOUT Centres sitting in regional offices.

DE is responsible for all data analysis and reporting to the governance groups. The data reports combine government schools’ compliance data with other education-related data, such as attendance and absence rates, suspensions and expulsions, and achievement and wellbeing measures. These are produced twice yearly and presented to partners at the governance meetings. It is unclear the extent to which this information is used to analyse performance and drive improvements.

DE is the only partner with formal reporting requirements through the schools’ compliance data. This is despite the critical role of DFFH in supporting the educational engagement of children and young people in care, and the various other responsibilities that Child Protection and case managers have in the Agreements.

The 2020 evaluation of the LOOKOUT Centres identified areas where the LOOKOUT Centre model had not been implemented as fully intended, including:

- limited strategic inter-agency interactions between the two departments to guide the direction of and monitor outcomes
- inconsistencies in the way local partners collaborate to support practice improvements
- a stronger focus on professional development for the school sector, in comparison with community service organisations and carers.<sup>623</sup>

It is evident to the Commission that these issues remain, and that they have impeded implementation of the Agreements. Strengthening the Agreements and their overarching governance structure is critical.

### **Finding 33: Governance of the Out-of-Home Care Education Commitment**

**The *Out-of-Home Care Education Commitment* was established to support inter-agency collaboration to strengthen educational engagement for children and young people in out-of-home care. However, inadequate clarity on roles and objectives, and insufficient seniority and accountability in the current governance structure has restricted progress.**

<sup>623</sup> Acil Allen Consulting, *Report to the Department of Education and Training Evaluation of the LOOKOUT Centres*, p. 16.

### Measuring success and monitoring outcomes

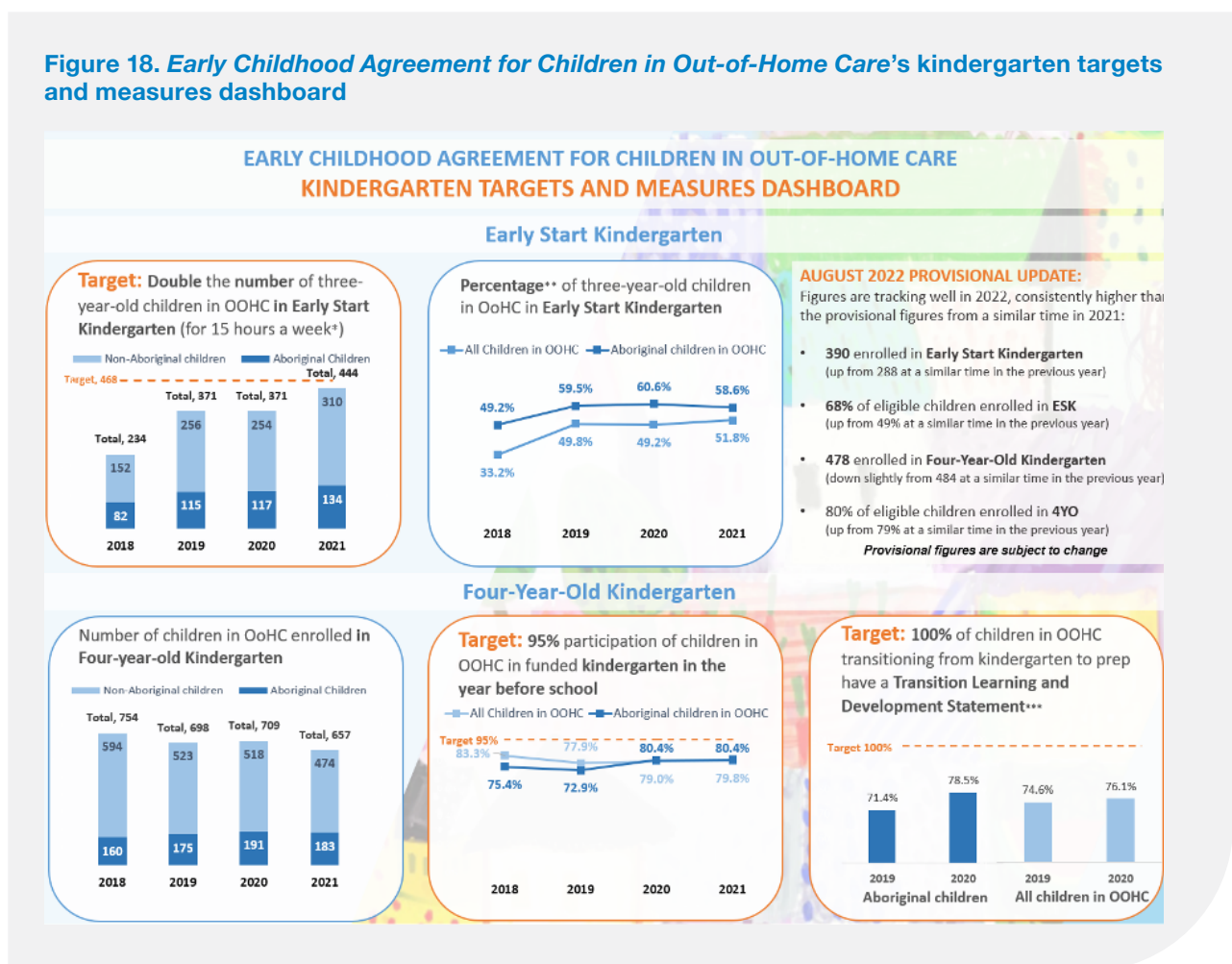
While both Agreements share similar objectives, they have employed different approaches in how they evaluate their effectiveness. The Early Childhood Agreement includes three-year targets to measure its level of success, including:

- to double the number of three-year-old children in care in Early Start Kindergarten, using 2018 data as the baseline

- 95 per cent participation of children in care in kindergarten in the year before school
- 100 per cent of children in care transitioning from kindergarten to prep having a Transition Learning and Development Statement.<sup>624</sup>

Monitoring these targets is achieved through regional and area level data that is reported to governance through a dashboard twice a year (see Figure 18).

Figure 18. Early Childhood Agreement for Children in Out-of-Home Care’s kindergarten targets and measures dashboard



624 Department of Education and Training and Department of Health and Human Services (2019) *Early Childhood Agreement for Children in Out-of-Home Care*, p. 17.

In contrast, the Partnering Agreement does not contain targets although, as mentioned earlier in this chapter, schools are required to report on their compliance with the Agreement through the bi-annual survey. Government and Catholic schools report on their compliance with these requirements.

Independent schools do not, despite Independent Schools Victoria being a signatory to the Partnering Agreement. The Partnering Agreement also includes a requirement for DE to produce regular reports, including an annual report, on compliance with the Agreement and on education outcomes for children and young people in care. In practice, however, this reporting does not occur.

There are several limitations to the data collected and its overall value in measuring the effectiveness of the Partnering Agreement. The data measures activity rather than educational engagement or outcomes. For example, while the Partnering Agreement emphasises the importance of children and young people having an active and age-appropriate role in the SSG process including contributions to agreed decisions and actions, the data does not reflect the outcomes of those meetings or, most importantly, student participation in SSG meetings.

The timeliness of the data also limits its value. As the schools' survey data is completed per semester, it represents schools' compliance with the Partnering Agreement in the previous semester. While the establishment of the LOOKOUT Centres was intended to 'enable more effective monitoring and timely reporting of data relating to students in OOHC',<sup>625</sup> this becomes challenging when data is not provided in real time. LOOKOUT Centres are unable to respond early to issues of non-compliance, both in and across schools, which is concerning given how quickly circumstances can change for children and young people in care and the potential impact these changes can have on their school engagement.

According to the LOOKOUT Handbook, the work of the LOOKOUT Centres is measured by the following:

- improvements in educational outcomes for students in out-of-home care through enrolment, attendance, school engagement, and the proportion of students meeting their own personal goals

- improved student wellbeing and resilience, through consideration of a series of indicators
- more effective service delivery, evidenced through improved compliance with the Partnering Agreement and views regarding collaboration between service systems.<sup>626</sup>

Figure 19 outlines the 'measures and benefits informing evaluation'. While these relate to the broad aims of the Partnering Agreement, they are couched as solely the responsibility of the LOOKOUT Centres. Further, these measures do not account for the impact of the care system on the education outcomes of children and young people in care, nor do they account for the contributions of non-education related partners.

### **Finding 34: Measuring and reporting educational engagement and outcomes**

**Despite the requirements of the *Out-of-Home Care Education Commitment*, educational engagement and outcomes for children and young people in out-of-home care are not measured or reported publicly.**

### **Recommendation 37: Track educational engagement through the *Out-of-Home Care Education Commitment***

**That when reviewing reporting requirements under the *Out-of-Home Care Education Commitment*, DE consider measures to track educational engagement and improved education and wellbeing outcomes for children and young people in out-of-home care.**

<sup>625</sup> Department of Education and Training (2020) *LOOKOUT Centre Handbook*, p. 10.

<sup>626</sup> Department of Education and Training (2020) *LOOKOUT Centre Handbook*, p. 34.

Figure 19. Measures and benefits informing evaluation<sup>627</sup>



<sup>627</sup> Department of Education and Training (2020) [LOOKOUT Centre Handbook](#), p. 34.



## Enhancing the Partnering Agreement's scope

The Partnering Agreement currently applies to children and young people in out-of-home care who live in kinship, foster and residential care placements. It can also apply to children and young people living on Permanent Care Orders (PCO) for up to 12 months, after which schools should review to determine whether continued support is required.

Throughout consultations, various stakeholders spoke to the Commission about the need to expand the Partnering Agreement's scope to children and young people who have recently moved from out-of-home care and have been reunified with their parents. Like children and young people on PCOs, they do not have ongoing involvement from DFFH or the agency that previously supported them, although they may receive ongoing support from community services. Despite this, we heard that many children in this position require support post-reunification to remain at school.

### What we heard from stakeholders

School staff spoke about children and young people requiring continued support once they are reunified with their parents in recognition of the significant changes that they experience and the potential impact on their day-to-day learning.

*Reunification and pre-reunification are often when behaviour can escalate, and getting the right supports in place at this time is essential. (Wellbeing staff, secondary school)*

*It should be a given. We had a student in care for six months and then they were returned to mum. We talked about the option of counselling in the care team meeting, but Child Protection said it wasn't needed because they're reunified with mum. But the issues are still there, the hurt is still there. (Wellbeing staff, primary school)*

The Commission heard of children and young people receiving support during the transition period. In one instance this was instigated by the school and in another the child received extended support provided by the Transforming Educational Achievement for Children at Risk (TEACHaR) program.

*For some students when they first transition, we might meet every fortnight. There's one girl we just farewelled. She's gone into first time care of her father in [regional town]. We were still with the whole care team, with Child Protection and the residential care unit, still having fortnightly care team meetings. In the reunification meeting, we suggested this and everyone was happy and prepared to do that. The workload is reduced when you invest the time in those students. Her behaviour would have been so heightened if we didn't put the time in. (Principal, primary school)*

*TEACHaR stays with students when they're reunified with family. It's important to be there for those transitions, four to six weeks but we would stick around longer if we had more funding. (Education Support Worker)*

The Commission also consulted with the Centre for Excellence's Parental Advisory Group whose members have experienced removal of their children by Child Protection. One woman discussed when her children were returned to her and the limited financial support she was provided.

*It felt like I was being set up to fail. Child Protection had closed so they couldn't provide more support. It was only because I was volunteering with Vinnies that they provided me with things like school shoes and books. The attitude was 'too bad, you wanted your kids back, this is what you have to manage and if you can't manage it...'. It creates fear of further removal. (Participant, Parental Advisory Group, CECFW)*

The woman also spoke of her children not receiving any ongoing support.

*We didn't have any supports for the children either. Whether you're reunified or not, there's no expiry on how being removed impacts you. This needs to be dealt with early and in an ongoing way.*

Other groups warranting a strengthened focus in the Partnering Agreement are children and young people in out-of-home care who are transitioning from secure care and Youth Justice settings, and children and young people in care who are not enrolled or who have completely disengaged from education. These children and young people require tailored and concentrated support. As discussed in Chapter 12, there are existing programs and policies to support their re-engagement into education, although they are not captured in the Partnering Agreement. Capturing these children and young people in the Partnering Agreement is critical to ensure better oversight and visibility of them and their needs.

### **Recommendation 38: Review and strengthen the Agreements**

That DE and DFFH conduct a comprehensive review of the *Early Childhood Agreement for Children in Out-of-Home Care* and the *Out-of-Home Care Education Commitment (Partnering Agreement)* to clarify their purpose and strengthen collaboration between key partners, including by:

- streamlining and elevating the current governance structure (ideally to be jointly chaired by the Secretaries to DE and DFFH)
- reviewing and clarifying the roles and accountabilities of signatories to the Agreements
- where necessary, expanding reporting requirements to reflect signatories' obligations under the Agreements and to measure performance, for example, information sharing responsibilities of case managers
- ensuring reporting requirements of the Partnering Agreement are met and moving to public reporting on compliance and student outcome data
- considering the scope, including whether the Partnering Agreement should include a focus on children and young people in out-of-home care who are disengaged from education, those in care transitioning from Secure Care and Youth Justice settings, and those who have recently been re-united with their parents.

**Recommendation 39:  
Assess additional resource  
requirements for LOOKOUT  
Centres as a result of the review**

That, as part of the review of the *Early Childhood Agreement for Children in Out-of-Home Care* and the *Out-of-Home Care Education Commitment*, DE identify resource requirements for the LOOKOUT Centres to enable an effective combination of school capacity building and accountability.

**Recommendation 40:  
Allocate necessary resources  
to LOOKOUT Centres based on  
the review**

That the Victorian Government provide additional funding to the LOOKOUT Centres based on the review of resource requirements referred to in Recommendation 39.

## Chapter 12

# Targeted school re-engagement initiatives for children and young people in out-of-home care

### Chapter at a glance

- Flexible Learning Options (FLOs) can benefit young people who have had extensive disruptions to their education, and who often feel safer and more supported than in other schools. Important work is underway to review and enhance the quality of support and education provided in FLOs and track student outcomes and movement between FLOs and other schools.
- Most FLOs are tailored to students over the age of 15, and there are limited alternative options available to younger students.
- The Navigator Program, which is aimed at supporting disengaged children and young people to return to education, has had limited success for children and young people in care, noting current efforts to improve monitoring and program accessibility.
- Educational supports in Secure Care and Youth Justice settings are most beneficial when they are consistent, student voice is encouraged and valued, and educators adopt strengths-based approaches and individualised learning.
- One-to-one education supports are beneficial to children and young people in care who have disengaged from education. However, accessibility and timely referrals need to improve to ensure children and young people in care receive support before they disengage from education. Recent additional investment by the Victorian Government in supports for a further 500 students in care is welcome. Implementation must be monitored to ensure all students in care can access supports they need.
- The Commission recommends enhancing the accessibility, quality, and effectiveness of re-engagement initiatives for children and young people in care and strengthening processes for those transitioning from Secure Care and Youth Justice settings back to school or alternative education settings.

*I'm glad I did [join the program]. Because it saved me. It completely saved me... I could not even write the word 'the' at the stage when they [educators] started coming... Now, I know words like 'hypothesis'. (Anglicare Victoria submission)*

The provision of universal mental health and wellbeing supports within mainstream education can reduce the need for more intensive individual approaches to education for children and young people in out-of-home care. However, feedback from the Commission's consultations suggest that in practice, universal supports do not always meet the needs of these children and young people. Tier 2 supports such as the *Out-of-Home Care Education Commitment* (Partnering Agreement) and the LOOKOUT Centres have the potential to provide a supportive and tailored approach to children and young people in care, although as examined in Chapter 11, there are limitations with the Partnering Agreement's implementation in schools.

For some children and young people in care, addressing disengagement from education will require a more individualised approach. The Department of Education (DE) delivers such interventions through its Tier 3 supports, which are aimed at providing more intensive supports for all disengaged students and those at risk of disengagement and include Flexible Learning Options (FLOs) and the Navigator Program.<sup>628</sup>

The Department of Families, Fairness and Housing (DFFH) also recognises that many children and young people in care require additional and tailored education supports and have funded *Children in Residential Care* (CIRC) and Anglicare's *Transforming Educational Achievement for Children at Risk* (TEACHaR) programs. Education supports to children and young people who are in Secure Care and Youth Justice settings are provided by DE. This chapter looks at these programs, and briefly considers flexible learning offered in alternative school settings, as attended by some children and young people in care.

## Flexible Learning Options (FLOs)

FLOs are intended for students at risk of disengaging or those who have already disengaged from education and whose needs are not being met in mainstream schools. FLOs may be considered where in-school strategies (Tiers 1 and 2) are unsuitable or have proven ineffective.<sup>629</sup> FLOs are generally characterised by highly individualised learning structures and plans coupled with a strong focus on providing holistic support for a student's engagement and wellbeing.

### Types of FLOs and when they are considered

Alternative education settings are offered in Victoria through the government, Catholic and independent school sectors.<sup>630</sup> In the government sector, these settings are referred to as FLOs.

As at September 2022, DE provided funding to 61 FLOs. According to school survey data for the Partnering Agreement, seven per cent of students in care attended a FLO in 2021 and five per cent attended a FLO in 2022.<sup>631</sup>

There are three types of FLOs, depending on the specific needs and level of disengagement of a student:

1. Flexible learning government schools – these are separate specific purpose schools that are registered by the Victorian Registrations and Quality Authority (VRQA)<sup>632</sup> and which deliver flexible individualised curriculums. There are seven schools in this category.<sup>633</sup>

<sup>628</sup> Other targeted supports not specifically reviewed in this inquiry include the Education Justice Initiative, Behaviour Support Plans, Mental health supports (beyond those offered as part of universal supports) and financial supports. See Department of Education (n.d.) [Map of key mental health and wellbeing support](#), State of Victoria, Melbourne.

<sup>629</sup> Department of Education (2022) [Flexible Learning Options \(FLOs\): Guidance](#), State of Victoria, Melbourne, accessed 4 January 2023.

<sup>630</sup> Flexible options in independent and Catholic school settings are discussed later in the chapter.

<sup>631</sup> Appendix: Table 91. The information provided from the LOOKOUT Partnering Agreement Semesterly Survey reflects responses received from schools and is not validated for accuracy.

<sup>632</sup> Department of Education (2022) [Flexible Learning Options \(FLOs\): Guidance](#), accessed 6 May 2023.

<sup>633</sup> As at September 2022.



2. Flexible learning campuses – these may be:
  - settings that students are transferred to for a short period of time to support re-engagement<sup>634</sup>
  - an external campus that delivers a VCE Vocational Major or Victorian Pathways Certificate
  - a registered campus of one school but jointly funded by several schools or co-supported by the region. There are 34 FLOs in this category.<sup>635</sup>
3. Flexible in-school programs – these are alternative learning programs delivered on a mainstream school site but in separate classroom spaces.<sup>636</sup> These programs are incorporated into a student’s Individual Education Plan (IEP). Flexible in-school programs are designed as short-term interventions (usually one term) to complement other strategies being used, such as classroom differentiation and other in-school support strategies.<sup>637</sup> There are 20 FLOs in this category.<sup>638</sup>

DE guidelines specify that students should only attend FLOs where their needs are not able to be met in mainstream schools or classrooms and ‘where in-school strategies and interventions (such as access to specialist services and classroom differentiation) are unsuitable or have proven to be ineffective’. The guidelines also state that FLOs should only be used as a short-term option.<sup>639</sup> Mandatory procedures and guidelines govern the use of, and referrals to, FLOs and specific additional approval by a regional director is required for children and young people in care.

According to these guidelines, prior to referring a student to a FLO, schools should be able to demonstrate that they have explored a broad range of early intervention and engagement strategies based on an assessment of the student’s needs and in

consultation with the student and relevant professionals. These strategies can include modified timetables, Student Support Groups, IEPs and connection to a learning mentor as part of the Partnering Agreement.<sup>640</sup>

Transitioning students into and from FLO settings is also governed by the guidelines, which outline referral processes that involve regular communications between the referring school and the FLO, reporting on attendance data by the FLO and regular visits to the FLO from the referring school. There is also an expectation that schools will embed processes to ensure a pathway back to mainstream school or another appropriate education setting which is documented in the student’s IEP.

### Benefits of FLOs

All schools should be equipped to foster an inclusive school culture where students with diverse needs are supported to participate, learn, and succeed. This requires schools to develop and improve their ability to meet the needs of students in care as well as all other students. However, as we heard in consultations, not all schools operate in a way that meets these needs and, in these circumstances, some children and young people have benefited from attending a FLO.<sup>641</sup>

The benefits of FLOs are highlighted in research. The *Beyond 18: Longitudinal Study on Leaving Care* study found that care leavers who had experience of alternative education settings ‘felt that such schools were better able to provide a more supportive, welcoming and understanding environment than mainstream schools’.<sup>642</sup> Other studies have found that targeted interventions and initiatives that are trauma-informed and attachment-based – placing the human relationship at the centre of the educational exchange – have the potential to strengthen protective factors

<sup>634</sup> An example of this model of FLO is YarraMe, a primary school program discussed later in this chapter.

<sup>635</sup> As at September 2022.

<sup>636</sup> Department of Education (2022) [Flexible Learning Options \(FLOs\)](#). State of Victoria, Melbourne, accessed 4 January 2023.

<sup>637</sup> Ibid.

<sup>638</sup> As at September 2022.

<sup>639</sup> Department of Education (2022) [Flexible Learning Options \(FLOs\)](#).

<sup>640</sup> Ibid.

<sup>641</sup> Anglicare Victoria, *Submission to the Inquiry into the educational experiences of children and young people living in out-of-home care (Education inquiry)*, received 15 August 2022, p. 4; Uniting Vic.Tas, *Submission to Education inquiry*, received 31 August 2022, p. 7; Centre for Excellence in Therapeutic Care, *Submission to Education inquiry*, received 4 September 2022, p. 9.

<sup>642</sup> Muir S, et al. (2019) *Beyond 18: Longitudinal study on leaving care. Wave 3 research report: Outcomes for young people leaving care in Victoria*, Australian Institute of Family Studies, Melbourne, p. 21.

known to improve educational engagement.<sup>643</sup> These findings were supported by the consultations conducted for this inquiry.

#### *What we heard from children and young people*

The Commission heard from both children and young people in care and stakeholders about the benefits of FLOs for students who have had extensive disrupted learning or experienced other circumstances that make it difficult to engage in mainstream settings. The Commission heard that FLOs have the potential to improve educational engagement, outcomes, and wellbeing for these children and young people.

*Mainstream school didn't work for me at all... As soon as I moved into an alternative school... I've had aides all throughout school but alternative school plus an aide really helped me out. They did a test to see where I was at, and I got a lot more out of it.*<sup>644</sup>

*I know that if I went to mainstream school, I would have been expelled on the first day. It just wouldn't have worked. Some kid would have started me, I would have thrown a chair at them. Mainstream does not work for kids with trauma like me.*<sup>645</sup>

*Like I had a teacher that would call me every day at 9am and ask if I felt like I was up to going to school today, I really liked that... the way they asked if I was up to it. And I could tell they cared... I guess that's what some parents would do. (Miles, 17, Youth Justice)*

#### *What we heard from stakeholders*

Many stakeholders stated that children and young people in care need to access FLOs because schools are not currently operating in a way that is suitable for students with significant experience of trauma.

*If these kids haven't attended school for four to five years, have significant delays, externalised behaviors, we are doing them a disservice by throwing them into a mainstream setting, where there will be a punitive response to their behaviors. (CSO staff member)*

Some teachers highlighted the size and formal structures of schools as alienating for children and young people who were struggling to deal with trauma and the stress that can be associated with out-of-home care.

*The rigidity of the school system alienates kids in out-of-home care. There's no opportunity for teachers to do anything meaningful or develop proper relationships. Can't do it with 25 other kids in the classroom. (Teacher, FLO)*

*Big schools aren't meeting the needs of vulnerable children. And they never will. There are some kids that are never going to be comfortable in that environment. The kid's wellbeing skyrockets when they often go from big schools into a smaller school like this one where relationships are developed. (Principal, FLO)*

The Commission also heard from staff involved in or connected to FLOs about the benefits for children and young people who are dealing with the impacts of trauma and need individual connections.

*Every kid here would have a person that they can talk to. As part of orientation we have a therapeutic discussion about their background, their triggers, and strategies to address when escalated. Then we match them with a teacher. (Teacher, FLO)*

<sup>643</sup> Knight R and Rossi S (2018) *Children in out-of-home care and their educational Outcomes. A literature review*, The Australian Centre for Philanthropy and Nonprofit Studies, Queensland University of Technology, Brisbane, p. 4. See also: Varadharajan M, et al. (2022) *Amplify Insights: Education Inequity - Part Two: Levers of Change*, Centre for Social Impact, UNSW Sydney, Sydney, p. 17.

<sup>644</sup> Whitelion Youth, *Submission to Education inquiry*, received 5 August 2022, p. 8.

<sup>645</sup> Uniting Vic.Tas, *Submission to Education inquiry*, p. 7.

*Small schools are transformative for children and young people in care... The relationship between students and [the principal] or a teacher is so important, especially for kids in resi care when the other adults in their life are constantly changing. We work hard to keep kids in care at this school and not move them to ensure that they have that consistency in their life. (Teacher, FLO)*

### Case study: CHOICE Learning Space – changing lives in Wodonga<sup>646</sup>

*Learning is a brick wall. The more days you miss, the more bricks you miss. If you have a few days here and there it's okay at the start, but as you get higher up the wall becomes more unsteady. (Team manager, Junction Support Services)*

A joint initiative of Wodonga Senior Secondary, Wodonga Middle Years College and Junction Support Services, the CHOICE Learning Space, supports 12- to 17-year-old students to re-engage with education. This includes one-on-one and small group literacy and numeracy education, as well as social and emotional support and case management services.

Educators are provided with ongoing clinical supervision, professional development and support to ensure that the learning space is a therapeutic, trauma-informed, strengths-based classroom. In 2022, the majority of students had Child Protection involvement or were living in out-of-home care. After completing the program, many students successfully returned to mainstream education.

The benefits of FLOs outlined both in the research and in the Commission's consultations include students feeling safer, more supported, and encouraged in their education. This ultimately leads to better educational outcomes. These significant benefits are relevant not only to students in care, but to all students and all education settings and could be achieved through whole-of-school trauma-informed practices as discussed in Chapter 7. Nevertheless, the Commission acknowledges the benefits of alternative learning settings while other schools strengthen their capacity to educate all students, regardless of their backgrounds and their individual needs.

### Finding 35: Flexible Learning Options

**While schools work towards improving their capacity to meet the needs of all children and young people, including those struggling to remain engaged due to care-related disruptions to learning, FLOs can provide a tailored, supportive and engaging alternative. The Commission heard that FLOs can improve engagement in education and wellbeing outcomes for these children and young people.**

### Challenges and limitations of FLOs

While some FLOs clearly provide a response that can be effective for disengaged children and young people, including those in out-of-home care, the Commission also heard:

- some FLO settings were housed in inferior buildings, leaving teachers struggling to support students' learning and students also feeling undervalued
- the variability in quality in some FLO settings meant less engagement and learning for some students
- the location of FLOs were sometimes challenging for students, both because they were difficult to get to and because they led to children and young people being disconnected from their local communities.

<sup>646</sup> Information obtained from a consultation.

## Infrastructure funding

### *What we heard from stakeholders*

The Commission heard in consultations that funding infrastructure and additional supports for FLOs was difficult to access or insufficient, leading to difficult and unsatisfactory choices having to be made. We also heard about facilities in poor condition, which sometimes led to a perception that students were not valued.

*You're sitting under a roof that burnt significantly in 1940 and hasn't been fixed. Engineers say we shouldn't be in here... they haven't done anything with it. We sent them the engineers report; there is no care for the needs of the kids who come to a program like this...that wouldn't happen in a mainstream school. This is par for the course – these kids don't matter – out of sight, out of mind. (Principal, FLO)*

*We have the worst facilities [in the region] for our most vulnerable kids – no outdoor areas, no storage; it's a Tier 4 site. (Principal, FLO)*

Others spoke about the complexities and challenges of accessing additional funding for relevant programs within FLO settings.

*Psychs in schools is a really good program, but FLOs don't qualify for it. (Teacher, FLO)*

*We don't have the physical space, we have increasing enrolments, but the department doesn't give us extra funding. We asked them to come out and told them we need two portables. They did some measurements and said we aren't entitled to it. The department want kids in care supported, but don't bend or contextualise any of their policies to allow for that. A nurture room for example, do we set up a nurture room or take the kids out of the library. That's the shit decision we have to make. (Principal, primary school)*

## Variability in quality of FLOs

Irrespective of infrastructure, some of the stakeholders working in FLOS highlighted the variability in teaching and in the structure provided to students to learn effectively.

*There are no frameworks in place. [FLOs] need to be structured properly as a school to facilitate something really meaningful for the kids – better teachers, better facilities, more funding. Otherwise, it does become a bit of a space for networking. (Teacher, FLO)*

*I don't know about FLOs... I don't like the idea of schools turning into a drop-in centre. I do believe that education is a human right – you can say well FLOs provide what the children need. Actually, what they need is consistency, routine, structure. (Principal, alternative school)*

## Flexible Learning Option locations

For FLOs that are separate campuses to schools, stakeholders expressed concerns that sending a student to a FLO outside their community makes it difficult for them to form local connections. Other stakeholders reported that FLOs were physically so separate that they were not easily accessible by public transport, particularly in regional areas.

*Some young people would benefit from and would prefer to attend an alternative school as these are better placed to respond to their needs. Interviews with young people confirm this. However, alternative schools can be far away from where the young person lives with transport not being available. This is particularly pertinent for regional areas, where alternative options are often not considered due to distance.<sup>647</sup>*

647 Whitellon Youth, *Submission to Education inquiry*, p. 12.

Some stakeholders expressed a preference for FLOs being co-located within mainstream schools and a more collaborative relationship between FLO teaching staff and mainstream school leadership teams.

*[Schools] can't actually do the work we [FLOs] do, only early intervention work with kids who are very early on that path. They just don't have the resources... What needs to happen is there needs to be a small school near every big school. The big schools need to do more and not push them out... then they can work in partnership and all principals then have a collective responsibility. (Teacher, FLO)*

*I would try to accommodate young people in the mainstream environment, with availability of different programs... Not sitting in classrooms from 9-3, but schools offering different learning options or activities within the school. That would be ideal, they don't feel they are separate or marginalised... Then they could embrace education with dignity. (Youth Justice stakeholder)*

*This idea of trauma-informed isn't seen as radical now, so this concept of having a centre within a school that was able to... allow kids to regulate... Have the centre and all of the sensory things but mainstream it into every classroom. The best schools are doing social and emotional learning well. (Teacher, FLO)*

According to DE, there is no current long-term investment strategy responding to current and projected demand, or an aligned funding and infrastructure resourcing model for FLOs across the state. In addition, proposals for new FLOs including infrastructure implications are considered on a case-by-case basis by DE and require approval from the Minister for Education. As a result of this, DE acknowledged that FLO availability across Victoria is 'geographically inconsistent, not necessarily driven by identified needs, not evenly resourced and with variable quality of facilities'.<sup>648</sup> DE advises, however, that it is undertaking work to inform future funding and provision models for FLOs, including for infrastructure.<sup>649</sup>

### Finding 36: Inadequate resourcing of Flexible Learning Options

**The Commission saw FLO settings which were poorly resourced in terms of infrastructure and heard that the impact of this on both teachers and students was that they felt marginalised and unvalued. The Commission also heard that a lack of teaching structure in some FLOs meant that the educational benefits of these places were sometimes impacted.**

### Flexible Learning Options for younger children

The Commission heard from stakeholders that children are disengaging from education at a younger age than previously observed. As discussed in Chapter 4, between 2018 and 2021 students in out-of-home care had lower rates of attendance than their peers across all year levels. The data indicates that attendance rates for children and young people in care show a steady decline from late primary school to year 9, and that there was a clear drop in attendance from year 6 to year 7. The general student population shows a similar pattern, however, the rate of decline is much smaller.

<sup>648</sup> Information provided by DE to the Commission dated 23 May 2023.

<sup>649</sup> Information provided by DE to the Commission on 3 October 2023.



While some programs and initiatives are specifically aimed at providing mental health supports in primary schools,<sup>650</sup> FLOs are typically tailored to students over the age of 15. Students under 15 may attend a FLO, although this requires approval by a regional director.<sup>651</sup>

YarraMe School, described in the case study below, provides early intervention in the North-Western metropolitan region of Melbourne. YarraME School is the only FLO model currently available to primary school aged students in Victoria.

### Case study: YarraMe School – supporting younger students

YarraMe is a Victorian Government specialist school that supports primary school aged students with significant social and emotional challenges.<sup>652</sup> Many of the students who attend the school have experienced severe disruption to their education.<sup>653</sup>

Students are referred to YarraMe by their schools and the program lasts for six months or two school terms. In term 1, students attend their mainstream school with the support of YarraMe teachers two days per week. This increases to four days per week in term two.

YarraMe uses a 'Team Around the Learner' module which includes the student's parents, mainstream teacher, YarraMe Key teacher, Regional DE personnel, and relevant specialists to support the student and their family.<sup>654</sup> YarraMe staff reported to the Commission a significant increase in referrals in young children following the COVID-19 lockdown periods.

### What we heard from stakeholders

Several stakeholders spoke to the Commission about the need for alternative education options to support re-engagement of younger children.

*You think intervention starts in primary school but we have a kid coming here with an IQ of 66, not identified, [when they] get to year 8 and is failing...the argument will be that as a little person, he was down the back of the classroom quiet. (Teacher, FLO)*

*But the best work is early intervention. If schools can be mobilised around that, it'd be massive. So many of the children here in the previous couple of years, you'd meet them and think 'you're a great kid, if only we had you here two years earlier' – it would have been amazing. (Principal, FLO)*

*A choice for younger ages would be an incredible step, school disengagement happens from those foundation ages... having workers in schools that support these kids – having something around that, people that are paid appropriately. Wellbeing staff with high qualifications and experience don't go for those jobs. High-skilled social workers or psychs could be great but the pay isn't enough. (CSO staff member)*

<sup>650</sup> Victorian Government (2023) [Mental health support in primary schools](#), accessed 21 August 2023.

<sup>651</sup> Department of Education (2022) [Flexible Learning Options \(FLOs\): Guidance](#), accessed 8 March 2023.

<sup>652</sup> YarraMe (n.d.) [A social and emotional learning school providing extraordinary care](#), accessed 14 February 2023.

<sup>653</sup> YarraMe (n.d.) [How we do it?](#), accessed 14 February 2023.

<sup>654</sup> Ibid.

### Finding 37: Insufficient Flexible Learning Options for younger students

The Commission heard that one metro-based FLO for primary school aged children is not sufficient to meet the need.

#### Improve oversight, resourcing, and performance monitoring for FLOs

Existing frameworks and policies governing the appropriate use of FLOs, including transitions from FLOs back to mainstream settings signal DE’s commitment to the use of FLOs in carefully circumscribed circumstances. However, there are currently no mechanisms to monitor the application of this guidance. Students who require a flexible learning environment are also entitled to continue to access education and be provided with a suitable learning environment in which to do this.

### Recommendation 41: Track and monitor student movement between mainstream schools and Flexible Learning Options

That the movement of students in out-of-home care between mainstream settings and FLOs be tracked with the intention of benchmarking and improving, over time, how students are meeting their agreed Individual Education Plans, including progressing to desired pathways of education.

## VCE Vocational Major and Victorian Pathways Certificate

Students, including those who are disengaged from school or at risk of disengagement from school, may complete the VCE Vocational Major or Victorian Pathways Certificate at a registered non-school senior secondary and foundation secondary provider (NSSFSP).<sup>655</sup> In order to deliver the VCE Vocational Major or Victorian Pathways Certificate through an external provider, schools are required to enter a contract with the NSSFSP. As part of the contract, the school retains the duty of care for the student, who continues to be enrolled at their home government school.<sup>656</sup>

Before enrolling a student in a course with an NSSFSP, schools are required to ensure that this is in the best interests of the student, and the student’s enrolment details are recorded and maintained on CASES21.

While DE confirmed that in 2021, 105 students were enrolled in the Victorian Certificate of Applied Learning<sup>657</sup> through this contracting arrangement between schools and NSSFSPs, it was unable to confirm how many of these students were in care.<sup>658</sup>

**Table 36. Students enrolled in Victorian Certificate of Applied Learning**

Year	Number
2018	121
2019	147
2020	138
2021	105

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

<sup>655</sup> Department of Education (2023) *VCE Vocational Major and Victorian Pathways Certificate Delivered by Registered External Providers (formerly community VCAL)*, State of Victoria, Melbourne, accessed 5 July 2023.

<sup>656</sup> Department of Education (2023) *VCE Vocational Major and Victorian Pathways Certificate Delivered by Registered External Providers (formerly community VCAL): Guidance*, State of Victoria, Melbourne, accessed 5 July 2023.

<sup>657</sup> The Victorian Certificate of Applied Learning was replaced by the VCE Vocational Major and Victorian Pathways Certificate from 2023. Information provided by DE to the Commission on 3 October 2023.

<sup>658</sup> Information provided to the Commission from the department dated 1 August 2023. The department advised that 2022 data is unavailable ‘as it was outside the scope of the Alternative Education Supply-Demand Modelling phase 1 project, which commenced in 2022’. The 2022 data will be available once the second phase of the project is conducted.

As discussed in Chapter 11, children and young people in out-of-home care are required to have a learning mentor and an Individual Education Plan and participate in regular Student Support Group meetings. Where NSSFSP providers are involved, the responsibilities under the Partnering Agreement remain with the school that a student is referred from. However, as the number of students in care who use NSSFSP programs is not recorded by DE, it is not possible to track how effectively schools discharge their responsibilities.

From 2024, staff at NSSFSP teaching the VCE Vocational Major will be required to be registered teachers. Providers may also employ wellbeing staff skilled in behaviour management and trauma-informed practices, although DE advised that this is not a requirement.<sup>659</sup>

## Re-engagement programs (years 7 to 10)

Re-engagement programs are intended to support secondary students in years 7 to 10 who are disengaged or at risk of disengagement by referring them to programs delivered by third-party providers, some of which are Registered Training Organisations (RTOs) and many of which are not.

The aim of these re-engagement programs is to help students to find pathways back to mainstream education. However, as with Community VCAL, there are no requirements that these providers, which are often local community organisations, have teaching qualifications or specialist expertise in dealing with trauma or behavioural issues. Examples of current providers include local neighbourhood houses and District Learning Centres.<sup>660</sup>

As with students enrolled in a VCE Vocational Major, program guidelines require that enrolments be captured on CASES21 and that the RTO record and track students' attendance at the program. Schools and RTOs are also required to maintain regular contact, including meeting each school term to review students' IEPs, progress, attendance and transition plan to return to the enrolling school.<sup>661</sup> DE was unable to provide the number of students in care currently enrolled in a re-engagement program.

The Commission did not consult with any students participating in either of these programs, but is concerned about the lack of oversight, regulation or quality assurance of the educational support being provided. DE advised that it is currently reviewing alternative education settings in Victoria, including government and non-government options. The Commission welcomes this and considers it an important opportunity to improve practice.

### Recommendation 42: Use the review of alternative education settings to improve practice

That in its review of alternative education settings, DE:

- ensure that good practice is captured, shared, and replicated
- uplift the quality of support and education provided where needed, including through the provision of adequate resourcing
- track student outcomes, including movement between FLOs and mainstream schools
- review the policy settings to ensure decisions on the provision of alternative education (including FLOs, re-engagement programs and attendance at non-school senior secondary and foundation secondary providers) are in the best interests of a child or young person in out-of-home care.

<sup>659</sup> Information provided by DE to the Commission on 3 October 2023.

<sup>660</sup> Information provided by DE to the Commission dated 2 August 2023.

<sup>661</sup> Department of Education (2023) [Re-engagement Programs \(years 7 to 10\)](#). State of Victoria, Melbourne, accessed 1 August 2023.

## The Navigator Program

The Navigator Program is a DE-funded program that supports disengaged children and young people, including those in out-of-home care, to return to education.<sup>662</sup> Navigator is delivered by contracted community service organisations (CSOs) that work closely with local schools and DE area teams. In each area, the program is tailored to its local community and services.<sup>663</sup> CSOs deliver intensive case management and assertive outreach to support young people to re-engage with education.<sup>664</sup>

Navigator is available to young people who are between 12 and 17 years of age who have attended less than 30 per cent of the previous school term (if enrolled in a school), and either live in or have most recently been enrolled in an education setting in a Navigator area.<sup>665</sup> DE is also currently piloting expansion of the Navigator Program to support students aged 10 to 11, to enable earlier intervention and support through the transition from primary to secondary school.<sup>666</sup> The pilot commenced in 2023 in the Bayside Peninsula, Western Melbourne, Loddon Campaspe and Hume Merri-Bek areas.<sup>667</sup>

## Education data on the efficacy of the Navigator Program

DE data shows that the majority of young people in care, and young people overall, who access the Navigator Program are not completing the program or successfully re-engaging with education. From 2018 to 2022, three quarters (75 per cent) of children and young people in care enrolled in the Navigator Program exited before being successfully re-engaged in education (see Table 37). This is higher than the average for all students who exited the program before being successfully re-engaged (66 per cent) (see Table 38).

During this period, 40 per cent of Aboriginal students in care referred to the Navigator Program did not meet the program's criteria for entry, compared to 30 per cent of referrals for non-Aboriginal students in care.<sup>668</sup> For those Aboriginal students who received support from Navigator, 80 per cent exited the program before completion, with only 20 per cent successfully completing the program. This is compared to 26 per cent of non-Aboriginal students in care successfully completing the program (see Table 39).

<sup>662</sup> Department of Education (2023) [Navigator Program](#), accessed 21 August 2023.

<sup>663</sup> Department of Education (2023) [School operations: Navigator Program](#), State of Victoria, Melbourne, accessed 4 January 2023.

<sup>664</sup> Department of Education (n.d.) Map of key mental health and wellbeing support.

<sup>665</sup> Department of Education (2023) [Navigator Program](#), accessed 21 August 2023.

<sup>666</sup> Hutchins N, Minister 2022 (22 October 2022), [Helping at-risk students to navigate school](#) [media release], Victorian Government, State of Victoria, Melbourne, accessed 9 February 2023.

<sup>667</sup> Ibid.

<sup>668</sup> Reasons for this can include being 18 or over at referral, being under 11-years-old at referral, having an attendance rate of over 30 per cent for a sustained period of time and they are unlikely to need/become eligible for Navigator, not studying or living in Victoria, or the parent/carer/mature minor/legal guardian actively choosing not to provide consent to participate in Navigator. Information provided by DE to the Commission on 3 October 2023 states that program ineligibility is 'an unavoidable part of the program, not a reflection of the program design or delivery'. Also, Navigator provides a tailored supported exit plan for all ineligible referrals.

**Table 37. Children and young people in out-of-home care who participated in the Navigator Program, by outcome and referral year, 2018–22**

Outcome	2018		2019		2020		2021		2022		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Exit (before completion)	12	60	35	73	89	83	16	59	12	71	164	75
Exit (successful completion) <sup>669</sup>	8	40	13	27	18	17	11	41	5	29	55	25
<b>Total</b>	<b>20</b>	<b>100</b>	<b>48</b>	<b>100</b>	<b>107</b>	<b>100</b>	<b>27</b>	<b>100</b>	<b>17</b>	<b>100</b>	<b>219</b>	<b>100</b>

Source: Data provided by DE to the Commission on 31 May 2022, 11 and 14 August 2023.

**Table 38. All students who participated in the Navigator Program, by outcome and referral year 2018–22**

Outcome	2018		2019		2020		2021		2022		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Exit (before completion)	162	61	496	68	839	72	415	63	413	60	2,325	66
Exit (successful completion)	102	39	233	32	334	28	244	37	281	40	1,194	34
<b>Total</b>	<b>264</b>	<b>100</b>	<b>729</b>	<b>100</b>	<b>1,173</b>	<b>100</b>	<b>659</b>	<b>100</b>	<b>694</b>	<b>100</b>	<b>3,519</b>	<b>100</b>

Source: Data provided by DE to the Commission on 31 May 2022, 11 and 14 August 2023

**Table 39. Children and young people in out-of-home care referred to the Navigator Program, by Aboriginal status, outcome and referral year, 2018–22**

Aboriginal status	2018		2019		2020		2021		2022		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
<b>Aboriginal</b>	<b>5</b>	<b>100</b>	<b>20</b>	<b>100</b>	<b>32</b>	<b>100</b>	<b>11</b>	<b>100</b>	<b>7</b>	<b>100</b>	<b>75</b>	<b>100</b>
Closed <sup>670</sup>	4	80	13	65	3	9	7	64	3	43	30	40
Exit (before completion)	0	–	6	30	24	75	3	27	3	43	36	48
Exit (successful completion)	1	20	1	5	5	16	1	9	1	14	9	12
<b>Non-Aboriginal</b>	<b>29</b>	<b>100</b>	<b>62</b>	<b>100</b>	<b>93</b>	<b>100</b>	<b>34</b>	<b>100</b>	<b>29</b>	<b>100</b>	<b>247</b>	<b>100</b>
Closed <sup>671</sup>	10	34	21	34	15	16	11	32	16	55	73	30
Exit (before completion)	12	41	29	47	65	70	13	38	9	31	128	52
Exit (successful completion)	7	24	12	19	13	14	10	29	4	14	46	19
<b>Total</b>	<b>34</b>		<b>82</b>		<b>125</b>		<b>45</b>		<b>36</b>		<b>322</b>	

Source: Data provided by DE to the Commission on 31 May 2022, 11 and 14 August 2023 <sup>670671</sup>

<sup>669</sup> Successful completion includes the categories of Exit (other engagement achieved), Exit (successful) and Exit (sustained educational re-engagement).

<sup>670</sup> 'Closed' refers to students who did not meet the program's criteria for entry.

<sup>671</sup> 'Closed' refers to students who did not meet the program's criteria for entry.



As demonstrated in Table 40, the average wait time for all students' referrals to be case managed in the Navigator Program increased from 33 days in 2020 to 74 days in 2022, and the average wait time from 2020 to 2022 was 69 days. As shown in table 41, in this three-year period, just under a quarter of students waited between one to more than two months for their referral to be accepted (23 per cent) and over a third of students waited between two months to two years to be accepted (38 per cent).<sup>672</sup>

The Commission considers the average wait times between referral and case management to be unacceptably long, particularly given that eligibility for the program requires children and young people to already be disengaged from school. The Commission notes that the Victorian Government, as part of the 2022–23 State Budget, committed an additional

\$37 million to Navigator to support 1,400 more young people each year. The Government expects that this should reduce wait times for referrals to support.<sup>673</sup> However, if wait times remain high and continue to grow, the effectiveness of the program will remain limited.

**Table 40. Navigator Program wait times for all students by days between referral and case management, 2020 to 2022**

Year	Average days	Minimum days	Maximum days
2020	33	0	361
2021	88	1	703
2022	74	1	459

Source: Data provided by DE to the Commission on 1 August 2023

**Table 41. Number of Navigator Program referrals by wait times between referral and case management, 2020 to 2022**

Wait period	2020		2021		2022		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Same day	20	12	0	–	0	–	20	2
Up to a week	65	39	20	12	21	4	106	13
One to two weeks	12	7	14	9	37	7	63	8
Two weeks to a month	21	13	22	13	84	17	127	15
One to two months	19	11	33	20	142	29	194	23
Two to three months	13	8	23	14	88	18	124	15
Three to six months	13	8	36	22	87	18	136	16
Six to twelve months	5	3	9	5	33	7	47	6
One to two years	0	–	7	4	5	1	12	1
<b>Total</b>	<b>168</b>	<b>100</b>	<b>164</b>	<b>100</b>	<b>497</b>	<b>100</b>	<b>829</b>	<b>100</b>

Source: Data provided by DE to the Commission on 1 August 2023

<sup>672</sup> This data does not include referrals to Navigator that were on 'active hold'. Active hold refers to students on a wait list but receiving limited support (VAGO, 2022, p. 3). The data shows that of the Navigator referrals received in 2022, (70 per cent) were on active hold.

<sup>673</sup> Information provided by DE to the Commission on 3 October 2023.

### What we heard from children and young people

Despite these outcomes, the Commission heard that Navigator was appreciated by some children and young people in care.

*I would definitely say being at home wasn't safe for me, or happy, so I was sort of going to school and exerting energy and having disruptive behaviour towards teachers... it was actually when I met [Navigator worker] that I had someone who connected with me and who made myself believe in myself as to what I'm capable of. It was a big motivator to become a better person... that relationship was a turning point. (Marleigh, 17, kinship care)*

### What we heard from stakeholders

Similarly, the Commission heard from some stakeholders about the benefits of the program for children and young people in care.

*If you have a good worker, they can create a basis for coordinating supports. When there's kids in out-of-home care and DFFH involvement it all gets confused... they sit in a reactionary space... We don't, we can be more proactive. (Navigator staff member)*

*Navigator have been really good – the common denominator is the ability to work intensely with carers, do outreach, one-on-one work. Those programs work well. (LOOKOUT Learning Advisor)*

The Commission also heard accounts of the benefits of Navigator including the following account from a worker in the program.

## Case study: Frankie's story – re-engaging in mainstream school<sup>674</sup>

By the age of 12, Frankie had changed primary schools six times. Her last school placed her on a modified timetable to attend for four hours a week with no recess or lunchbreaks. Her class attendance was unstructured and often she was enrolled in classes that she had no interest in pursuing. Frankie felt like she had no choice and no control. She described her [Children in Residential Care] worker at the time as the only thing that kept her 'slipping away' completely.

At 13, Frankie was enrolled in year 7 at a mainstream school. Frankie was supported by Navigator, as well as other workers providing individualised teaching support, to facilitate the enrolment. They faced significant delays, push back from the school, and numerous meetings to develop a safety plan and progress her enrolment.

At first, Frankie felt unsafe in the new school environment. She was supported by Navigator to visit the school when other students were not there, and she made good connections with the wellbeing team.

Frankie attended school for three part-days a week and began feeling like she had more control over her educational preferences. The teachers were supportive, following her lead and respecting her choices.

Once Frankie began attending her new school, her individual teaching support was abruptly stopped. Navigator was now the only remaining external support. The Navigator worker played a crucial role in keeping her engaged and stable at school. With her Navigator worker's advocacy, Frankie built strong connections at the school and was well supported by the leadership team.

<sup>674</sup> Information obtained from consultation.

## Evaluations of the Navigator Program

In 2020, the Victorian Auditor-General's Office (VAGO) conducted a review of the Navigator Program and found that it was not achieving its intended outcome of most students re-engaging in mainstream education with sustained attendance above 70 per cent.<sup>675</sup> VAGO found that DE could not demonstrate that Navigator is an effective intervention at a program level or that it is delivered equitably.<sup>676</sup> The review found that students' access to Navigator varied depending on where they live, as did the support that students received at school before being referred to the program.<sup>677</sup> The review identified that schools were unclear as to whether all eligible students should be referred, and this was one factor driving variation in access to the program.

VAGO also found that, despite the expectation that schools provide individualised support to students with decreasing engagement, only a quarter of students received this prior to a referral to Navigator. VAGO found that it was likely that Navigator is less effective when students do not receive earlier individualised support from schools when they start to disengage.

Insufficient data collection and program oversight was also identified as an issue by VAGO's report, meaning that DE could not assess the Navigator Program's full impact on students or understand the range of positive outcomes that the program may be achieving.<sup>678</sup> VAGO concluded that there were opportunities to improve data monitoring to better track program delivery and outcomes,<sup>679</sup> and that Navigator is likely to be more effective if delivered consistently across the state.<sup>680</sup>

All VAGO's recommendations were accepted by DE, including that it:

- develop a Navigator engagement strategy to better support disengaged students and ensure timely referrals to the program<sup>681</sup>
- improve oversight and follow-up of schools to ensure consistent application of DE's tiered system of support and referral practices
- monitor program demand and use this information to reduce wait times and address variation in access to the service<sup>682</sup>
- develop and implement a monitoring, evaluation and reporting framework to track Navigator's effectiveness and better understand what the program is able to achieve.<sup>683</sup>

DE advised that it has implemented all VAGO's recommendations. A monitoring framework was developed and will be used to inform its 2023-24 evaluation of the program. In relation to demand monitoring, DE rolled out a new data management system and provided additional funding to eight areas experiencing high demand, expanded the program for 12–17-year-old students and funded a pilot for 10–11-year-old students in four areas.

As discussed in Chapter 4, DE has established Attendance Working Groups as part of its improved oversight of Navigator and to ensure that school attendance data is reviewed regularly and support is provided to schools. Navigator Program data is now also linked to students' CASES21 records to better understand student attendance and engagement before and after a Navigator referral.

The Commission welcomes the significant work done to implement VAGO's recommendations. The provision of earlier supports to students at risk of disengagement before they are referred to Navigator, and improved monitoring of the Navigator Program itself, are necessary and timely.

<sup>675</sup> Victorian Auditor-General's Office (2022) *Effectiveness of the Navigator Program*, Victorian Government, State of Victoria, Melbourne, p. 18.

<sup>676</sup> *Ibid.*, p. 1.

<sup>677</sup> *Ibid.*

<sup>678</sup> *Ibid.*, p. 4.

<sup>679</sup> *Ibid.*, p. 18.

<sup>680</sup> *Ibid.*, p. 12.

<sup>681</sup> *Ibid.*, p. 3.

<sup>682</sup> *Ibid.*

<sup>683</sup> *Ibid.*

However, the data provided to the Commission indicates that the program is not meeting its objectives for large numbers of children and young people. This means the forthcoming evaluation of the Navigator Program will provide a critical opportunity to assess the impact of recent reforms and identify further opportunities for improvement.

### **Finding 38: Effectiveness of the Navigator Program**

**DE data indicates that the Navigator Program is not achieving its intended outcomes for children and young people in out-of-home care. Improved monitoring and data collection together with targeted and timely interventions, including earlier identification of risk of disengagement by schools and the provision of early supports, is a necessary and welcome improvement.**

## **Education during and following periods in custody and Secure Care**

Children and young people in Youth Justice and Secure Care settings are provided with education through Parkville College, a specialist Victorian Government school that provides education in these settings across five campuses.<sup>684</sup> Parkville College also operates O Street, a transitional campus for young people experiencing difficulty finding educational or employment pathways in their local communities following periods in Youth Justice.<sup>685</sup>

Parkville College typically provides education to around 300 students at any given time.<sup>686</sup> A significant proportion of those detained in Youth Justice are likely to have interacted with the child protection system.<sup>687</sup> Many of these young people may also have experienced significant disruptions to their education, difficulties with literacy and numeracy, and disabilities such as cognitive impairment, intellectual disability or language and communication disorders.<sup>688</sup>

The Secure Care service is a specialist statewide service that provides two secure 10 bed units to children and young people experiencing significant crisis. Secure Care settings are intended to be used for short periods of time while developing a suitable case plan to reduce the risk of harm to the child or young person and return them to the community as soon as possible.

The Commission heard that educational interventions while children and young people are in Youth Justice or Secure Care can provide an opportunity for them to access individualised support. The Commission heard that educational interventions in these settings are most beneficial when they are consistent, student voice is encouraged and valued, educators adopt strengths-based approaches and individualised learning, and children and young people are supported to transition back to school or other alternative education settings.

<sup>684</sup> Secure Care is used where a child or young person is at substantial and immediate risk of harm and their freedom of movement is assessed as needing to be restricted to ensure their protection from harm. See Department of Families, Fairness and Housing (2022) *Placement in a secure welfare service – advice*, accessed 11 May 2023.

<sup>685</sup> Parkville College, [Parkville College Website](#), accessed 9 January 2023.

<sup>686</sup> Ibid.

<sup>687</sup> In Victoria, more than half (55 per cent) of young people who were under Youth Justice supervision during 2020–21 had had an interaction with the child protection system in the previous five years. For Aboriginal young people under youth justice supervision, this rose to 76 per cent: Australian Institute of Health and Welfare (2022) *Young people under Youth Justice supervision and their interaction with the child protection system 2020-21*, AIHW, Australian Government, p. 11.

<sup>688</sup> Armytage P and Ogloff J (2017) *Youth Justice review and strategy: Meeting needs and reducing offending. Part 1*, Victorian Government, Melbourne, p. 162.

*What we heard from children and young people*

The Commission spoke to several children and young people with a care experience who were currently in Youth Justice and enrolled in Parkville College.

*Here [in Parkville] I've had a good teacher. If she sees me struggling, we do things to calm down, listen to music... helps you with what you're doing and doesn't just expect you to do things. (Ivo, 17, young person in Parkville Youth Justice Precinct)*

*Here the school is good, they make it funner... It's not just put the work in front of you. They sit with you and go through it, and go through it with everyone... Less people in the class here too... Maths, literacy, numeracy... we read something, then answer questions from the text... There's like three-six kids and one or two teachers... I'd make school the same as this if I had a magic wand. (Cillian, 15, young person in Parkville Youth Justice Precinct)*

*I like the school here, different stages of learning, it's not mainstream. Don't have to do all this shit, you focus on things you're interested in and you want to learn... When I get out I'm gonna try go to school [alternative school]. I've got a meeting... it's the same as here I think, which is why I reckon it will be okay... The teachers here are pretty good usually. (Mykel, 17, Aboriginal, young person in Parkville Youth Justice Precinct)*

*What we heard from stakeholders*

The Commission heard that Youth Justice and Secure Care settings can provide an opportunity to connect with students. However, educators also raised concerns about children disengaging earlier.

*Young people often share their experiences of schooling with us, both good and bad. The good usually revolves around hands-on experiences or programs they have enjoyed such as Equine Therapy or Therapy Dogs, hairdressing classes or outdoor activities or special camps. Sometimes they will have a sense of pride over a skill they excel at, such as a particular subject. Every now and then it's a favourite teacher or the social aspect of the schooling environment. (Secure Care staff member)*

*An eight-year-old came into the unit, was heartbreaking to see, although he was out by the end of the day. They're getting younger and it becomes harder to re-engage them when disengagement does occur. This term alone we've had four or five 10 to 11-year-olds. (Secure Care staff member)*

*Almost every student I have worked with, when given the time and space to build rapport and trust, has been able to share their needs, hopes and goals. (Secure Care staff member)*

**Transitioning from Youth Justice and Secure Care into education**

For children and young people transitioning from Youth Justice, Parkville College is expected to ensure that reintegration planning commences as soon as a young person enters custody.<sup>689</sup> This is in accordance with a DE framework developed under the *Youth Justice Strategic Plan*<sup>690</sup> to help re-engage children and young people in education after they leave Youth

<sup>689</sup> Department of Education (n.d.) [Supporting young people to make positive transitions from custody – Actions for schools & settings](#).

<sup>690</sup> Department of Justice and Community Safety (2022) *Youth Justice Strategic Plan 2020-2030 – The way forward*, Victorian Government, Melbourne, p. 27.



Justice settings. DE also recently created Youth Justice Advisors who sit in the LOOKOUT Centres to better meet the needs of children and young people in Youth Justice.

A similar framework exists for children and young people leaving Secure Care settings.<sup>691</sup> However, the Commission heard that the transition process from Secure Care into other educational settings was not always effective and that care teams did not always prioritise education.

*Kids are contained in secure unit – so it’s an opportunity to reconnect. But it’s heartbreaking to see such young kids coming in and not be visited by their care team. One 16-year-old was in the unit for 16 days before anyone in the care team visited them – where’s the trust! Just to say hey I’m here and I’m here for you. (Secure Care staff member)*

*It is a common occurrence for young people at Secure Care to leave with no enrolment to a school, as the care team have not flagged education or school as a priority. (Secure Care staff member)*

*[Some of the young people we see] 12- and 14-year-olds who are not supported by care teams to prioritise education in mainstream schools. They would flourish. Some we see that want to be in school and would do really well... and not become a statistic. [They] absolutely want to go to school. (Secure Care staff member)*

On the other hand, the perspective of educators in Secure Care was that schools did not always want to receive students from that setting.

*Very recently, we spoke with a local flexible (government) school about a student returning to school. When discussion of their timetable arose, the school was only willing or able to give the student one hour a day, offsite. And they were reluctant to discuss this up front with us or with the student. This meant the student would only receive five hours of school a week, less than one day of school a week. Despite the complexities of the situation, this is not good enough. And this is not an uncommon story for the young people we work with. The message this ‘practice’ sends to children is not positive. It tells children they are not welcome. They are not wanted. (Secure Care staff member)*

The Commission also heard from a FLO teacher that there is a disconnect between Parkville College in Youth Justice and the broader school system, which can impact the transition of students.

*The Parkville school system doesn’t have a high expectation of the kids in transitioning into local high school kids...they see themselves doing different work, often doing it well... but there is a disconnect between the school and the system on the outside. Sometimes you have a good relationship with an individual worker that will help it, but we have to have a system not [be] reliant on good personal relationships... that’s not sustainable. (Teacher, FLO)*

<sup>691</sup> Department of Education and Training (2021) *Secure care services, key actions for schools*.

### Improved monitoring of transitions from Secure Care and Youth Justice

The Commission acknowledges that consultation with Youth Justice, Secure Care and stakeholders receiving students from those settings was limited in this inquiry. In line with earlier recommendations regarding improved monitoring and tracking, the Commission considers that tracking transitions from secure settings is an important part of measuring the success and any limitations of these transition processes. The Commission also considers that tracking for children and young people in the care system should be done through increased and improved data collection and analysis under the Partnering Agreement.

#### **Recommendation 43: Monitor transitions from Secure Care and Youth Justice into other education settings**

**That DE and DFFH monitor the transitions of children and young people from Secure Care and Youth Justice settings to education settings as part of the *Out-of-Home Care Education Commitment* to ensure they comply with departmental guidelines and ensure that appropriate supports for re-engagement with education are provided.**

### Alternative education settings

Alternative education settings are also provided by some independent schools and Catholic schools. Like FLOs offered as part of the government school system, these alternative settings target the needs of students experiencing disadvantage and marginalisation, including children and young people living in out-of-home care. The common underlying characteristics of these schools and FLOs include a focus on strengthening social and emotional wellbeing and they generally prioritise teaching strategies that are trauma-informed, individualised, and attachment-based. Some programs offered by alternative settings are holistic in nature. For example, Hester Hornbrook Academy offers students several wrap-around services, in addition to education, including legal advice, living and life-skills with support staff, mentoring programs, a food program and employment pathways. Some of these schools operate on a standalone basis, while others are associated with CSOs or part of a group of schools. The Commission heard from several of these schools that demand for enrolments is high, with lengthy waitlists.

The case studies on the next page detail the approach to flexible learning in two alternative education settings.

While not formally within the scope of this inquiry, the Commission heard positive feedback about alternative education options that provide individualised approaches tailored to the unique educational and emotional needs of their students, sometimes beyond what is offered in the state school system.

## Case study: St Joseph's Flexible Learning Centre<sup>692</sup>

St Joseph's Flexible Learning Centre is a Catholic specialist secondary school with campuses in North Melbourne, Geelong and Colac. An initiative of Edmund Rice Education Australia, it has small class sizes, a flexible curriculum, and a focus on addressing the social and emotional needs of young people to promote wellbeing and develop cognitive and academic skills.

The school model incorporates one teacher and one youth worker in each classroom. It is relationship-based, recognising that young people who have experienced trauma benefit from having a pro-social adult in their life.

The leadership team recognises that children and young people whose hierarchy of needs (including sensory needs) is being met are more likely to be able to engage positively in education. The school focuses first on addressing regulation needs before addressing education. They actively start each day by supporting every young person to regulate and activate their emotions. The school's physical environment is designed to support this trauma-informed approach. This includes break-out spaces and areas for play and movement.

Many students have had a significant history of school disengagement prior to enrolling at St Joseph's. The leadership team aims to remove all barriers to education. This includes providing students with a yearly myki, three meals a day and meals to take home.

The Commission heard from current students attending St Joseph's that they enjoyed the flexibility of the program and particularly benefited from the intensive wrap-around support provided by educators and onsite youth workers.

*I like the teachers, they are super nice and understand problems and issues. I talk a lot and do a lot of hands-on stuff. I have dyslexia - I can't spell or read that good – but they teach me nice and slow. Sometimes my mind is slow, so I have to take my time.  
(Bailey, 22, previously residential care)*

## Case study: Berry Street School<sup>693</sup>

The Berry Street School is a specialist independent secondary school with four campuses across Victoria in Narre Warren, Morwell, Shepparton, and Ballarat. It operates to educate children with a history of adverse childhood experiences who are at risk of disengaging from their education and embeds a trauma-informed approach to its teaching and learning practices.

Berry Street's vision is 'to create and sustain a safe and inclusive learning community where our students have access to high-quality education so they can thrive, achieve and belong'.

The schools offer several curricula to its students, including the Victorian Curriculum, VCAL, VCE Vocational Major, and the Victorian Pathways Certificate. It has a strong focus on helping students develop goals and to hold high aspirations for themselves. It offers small class sizes and a high staff-to-student ratio. This enables relationships and consistency for students, making the school feel like a safe place for them. The Berry Street School identifies these elements of its model as effective enablers for educational engagement.

<sup>692</sup> Information obtained from a consultation.

<sup>693</sup> Information obtained from a consultation; Berry Street (2023) [Berry Street School](#), accessed 15 May 2023.

*It's a holistic approach. How we are with the young person is how we are with staff, we acknowledge that trauma is a universal thing. A lot of the strategies are in attitudes. We put a lot of effort into ongoing learning and we incorporate our values and commitments into everyday practice. (Principal, alternative school)*

*Where schools employ flexible learning, restorative practices and relationship-based approaches we see far better outcomes for young people in care. (CSO staff member)<sup>694</sup>*

*Waitlists for alternative schools is proof of the need for more alternative, safe programs for groups of kids with really complex needs. They can provide the intensive level of care required for some young people. (Principal, FLO)*

The Commission considers that there are valuable insights and learnings available from alternative education settings that may be useful to share across other schools, including those in the state system.

#### **Recommendation 44: Share best practice approaches to flexible learning**

**That DE create opportunities for schools and FLOs, including those in alternative settings provided by independent and Catholic schools, to share best practice approaches to flexible learning.**

### **One-on-one educational supports for children and young people in care**

In addition to supports for children and young people in care provided by DE through FLOs and Navigator, DFFH also funds targeted supports to children and young people living in out-of-home care, predominantly in residential care, through the following programs:

- Children in Residential Care (CIRC)
- Transforming Educational Achievement for Children at Risk (TEACHaR)
- education specialists for children and young people in the Keep Embracing Your Success – Residential Care model (KEYS),<sup>695</sup> and two-and-three-bedroom therapeutic residential care homes.<sup>696</sup>

Around Victoria, DFFH funds 7.4 full-time equivalent Health and Education Assessment Coordinators (HEAC), and in August 2023 the Victorian Government announced funding for an additional four HEACS.<sup>697</sup> These roles focus on the development and implementation of health and education initiatives for children and young people in care. They are also responsible for developing and supporting cross agency processes that ensure timely health and education assessments, and for coordinating treatment and support as determined through the assessment process.<sup>698</sup> HEACs provide advice and support to professionals working with children and young people, liaise with care teams to promote health and education assessments, and facilitate access to brokerage funds.<sup>699</sup> The role of HEACs in supporting implementation of the Partnering Agreement is discussed in Chapter 11.

<sup>694</sup> Anglicare, *Submission to Education inquiry*, p. 9.

<sup>695</sup> Department of Families, Fairness and Housing (2021) [Statewide Keep Embracing Your Success \(KEYS\) Program guidelines](#), Victorian Government, Melbourne.

<sup>696</sup> Department of Families, Fairness and Housing (2021) [Statewide Two and Three bed Therapeutic Residential Care Program Guidelines](#), Victorian Government, Melbourne.

<sup>697</sup> Information provided by DE to the Commission on 3 October 2023.

<sup>698</sup> Information provided by DFFH to the Commission on 26 September 2023.

<sup>699</sup> Department of Education and Training and Department of Health and Human Services (2018) [Out-of-Home Care Education Commitment](#), State of Victoria, Melbourne, p. 4.

## Individualised support programs – CIRC and TEACHaR

CIRC is a DFFH statewide program that provides funding to CSOs to deliver specialist education programs to children and young people in residential care. Supports provided under the guidelines can be in the form of brokerage, educational case management or one-on-one educational support.<sup>700</sup> CIRC supported an average of 295 children and young people per day between 2018 and 2023.<sup>701</sup>

TEACHaR is a one-on-one education support model which was developed by Anglicare Victoria in 2013. This program is available for all children and young people in care across Victoria as a fee for service option. It is also funded specifically for children in residential care in DFFH's North Division and as a service in the KEYS and select residential care settings in the South Division.<sup>702</sup> Anglicare estimates it is funded by DFFH to provide TEACHaR to just over 100 children and young people annually,<sup>703</sup> although in total the program has supported around 256 children and young people in 2022-23, with the additional students supported through fee for service packages and Anglicare funds.<sup>704</sup>

TEACHaR aims to support children and young people by increasing their literacy and numeracy proficiency, promoting positive attitudes and feelings towards learning, and encouraging them to complete formal schooling.<sup>705</sup> TEACHaR employs registered teachers to provide direct one-on-one teaching with children and young people in settings that suit them and maximise their engagement in learning.<sup>706</sup> Education specialists aim to work closely with the young person's placement agency, carers, school and any other educational supports to ensure a holistic, consistent approach.<sup>707</sup> This is supported by a coordinated education plan that is informed by educational assessments and responsive to the child or young person's needs, interests and goals.<sup>708</sup>

## Education support through KEYS and two-and-three-bedroom therapeutic residential care homes

Specialised education supports are also provided in all KEYS houses and two-and-three bed therapeutic residential care models, sometimes through provision of TEACHaR teachers, who work in the home alongside other specialists. Education may also be supported by programs such as Paw Pals<sup>709</sup> and have a cultural focus for Aboriginal children and young people.

### *What we heard from children and young people*

The Commission heard positive feedback about the provision of one-on-one education support for children and young people living in care.

**700** Department of Human Services (2013) *Program requirements for Children in Residential Care (CIRC) program*, State of Victoria, Melbourne.

**701** 298 (2018-2019); 298 (2019-2020); 300 (2020-2021); 295 (2021-22); 295 (2022-2023). Information provided by DFFH to the Commission on 17 March and 26 September 2023.

**702** *Review of the Education Support Programs CIRC and TEACHaR – Consultations Findings Report*. Provided by DFFH to the Commission dated 26 October 2022.

**703** CIRC funding has been used to fund TEACHaR programs in some areas and therefore this estimate is not in addition to the figure of 300 provided by DFFH.

**704** Information provided from Anglicare Victoria to the Commission dated 19 May 2023.

**705** Townsend M, et al. (2022) 'Transforming Educational Achievement for Children at Risk, an Australian education programme', *Child & Family Social Work*, 2022, 1-9, d, p. 2.

**706** Anglicare, *Submission to Education Inquiry*, p. 8.

**707** Ibid.

**708** Ibid.

**709** Paw Pals is a dog assisted education program that has been created by MacKillop Education Services for students who are currently disengaged or at risk of disengaging from education. It is intended to assist students with emotional regulation, self-awareness, confidence and the social skills they need to be able to learn. See MacKillop Family Services (n.d.) *Paw Pals*, accessed 8 May 2023.



*Having a TEACHaR member help me with school makes me feel comfortable with transitioning to high school. (Kian, 14, Aboriginal, kinship care)*

*I'm glad I did [join the program]. Because it saved me. It completely saved me...I could not even write the word 'the' at the stage when they [educators] started coming...Now, I know words like hypothesis. (Anglicare Victoria submission)<sup>710</sup>*

### Building a trusting relationship

#### What we heard from stakeholders

Stakeholders highlighted the benefits of one-on-one education support, including the importance of building a connection and trusting relationship with children and young people and addressing literacy and numeracy early. They also identified the importance of support workers being qualified teachers.

*I certainly think that the brokerage provided from DFFH that enables education specialists to be working one-on-one with children and young people... that can be really effective in terms of building that relationship, establishing trust where the kids feel safe and building on their strengths to begin the journey to reengage in education. That level of support is critical... it'd be great to have more money in that space so those kids could have more time each week to do that social and emotional wellbeing, literacy, numeracy etc.... these kids take time to build trust to feel safe, so it takes time and specialist support... I think we need to have a much more longer-term view about funding... so yes some of this up-front work might cost a lot of money, but if we think about the cost of not doing it, we know what that looks like in the longer-term trajectory. (Principal, alternative school)*

*The only way you can support a teenager is through a connection and relationship. These programs allow that connection to develop.... We are our experiences. These kids have a lot of bad experiences with teachers and school... so it's resc scaffolding their beliefs. (Residential care staff member)*

*I certainly think that the brokerage provided from DFFH that enables education specialists to be working one-on-one with children and young people can be really effective in terms of building that relationship, establishing trust where the kids feel safe, and building on their strengths to begin the journey to reengage in education. That level of support is critical... it would be great to have more money in that space so those kids could have more time each week to do that social and emotional wellbeing, literacy, numeracy etc... these kids take time to build trust, to feel safe, so it takes time and specialist support. (Teacher, alternative school)*

### Benefits of qualified teachers providing supports

One of the benefits emphasised in consultations and submissions was the value of using trained teachers and tutors, and their capacity to address learning needs and advocate for children and young people in care in school settings.

*I'd like a pool of trauma-informed tutors who could work with our young people – we have a CIRC [worker]... she goes around to all our units. She's brilliant and a driving force to get them involved in education. (Health and Education Coordinator)*

<sup>710</sup> Anglicare Victoria, *Submission to Education inquiry*, p.8.

*The use of Victorian Institute of Technology registered teachers is vital for educational rigour, credibility with schools and staff retention. There are many benefits of placing education staff into the out-of-home care setting. Put simply, educators are the voice of out-of-home care in schools, and the voice of education in out-of-home care teams. They act as an informed communication bridge between systems, and provide consistent, and specific education support to students, particularly during times of student stressors, disengagement and/or placement difficulty. (Anglicare Victoria submission)<sup>711</sup>*

### The importance of flexible individualised models in residential care settings

Those working in therapeutic residential care settings, including KEYS, spoke about the effectiveness of the targeted education support embedded in these new models.

*I'm allocated two hours per week face time with each young person in the houses. That time is ideally for doing some academic stuff or skill building to engage in school, and other times it's advocacy or education case support. When I started, there was one of the ten kids engaged in education of any sort. Now we are up to seven, with three attending face-to-face and four engaging with outreach to some capacity. All of them are working on a personal education plan that I developed with them. (Education Support Worker)*

*We have the Paw Pals program where teachers work with trained therapy dogs. We use the curriculum, but it's been written to include the dogs. We've seen the young people's presentation change and they feel success in their learning. We do safety planning with the dogs, and they relate to this and it helps with their own self-regulation. The animal assisted education for the most disengaged kids has been really successful, we've seen so many kids go back to school. They slowly integrate back in, that's been great for us. (CSO staff member)*

*We operate from a cultural framework, so for us it's about getting kids on Country. A lot of our kids struggle with the four walls of the classroom. The western education system doesn't meet their needs. We do a lot of incidental learning, taking them to Country, doing maths. It then leads to a lot of conversation about how we set the bar for education for young people. At the moment, it's just setting them up to operate in community, but it's far too low. (ACCO staff member)*

### Finding 39: Benefits of one-to-one education supports

One-to-one education supports can lead to improved educational outcomes for children and young people in out-of-home care who have disengaged from education, including re-engagement with mainstream school in some cases.

<sup>711</sup> Anglicare, *Submission to Education inquiry*, p. 10.

## Reviews and evaluations of CIRC and TEACHaR

An independent review of CIRC and TEACHaR commissioned by DFFH in 2019<sup>712</sup> found that while both programs were reviewed positively in some divisions, different funding levels, reporting and monitoring processes made it difficult to compare performance or to rate the performance of either program.

The strengths of CIRC included the role that CIRC workers were able to play in building relationships with residential care units and LOOKOUT Centres, and in advocating for a child or young person's education in care team meetings. Early engagement with children and young people to build rapport was also a key benefit identified in relation to CIRC workers, particularly in divisions where they were able to 'follow' a child or young person between placements. Identified key shortcomings included that there was often insufficient funding to support appropriate services, significant variability of service provision, and confusion as to the purpose and intended outcomes of the program.<sup>713</sup>

At the time of the review, TEACHaR was funded in the North Division, available as a fee for service option in other divisions and part of the KEYS pilot in the South Division. Consequently, observations made as part of the review were limited to two divisions. TEACHaR was regarded as evidence based, having manageable caseloads with regular reviews and monitoring of individual students. The individual relationship building identified as a strength of CIRC was also an identified strength for TEACHaR. Additional strengths of TEACHaR were its early childhood specialist capability, a specific focus on Aboriginal children and young people, and VCAL pathways. The TEACHaR teachers were also observed to build and maintain strong relationships with LOOKOUT Centres and HEACs.

Weaknesses principally related to funding uncertainty and the challenges this presented for the recruitment of staff.

The lack of capacity to 'follow' children and young people who changed placements and moved out of the division significantly limited the success of these interventions, due to the importance of building individual rapport with children and young people. This was identified as an issue for both programs.

TEACHaR was also evaluated by the (then) DHHS Centre for Evaluation and Research in 2017, which found the model delivered positive educational outcomes.<sup>714</sup> The most recent Impact Assessment for TEACHaR recorded improvements in school attendance and educational engagement for children and young people engaged in the program. This was credited to its trauma-informed approach.<sup>715</sup> Further, in its submission and in consultations with the Commission, Anglicare identified the fact that because funding guidelines prioritised children in residential care who had already disengaged from education, opportunities for earlier intervention were missed, which made re-engagement more challenging.<sup>716</sup>

### *What we heard from stakeholders*

The Commission consistently heard about the benefits and impact of TEACHaR in building the literacy and numeracy of children and young people in residential care and in building and supporting connections back to school.<sup>717</sup> However, the Commission also heard that the funding structures in some locations meant that TEACHaR supports were discontinued when they were needed most, including where children and young people moved between placements and schools.

<sup>712</sup> *Review of the Education Support Programs CIRC and TEACHaR – Consultations Findings Report*. Provided by DFFH to the Commission dated 26 October 2022. The review involved consultations with DFFH Divisions, Providers of CIRC and TEACHaR, CSOs and LOOKOUT principals.

<sup>713</sup> Ibid.

<sup>714</sup> DHHS Centre for Evaluation and Research (2017) *Social Value Report for the TEACHaR Program Melbourne Northern Division*, Victorian Government Melbourne.

<sup>715</sup> Anglicare Victoria (2021) [TEACHaR Impact Statement 2019-20](#).

<sup>716</sup> Anglicare, *Submission to Education inquiry*, p. 10.

<sup>717</sup> Ibid.

*TEACHaR is really fierce about keeping education on the table, with the young person and care team. And fighting to keep engagement with the young person. They've all been really strong advocates to have the targeted care package to extend the program... it takes a long time to build relationships with young people who have such broken attachments but then it's usually just after a spike in engagement that TEACHaR is supposed to stop. You'll have a kid where it's been a transformative success and the child is begging for that support to continue, and to me that is criminal... but DFFH and others who fund that program need to understand if you have a child who has successfully engaged because of that program... then you take that person out of their life, because they've 'succeeded' it's just beyond outrageous. If a young person is coming from another school to us, if they have a TEACHaR engaged it's much easier to have the transition work. The transfer of information between schools isn't very good. Parents or carers usually have the continuous story, but with kids in out-of-home care... if they don't have someone like TEACHaR involved. (Teacher, FLO)*

The Commission heard mixed reports regarding CIRC. Some stakeholders identified individual CIRC workers as providing excellent targeted support.

*We have CIRC, she goes around to all our units. She's brilliant and a driving force to get them involved in education. (Health and Education Coordinator)*

*[We have had] a couple of cases where we have re-engaged young people back into mainstream secondary school. It has been the CIRC worker who has advocated for them, but also the schools being receptive, and being able to give leeway to the young person. (Health and Education Coordinator)*

*The CIRC worker supports the disability space really well...I find the CIRC worker is absolutely crucial, they are visiting the kids at their house, getting them engaged back into school. (LOOKOUT Learning Advisor)*

The Commission also heard there was not a clear model for CIRC. Further, one stakeholder delivering both Navigator and CIRC programs told the Commission that having DE and DFFH funded programs aimed at the same or similar outcomes could lead to overlap and unnecessary duplication.

*DFFH doesn't appear to have a clear singular model, like employing teachers in that space (similar to TEACHaR), [there is] not enough attention towards developing a statewide model. (Education Support Worker)*

*Navigator is one of the first times DE has funded CSOs to do a program like this, which is ground-breaking. But DFFH and DE are doubling up instead of communicating to each other. The client group is the same. They need to work smarter, not harder. We are lucky because we have the same programs under our banner. (CSO staff member)*

#### **Finding 40: One-to-one educational supports**

The Commission heard that the current funding model and funding levels for educational supports for children and young people in out-of-home care are not sufficient to ensure children and young people are identified and referred for supports at the right time or available to every child and young person who needs them.

DFFH is considering the outcomes of the independent review and future approaches to delivering tailored education supports for children and young people in care. The Commission welcomes the review and suggests that it may be timely to consider how such supports are resourced and enabled to ensure they can be delivered where, and as, needed.

The Commission notes and welcomes the Victorian Government's investment to provide individual education support to up to an additional 500 students in care per year. This additional funding was announced in August 2023 and will provide learning support 'beyond the school gate', delivered by qualified teachers, to reach students in the care system who are not regularly attending school.<sup>718</sup> The Commission recommends that this initiative be monitored closely to determine what additional resources are needed to meet the outcome described in Recommendation 45.

### **Recommendation 45: Review resourcing requirements for one-to-one education supports**

**That the Victorian Government review resourcing for and access to one-to-one education supports provided to children and young people in out-of-home care to enable:**

- **manageable caseloads for one-to-one teaching support**
- **needs-based access for all children and young people in care across the state.**

### **Recommendation 46: Ensure the model of one-to-one teaching support is effective**

**That one-to-one teaching support for children and young people in out-of-home care that is funded by the Victorian Government:**

- **be provided by qualified teachers**
- **include a focus on literacy and numeracy**
- **include advocacy for a child or young person in relevant meetings, including in Student Support Group and care team meetings**
- **involve liaison with other workers and carers to encourage educational engagement**
- **be provided flexibly across placement changes by the same teacher.**

### **Recommendation 47: Ensure appropriate collaboration between DE and DFFH to ensure that referrals to appropriate supports are made in a timely way**

**That DE and DFFH collaborate so that all relevant information about children and young people in out-of-home care, including chronic absences, Individual Education Plan progress, Student Support Group meetings and Educational Needs Analysis recommendations are used to ensure that referrals to one-to-one education supports are made in a timely and appropriate way, rather than after a child or young person has already disengaged.**

<sup>718</sup> Information provided by DE to the Commission on 3 October 2023.



# Appendix

## Data and tables

### Chapter 4: Victoria's out-of-home care and education systems

**Table 42. Children and young people in out-of-home care by age group and placement type as at 31 December, 2018–22**

Age group and placement type	2018	2019	2020	2021	2022	% change 2018–22
<b>Foster care</b>	<b>1,618</b>	<b>1,630</b>	<b>1,636</b>	<b>1,549</b>	<b>1,457</b>	<b>-10</b>
0–2 years	295	277	266	242	225	-24
3–5 years	260	282	287	272	255	-2
6–8 years	269	290	307	274	262	-3
9–11 years	279	280	272	272	270	-3
12–14 years	268	266	263	240	228	-15
15–17 years	247	235	241	249	217	-12
<b>Kinship care</b>	<b>5,810</b>	<b>6,579</b>	<b>6,979</b>	<b>6,943</b>	<b>6,922</b>	<b>19</b>
0–2 years	998	1,088	1,049	997	941	-6
3–5 years	1,177	1,259	1,315	1,280	1,219	4
6–8 years	1,004	1,169	1,263	1,252	1,229	22
9–11 years	987	1,108	1,158	1,174	1,215	23
12–14 years	888	1,068	1,178	1,226	1,170	32
15–17 years	756	887	1,016	1,014	1,148	52
<b>Residential care</b>	<b>461</b>	<b>433</b>	<b>465</b>	<b>481</b>	<b>503</b>	<b>9</b>
3–5 years	0	0	1	5	2	-
6–8 years	9	13	13	13	12	33
9–11 years	29	23	36	51	53	83
12–14 years	145	136	142	142	169	17
15–17 years	278	261	273	270	267	-4
<b>Other</b>	<b>7</b>	<b>6</b>	<b>5</b>	<b>3</b>	<b>6</b>	<b>-14</b>
0–2 years	2	4	3	1	5	150
3–5 years	1	0	1	0	0	-100
6–8 years	1	1	1	2	0	-100
9–11 years	0	0	0	0	1	-
12–14 years	1	0	0	0	0	-100
15–17 years	2	1	0	0	0	-100
<b>Total</b>	<b>7,896</b>	<b>8,648</b>	<b>9,085</b>	<b>8,976</b>	<b>8,888</b>	<b>13</b>

Source: Data provided by DFFH to the Commission on 18 January 2023 and 5 and 14 July 2023

**Table 43. Aboriginal children and young people in out-of-home care by placement type as at 31 December, 2018–22**

Placement type	2018	2019	2020	2021	2022	% change 2018–22
Kinship care	1,627	1,878	1,975	2,072	2,037	25
Foster care	409	424	458	437	447	9
Residential care	107	95	106	109	120	12
Other	3	1	0	0	2	-33
<b>Total</b>	<b>2,146</b>	<b>2,398</b>	<b>2,539</b>	<b>2,618</b>	<b>2,606</b>	<b>21</b>

Source: Data provided by DFFH to the Commission on 18 January 2023 and 5 and 14 July 2023

**Table 44. Number of enrolments for students in out-of-home care by school type, 2018–22**

School type	2018		2019		2020		2021		2022	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Pri/Sec	628	10	768	11	751	11	779	11	777	12
Primary	3,182	50	3,430	49	3,391	49	3,268	47	3,083	46
Secondary	1,948	31	2,186	31	2,177	32	2,296	33	2,287	34
Special	605	10	601	9	560	8	590	9	584	9
Language	3	<1	2	<1	1	<1	1	<1	3	<1
<b>Total</b>	<b>6,366</b>	<b>100</b>	<b>6,987</b>	<b>100</b>	<b>6,880</b>	<b>100</b>	<b>6,934</b>	<b>100</b>	<b>6,734</b>	<b>100</b>

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

**Table 45. Number of enrolments for students in Victoria by school type, 2018–22**

School type	2018		2019		2020		2021		2022	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Primary	544,344.8	56	552,386.0	56	559,650.0	55	558,234.4	55	555,184.1	55
Secondary	410,503.1	42	418,622.7	42	431,791.6	43	438,315.0	43	441,726.9	43
Special	14,888.3	2	15,521.6	2	15,901.8	2	16,261.2	2	16,975.8	2
Language	1,933	<1	1,906.0	<1	2,093.0	<1	1,436.0	<1	1,644	<1
<b>Total</b>	<b>971,669.2</b>	<b>100</b>	<b>988,436.3</b>	<b>100</b>	<b>1,009,436.4</b>	<b>100</b>	<b>1,014,246.6</b>	<b>100</b>	<b>1,015,530.8</b>	<b>100</b>

Source: Department of Education (2022), *Summary Statistics 2022*, accessed 2 August 2023, [www.vic.gov.au/statistics-victorian-schools-and-teaching](http://www.vic.gov.au/statistics-victorian-schools-and-teaching)

**Table 46. School attendance rates for students in out-of-home care by year level, 2018–22<sup>719</sup>**

Year level	2018	2019	2020	2021	2022
Foundation	90.2	89.8	89.3	89.9	85.4
Year 1	90.7	90.3	89.4	89.0	87.1
Year 2	90.8	89.6	89.7	89.7	87.2
Year 3	90.7	89.5	88.8	90.2	87.2
Year 4	89.7	89.9	88.9	88.6	86.5
Year 5	88.4	89.5	88.0	88.1	85.4
Year 6	88.4	87.6	88.9	87.3	83.0
Year 7	83.4	85.0	84.1	83.1	79.7
Year 8	79.0	80.2	81.3	77.7	75.0
Year 9	77.5	76.7	78.9	77.1	72.7
Year 10	80.8	80.8	81.9	78.0	76.5
Year 11	84.3	84.9	84.6	83.3	79.6
Year 12	85.2	87.2	87.8	86.4	84.4
Ungraded	83.9	83.2	84.4	83.8	80.7
<b>Total</b>	<b>86.1</b>	<b>86.0</b>	<b>86.0</b>	<b>85.0</b>	<b>81.9</b>
Average primary	89.9	89.4	89.0	89.0	86.0
Average secondary	81.7	82.5	83.1	80.9	78.0
<b>Average Total</b>	<b>85.9</b>	<b>86.0</b>	<b>86.1</b>	<b>85.2</b>	<b>82.2</b>

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

<sup>719</sup> This data relates to students who were in care at some point during the reference period.

**Table 47. Attendance rates for Aboriginal students in out-of-home care, 2018–22<sup>720</sup>**

Year level	2018	2019	2020	2021	2022
Foundation	89.1	86.9	87.8	89.2	81.2
Year 1	89.8	89.4	87.4	87.5	85.4
Year 2	89.3	87.5	88.8	87.0	85.1
Year 3	88.5	86.8	88.1	88.6	85.4
Year 4	88.3	88.8	86.4	89.7	83.6
Year 5	86.3	88.8	84.5	86.6	84.1
Year 6	87.1	84.9	86.3	83.9	81.2
Year 7	80.0	83.3	79.3	80.6	76.0
Year 8	72.8	78.9	75.5	72.8	69.8
Year 9	72.3	71.4	75.8	74.6	68.7
Year 10	74.1	76.0	77.6	72.1	68.8
Year 11	70.5	81.5	77.5	76.8	75.4
Year 12	88.5	86.8	87.0	86.6	79.0
Ungraded	83.4	80.4	82.4	81.2	75.7
<b>Total</b>	<b>84.1</b>	<b>84.3</b>	<b>83.5</b>	<b>83.4</b>	<b>79.4</b>
Average primary	88.4	87.6	87.1	87.5	83.7
Average secondary	76.4	79.7	78.8	77.2	73.0
<b>Average Total</b>	<b>82.9</b>	<b>83.7</b>	<b>83.2</b>	<b>82.7</b>	<b>78.5</b>

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

<sup>720</sup> This data relates to students who were in care at some point during the reference period.

**Table 48. Attendance rates for students in out-of-home care with an NCCD status, 2018–22<sup>721</sup>**

Year level	2018	2019	2020	2021	2022
Foundation	90.3	89.1	88.6	89.7	85.3
Year 1	89.5	89.8	88.2	88.5	86.9
Year 2	90.1	88.6	88.7	88.8	87.1
Year 3	90.2	88.3	87.2	89.5	86.7
Year 4	89.2	88.7	88.1	88.0	85.9
Year 5	87.3	88.6	88.0	87.5	84.0
Year 6	87.6	86.4	87.9	86.7	82.3
Year 7	81.5	83.4	83.0	82.8	77.6
Year 8	76.8	77.4	80.2	75.7	73.4
Year 9	70.2	70.5	74.4	75.5	69.6
Year 10	77.5	77.2	79.2	73.4	73.8
Year 11	79.6	79.7	79.3	80.4	77.3
Year 12	71.9	84.8	83.8	80.7	83.0
Ungraded	83.8	82.4	84.1	83.4	79.8
<b>Total</b>	<b>84.8</b>	<b>84.4</b>	<b>84.8</b>	<b>84.2</b>	<b>81.0</b>
Average primary	89.2	88.5	88.1	88.4	85.5
Average secondary	76.3	78.8	80.0	78.1	75.8
<b>Average Total</b>	<b>83.2</b>	<b>83.9</b>	<b>84.3</b>	<b>83.6</b>	<b>80.9</b>

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

<sup>721</sup> This data relates to students who were in care at some point during the reference period.



**Table 49. Number of students in out-of-home care and in the general population by school year and absence category, 2022**

School type and absence category	Students in the general population		Students in care	
	No.	Prop. (%)	No.	Prop. (%)
<b>Primary years</b>	<b>384,540</b>	<b>100</b>	<b>2,754</b>	<b>100</b>
No risk	83,257	22	659	24
At risk	124,464	32	783	28
Chronic	176,819	46	1,312	48
<b>Secondary years</b>	<b>252,112</b>	<b>100</b>	<b>1,937</b>	<b>100</b>
No risk	64,599	26	337	17
At risk	69,008	27	353	18
Chronic	118,505	47	1,247	64
<b>Ungraded</b>	<b>11,459</b>	<b>100</b>	<b>454</b>	<b>100</b>
No risk	1,724	15	104	23
At risk	2,482	22	112	25
Chronic	7,253	63	238	52
<b>Total</b>	<b>648,111</b>		<b>5,145</b>	

**Table 50. Number of students in out-of-home care by NCCD status and absence category, 2018–22<sup>722</sup>**

NCCD status and absence category	2018		2019		2020		2021		2022	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
<b>NCCD</b>	<b>2,533</b>	<b>100</b>	<b>3,008</b>	<b>100</b>	<b>3,162</b>	<b>100</b>	<b>3,359</b>	<b>100</b>	<b>3,388</b>	<b>100</b>
Within tolerance	763	30	807	27	990	31	931	28	630	19
At risk	622	25	754	25	682	22	794	24	799	24
Chronic	1,148	45	1,447	48	1,490	47	1,634	49	1,959	58
<b>No–NCCD</b>	<b>2,419</b>	<b>100</b>	<b>2,442</b>	<b>100</b>	<b>2,364</b>	<b>100</b>	<b>2,204</b>	<b>100</b>	<b>2,108</b>	<b>100</b>
Within tolerance	756	31	766	31	808	34	674	31	408	19
At risk	607	25	600	25	514	22	461	21	488	23
Chronic	1,056	44	1,076	44	1,042	44	1,069	49	1,212	57
<b>Total</b>	<b>4,952</b>		<b>5,450</b>		<b>5,526</b>		<b>5,563</b>		<b>5,496</b>	

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

<sup>722</sup> This data relates to students who were in care at some point during the reference period.

**Table 51. Aboriginal students in out-of-home care and absence category, 2018–22<sup>723</sup>**

Aboriginal status and absence category	2018		2019		2020		2021		2022	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
<b>Aboriginal</b>	<b>1,086</b>	<b>100</b>	<b>1,195</b>	<b>100</b>	<b>1,270</b>	<b>100</b>	<b>1,374</b>	<b>100</b>	<b>1,381</b>	<b>100</b>
Within tolerance	324	30	312	26	367	29	353	26	239	17
At risk	251	23	301	25	253	20	299	22	321	23
Chronic	511	47	582	49	650	51	722	53	821	59
<b>Non-Aboriginal</b>	<b>3,866</b>	<b>100</b>	<b>4,255</b>	<b>100</b>	<b>4,256</b>	<b>100</b>	<b>4,189</b>	<b>100</b>	<b>4,115</b>	<b>100</b>
Within tolerance	1,195	31	1,261	30	1,431	34	1,252	30	799	19
At risk	978	25	1,053	25	943	22	956	23	966	23
Chronic	1,693	44	1,941	46	1,882	44	1,981	47	2,350	57
<b>Total</b>	<b>4,952</b>		<b>5,450</b>		<b>5,526</b>		<b>5,563</b>		<b>5,496</b>	

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

**Table 52. Proportion (%) of students in out-of-home care recorded as absent compared to the general student population, by absence category, 2018–22<sup>724</sup>**

Year		No risk (0-9 days absent)	At risk (10-19 days absent)	Chronic absence (20+ days absent)
2018	Students in general population	41	31	27
	Students in care	37	26	36
2019	Students in general population	39	31	30
	Students in care	35	26	40
2020	Students in general population	52	25	24
	Students in care	38	22	40
2021	Students in general population	47	26	27
	Students in care	33	24	44
2022	Students in general population	23	30	47
	Students in care	21	24	54

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

<sup>723</sup> This data relates to students who were in care at some point during the reference period.

<sup>724</sup> This data relates to students who were in care at some point during the reference period.

**Table 53. Average percentage of students exempt from NAPLAN, by year levels and domains, 2018–22**

Year	Year level	All students	OOHC students	Aboriginal OOHC Students	OOHC Students with a NCCD status
2018	Year 3	3	9	11	17
	Year 5	2	10	9	16
	Year 7	2	14	14	27
	Year 9	3	14	19	26
2019	Year 3	2	10	10	15
	Year 5	2	9	8	15
	Year 7	2	12	11	20
	Year 9	2	18	25	28
2021	Year 3	2	12	12	16
	Year 5	2	9	11	12
	Year 7	2	13	14	20
	Year 9	2	13	20	22
2022	Year 3	2	9	12	12
	Year 5	2	12	6	17
	Year 7	2	10	12	16
	Year 9	2	12	12	18

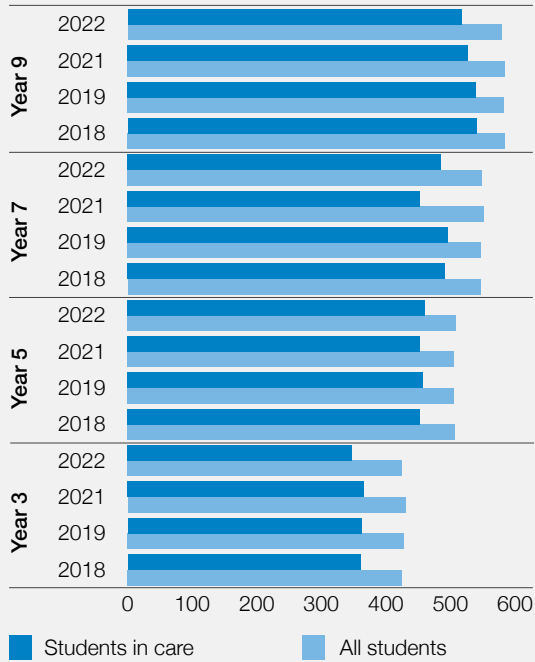
Source: Data provided by DE to the Commission on 31 May 2022 and 1 August 2023

**Table 54. Comparison of proportion (%) of students in out-of-home care with a NCCD status in non-specialist and specialist schools, by NAPLAN attendance category, year level and year, 2018–22**

Year level and year	Non specialist school					Specialist school				
	Exempt	Absent	Attended	With-drawn	Total	Exempt	Absent	Attended	With-drawn	Total
<b>Year 3</b>	<b>6</b>	<b>6</b>	<b>74</b>	<b>13</b>	<b>100</b>	<b>95</b>	<b>&lt;1</b>	<b>2</b>	<b>2</b>	<b>100</b>
2018	10	7	69	15	100	95	3	2	–	100
2019	8	6	72	14	100	100	–	–	–	100
2021	6	6	75	13	100	92	–	3	6	100
2022	3	7	78	12	100	97	–	3	–	100
<b>Year 5</b>	<b>5</b>	<b>7</b>	<b>78</b>	<b>10</b>	<b>100</b>	<b>99</b>	<b>–</b>	<b>–</b>	<b>&lt;1</b>	<b>100</b>
2018	6	6	73	15	100	100	–	–	–	100
2019	5	7	80	8	100	100	–	–	–	100
2021	4	6	80	9	100	95	–	–	5	100
2022	4	8	78	10	100	100	–	–	–	100
<b>Year 7</b>	<b>4</b>	<b>18</b>	<b>71</b>	<b>7</b>	<b>100</b>	<b>96</b>	<b>3</b>	<b>–</b>	<b>&lt;1</b>	<b>100</b>
2018	5	19	65	10	100	94	4	–	2	100
2019	4	19	70	6	100	98	2	–	–	100
2021	4	18	71	7	100	96	3	<1	–	100
2022	3	15	74	7	100	100	–	–	–	100
<b>Year 9</b>	<b>3</b>	<b>35</b>	<b>53</b>	<b>9</b>	<b>100</b>	<b>98</b>	<b>1</b>	<b>1</b>	<b>–</b>	<b>100</b>
2018	3	41	50	6	100	100	–	–	–	100
2019	5	37	48	10	100	98	2	–	–	100
2021	3	29	59	9	100	98	–	2	–	100
2022	–	36	54	10	100	95	2	3	–	100
<b>Total</b>	<b>5</b>	<b>16</b>	<b>70</b>	<b>10</b>	<b>100</b>	<b>97</b>	<b>1</b>	<b>&lt;1</b>	<b>&lt;1</b>	<b>100</b>

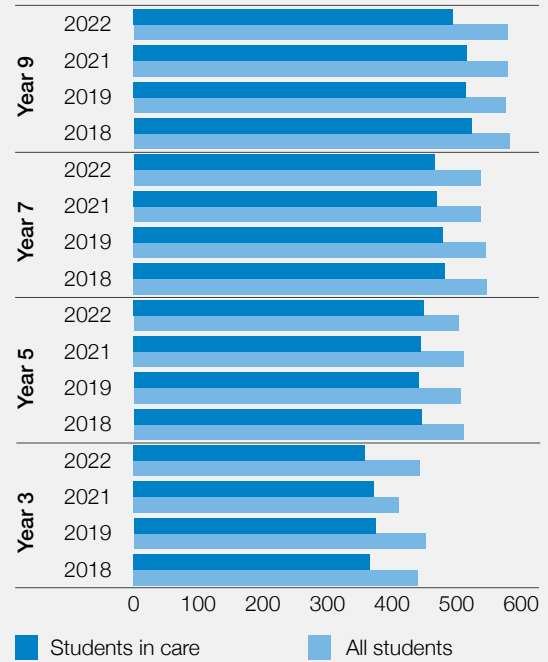
Source: Data provided by DE to the Commission on 31 May 2022 and 1 August 2023

**Figure 20. Comparison of mean scores in spelling between students in out-of-home care and the general student population, 2018–22**



Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

**Figure 21. Comparison of mean scores in grammar and punctuation between students in out-of-home care and the general student population, 2018–22**



Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

**Table 55. NAPLAN results for spelling – all Victoria students and students in out-of-home care, 2018–22**

		2018	2019	2021	2022
<b>All students in Victoria</b>					
Year 9	Mean	584.4	583.0	583.8	578.7
	At or above NMS (%)	91	93	91	92
Year 7	Mean	546.5	547.2	551.3	548.5
	At or above NMS (%)	93	94	95	93
Year 5	Mean	507.4	505.3	505.8	508.7
	At or above NMS (%)	95	95	95	95
Year 3	Mean	424.7	427.6	430.1	424.9
	At or above NMS (%)	95	95	95	93
<b>Students in care</b>					
Year 9	Mean	540.3	539.5	526.9	517.1
	At or above NMS (%)	76	80	76	73
Year 7	Mean	491.2	495.7	500.7	484.7
	At or above NMS (%)	82	85	82	78
Year 5	Mean	453.1	457.0	452.7	460.4
	At or above NMS (%)	87	86	87	85
Year 3	Mean	360.4	362.1	365.5	347.7
	At or above NMS (%)	84	84	92	78

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023; Australian Curriculum Assessment and Reporting Authority (2022) *NAPLAN Results*, accessed 17 August 2023, [www.acara.edu.au/reporting/national-report-on-schooling-in-australia/naplan-national-report-archive](http://www.acara.edu.au/reporting/national-report-on-schooling-in-australia/naplan-national-report-archive)



**Table 56. NAPLAN results for grammar and punctuation – all Victoria students and students in out-of-home care, 2018–22**

		2018	2019	2021	2022
<b>All students in Victoria</b>					
Year 9	Mean	582.0	575.8	579.7	578.4
	At or above NMS (%)	93	90	90	88
Year 7	Mean	547.3	545.1	537.2	536.8
	At or above NMS (%)	94	94	93	94
Year 5	Mean	510.5	506.0	511.3	503.0
	At or above NMS (%)	96	94	96	96
Year 3	Mean	439.9	452.0	441.1	443.5
	At or above NMS (%)	96	96	95	95
<b>Students in care</b>					
Year 9	Mean	522.7	514.5	516.1	494.3
	At or above NMS (%)	79	77	77	66
Year 7	Mean	481.8	479.0	469.5	465.7
	At or above NMS (%)	78	80	76	72
Year 5	Mean	445.2	440.7	445.0	449.6
	At or above NMS (%)	83	80	82	88
Year 3	Mean	366.0	374.1	372.1	358.0
	At or above NMS (%)	88	89	90	84

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023; Australian Curriculum Assessment and Reporting Authority (2022) *NAPLAN Results*, accessed 17 August 2023, [www.acara.edu.au/reporting/national-report-on-schooling-in-australia/naplan-national-report-archive](http://www.acara.edu.au/reporting/national-report-on-schooling-in-australia/naplan-national-report-archive)

**Table 57. NAPLAN results for numeracy – all Victoria students and students in out-of-home care, 2018–22**

		2018	2019	2021	2022
<b>All students in Victoria</b>					
Year 9	Mean	600.0	596.3	590.1	588.2
	At or above NMS (%)	96	96	96	96
Year 7	Mean	554.2	560.3	556.3	551.3
	At or above NMS (%)	96	96	95	93
Year 5	Mean	502.9	505.9	504.3	493.5
	At or above NMS (%)	96	96	96	96
Year 3	Mean	418.3	419.3	411.0	409.5
	At or above NMS (%)	96	96	96	96
<b>Students in care</b>					
Year 9	Mean	551.0	539.7	534.3	525.4
	At or above NMS (%)	91	91	88	83
Year 7	Mean	489.2	489.8	487.4	466.0
	At or above NMS (%)	93	89	85	74
Year 5	Mean	454.7	450.7	449.7	435.6
	At or above NMS (%)	93	92	92	86
Year 3	Mean	368.3	362.8	355.5	345.0
	At or above NMS (%)	97	93	93	87

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023; Australian Curriculum Assessment and Reporting Authority (2022) *NAPLAN Results*, accessed 17 August 2023, [www.acara.edu.au/reporting/national-report-on-schooling-in-australia/naplan-national-report-archive](http://www.acara.edu.au/reporting/national-report-on-schooling-in-australia/naplan-national-report-archive)

**Table 58. NAPLAN results for numeracy – Victorian Aboriginal students and Aboriginal students in out-of-home care, 2018–22**

		2018	2019	2021	2022
<b>All Aboriginal students in Victoria</b>					
Year 9	Mean	554.0	550.4	545.9	539.9
	At or above NMS (%)	86	87	83	81
Year 7	Mean	497.0	499.6	495.8	486.6
	At or above NMS (%)	86	83	82	75
Year 5	Mean	457.0	457.8	456.1	445.3
	At or above NMS (%)	86	89	86	86
Year 3	Mean	372.8	370.8	359.0	356.6
	At or above NMS (%)	91	89	86	86
<b>Aboriginal students in care</b>					
Year 9	Mean	531.3	537.3	523.1	509.4
	At or above NMS (%)	94	97	88	81
Year 7	Mean	474.4	470.6	469.2	444.9
	At or above NMS (%)	89	82	79	69
Year 5	Mean	437.8	445.7	439.1	421.2
	At or above NMS (%)	90	93	89	80
Year 3	Mean	357.6	347.8	340.9	331.3
	At or above NMS (%)	98	90	88	85

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023; Australian Curriculum Assessment and Reporting Authority (2022) *NAPLAN Results*, accessed 17 August 2023, [www.acara.edu.au/reporting/national-report-on-schooling-in-australia/naplan-national-report-archive](http://www.acara.edu.au/reporting/national-report-on-schooling-in-australia/naplan-national-report-archive)

**Table 59. NAPLAN results for reading – all Victoria students and students in out-of-home care, 2018–22**

		2018	2019	2021	2022
<b>All students in Victoria</b>					
Year 9	Mean	588.5	585.6	582.1	584.6
	At or above NMS (%)	94	92	92	92
Year 7	Mean	548.1	551.3	551.0	549.8
	At or above NMS (%)	95	96	96	96
Year 5	Mean	519.9	514.9	521.9	519.2
	At or above NMS (%)	96	96	96	96
Year 3	Mean	446.7	445.0	452.5	452.8
	At or above NMS (%)	96	97	97	96
<b>Students in care</b>					
Year 9	Mean	544.3	528.9	522.3	513.4
	At or above NMS (%)	85	84	78	74
Year 7	Mean	493.7	497.9	489.5	489.3
	At or above NMS (%)	89	88	86	87
Year 5	Mean	463.7	460.7	466.4	468.0
	At or above NMS (%)	89	89	91	89
Year 3	Mean	380.8	377.5	381.4	370.6
	At or above NMS (%)	89	94	93	91

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023; Australian Curriculum Assessment and Reporting Authority (2022) *NAPLAN Results*, accessed 17 August 2023, [www.acara.edu.au/reporting/national-report-on-schooling-in-australia/naplan-national-report-archive](http://www.acara.edu.au/reporting/national-report-on-schooling-in-australia/naplan-national-report-archive)

**Table 60. NAPLAN results for reading – Victorian Aboriginal students and Aboriginal students in out-of-home care, 2018–22**

		2018	2019	2021	2022
<b>All Aboriginal students in Victoria</b>					
Year 9	Mean	544.8	542.5	531.3	541.3
	At or above NMS (%)	82	79	73	76
Year 7	Mean	495.5	499.9	500.6	503.1
	At or above NMS (%)	84	85	86	85
Year 5	Mean	468.3	467.1	474.6	474.1
	At or above NMS (%)	85	87	87	89
Year 3	Mean	393.0	386.5	393.8	388.6
	At or above NMS (%)	90	89	89	88
<b>Aboriginal students in care</b>					
Year 9	Mean	514.9	510.4	506.5	482.8
	At or above NMS (%)	84	77	65	70
Year 7	Mean	482.9	484.1	475.2	469.5
	At or above NMS (%)	86	81	80	78
Year 5	Mean	433.1	445.5	458.9	452.8
	At or above NMS (%)	82	86	91	85
Year 3	Mean	364.2	366.7	360.3	358.5
	At or above NMS (%)	86	92	88	88

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023; Australian Curriculum Assessment and Reporting Authority (2022) *NAPLAN Results*, accessed 17 August 2023, [www.acara.edu.au/reporting/national-report-on-schooling-in-australia/naplan-national-report-archive](http://www.acara.edu.au/reporting/national-report-on-schooling-in-australia/naplan-national-report-archive)

**Table 61. NAPLAN results for writing – all Victoria students and students in out-of-home care, 2018–22**

		2018	2019	2021	2022
<b>All students in Victoria</b>					
Year 9	Mean	550.9	557.2	554.2	569.7
	At or above NMS (%)	83	86	85	88
Year 7	Mean	513.7	522.6	527.7	541.3
	At or above NMS (%)	90	93	93	94
Year 5	Mean	478.2	486.3	488.0	497.7
	At or above NMS (%)	93	95	96	95
Year 3	Mean	421.6	432.4	431.9	429.3
	At or above NMS (%)	96	97	98	97
<b>Students in care</b>					
Year 9	Mean	456.5	504.4	473.6	488.9
	At or above NMS (%)	51	73	64	64
Year 7	Mean	444.4	464.4	472.4	468.2
	At or above NMS (%)	72	79	78	78
Year 5	Mean	422.8	440.7	439.5	447.4
	At or above NMS (%)	74	87	89	85
Year 3	Mean	360.2	387.1	380.2	368.5
	At or above NMS (%)	90	97	96	92

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023; Australian Curriculum Assessment and Reporting Authority (2022) *NAPLAN Results*, accessed 17 August 2023, [www.acara.edu.au/reporting/national-report-on-schooling-in-australia/naplan-national-report-archive](http://www.acara.edu.au/reporting/national-report-on-schooling-in-australia/naplan-national-report-archive)



**Table 62. NAPLAN results for writing – Victorian Aboriginal students and Aboriginal students in out-of-home care, 2018–22**

		2018	2019	2021	2022
<b>All Aboriginal students in Victoria</b>					
Year 9	Mean	492.3	513.1	501.6	515.1
	At or above NMS (%)	56	67	60	65
Year 7	Mean	457.4	474.6	478.0	486.9
	At or above NMS (%)	70	75	77	78
Year 5	Mean	431.3	446.3	447.5	446.5
	At or above NMS (%)	76	85	86	83
Year 3	Mean	377.9	391.6	386.6	382.0
	At or above NMS (%)	88	91	92	90
<b>Aboriginal students in care</b>					
Year 9	Mean	429.6	489.3	500.0	459.3
	At or above NMS (%)	43	69	61	52
Year 7	Mean	437.5	464.3	474.6	437.9
	At or above NMS (%)	71	80	82	65
Year 5	Mean	397.7	433.6	425.9	434.3
	At or above NMS (%)	62	86	85	80
Year 3	Mean	353.4	383.8	361.8	361.5
	At or above NMS (%)	88	99	92	91

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023; Australian Curriculum Assessment and Reporting Authority (2022) *NAPLAN Results*, accessed 17 August 2023, [www.acara.edu.au/reporting/national-report-on-schooling-in-australia/naplan-national-report-archive](http://www.acara.edu.au/reporting/national-report-on-schooling-in-australia/naplan-national-report-archive)

**Table 63. Number of students in out-of-home care eligible to complete VCAL, 2018–22**

Year level	Year	Students in out-of-home care			Students in general population		
		Completed	Not completed	Total	Completed	Not completed	Total
Year 8	2022	0	0	0	0	1	1
Year 9	2018	0	0	0	2	9	11
	2019	0	0	0	1	7	8
	2020	0	0	0	1	6	7
	2021	0	0	0	1	5	6
	2022	0	0	0	0	1	1
Year 10	2018	2	2	4	123	145	268
	2019	1	4	5	142	135	277
	2020	2	6	8	176	174	350
	2021	2	6	8	120	165	285
	2022	0	3	3	139	119	258
Year 11	2018	17	25	42	3,207	1,644	4,851
	2019	23	24	47	3,496	1,783	5,279
	2020	33	38	71	3,452	2,251	5,703
	2021	21	37	58	3,045	3,082	6,127
	2022	34	25	59	3,916	2,442	6,358
Year 12	2018	10	3	13	4,129	681	4,810
	2019	13	6	19	4,249	662	4,911
	2020	17	4	21	4,746	746	5,492
	2021	42	6	48	5,136	786	5,922
	2022	17	8	25	5,026	744	5,770
<b>Total</b>		<b>234</b>	<b>197</b>	<b>431</b>	<b>41,107</b>	<b>15,588</b>	<b>56,695</b>

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

## Chapter 5: Child Protection system and education

**Table 64. Number of children and young people in out-of-home care (excluding permanent care) by case management, 2019–22**

Calendar year	Case contracted	Child Protection managed	Total	Prop. managed by Child Protection (%)
2019	2,653	6,287	8,940	70%
2020	2,812	6,540	9,352	70%
2021	2,784	6,426	9,210	70%
2022	2,822	6,251	9,073	69%

Source: Data provided by the DFFH to the Commission on 18 January 2023 and 5 and 14 July 2023

**Table 65. Monthly average number of Child Protection Workers with an allocated caseload of 25 or greater, 2020–22**

	State	North	South	East	West
2020	2.9	0.6	1.4	0.6	0.3
2021	5.8	0.9	2.1	2.0	0.8
2022	8.8	1.9	1.1	5.3	0.4

Source: Data provided by the DFFH to the Commission on 18 January 2023 and 5 and 14 July 2023

**Table 66. Children and young people in out-of-home care by average and maximum number of primary workers, as at 31 December 2019–22**

Year	Average number of primary workers	Max number of primary workers
2019	4.2	35
2020	4.3	42
2021	4.6	48
2022	4.8	53

Source: Data provided by DFFH to the Commission on 18 January 2023 and 5 July 2023

**Table 67. Average number of placements for children and young people in out-of-home care as at 31 December 2022**

Years in out-of-home care	Placement type			Avg for all children
	Kinship care	Foster care	Residential care	
Less than 1 year	1.7	3.3	4.2	2.0
1–2 years	2.2	4.2	7.4	2.8
2–3 years	2.3	5.0	10.3	3.1
3–4 years	2.7	6.0	10.0	3.5
4–5 years	3.1	5.9	10.6	3.8
More than 5 years	3.9	6.7	13.3	5.2
<b>Avg for all children</b>	<b>2.7</b>	<b>5.6</b>	<b>9.7</b>	<b>3.6</b>

Source: Data provided by DFFH to the Commission on 26 September 2023.

**Table 68. Proportion of Aboriginal children and young people in out-of-home care by placement type as at 31 December, 2018–22**

Placement type	2018	2019	2020	2021	2022
Kinship care	76	78	78	79	78
Foster care	19	18	18	17	17
Residential care	5	4	4	4	5
Other	<1	<1	0	0	<1
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

Source: Data provided by DFFH to the Commission on 18 January 2023 and 5 July 2023

**Table 69. Number of Aboriginal children and young people in out-of-home care living with Aboriginal carers as at 31 December, 2019 to 2022**

Calendar year	Living with an Aboriginal carer	Not living with an Aboriginal carer	Total	% of Aboriginal children with an Aboriginal carer
2019	1,961	476	2,437	80
2020	2,058	519	2,577	80
2021	2,150	501	2,651	81
2022	2,125	507	2,632	81

Source: Data provided by DFFH to the Commission on 18 January 2023 and 5 July 2023

**Table 70. Number of Aboriginal children and young people in out-of-home care not located in their local community in July 2018 to July 2022**

Aboriginal children and young people placed in their local community	July 2018	July 2022
No	967	1,120
Yes	1,209	1,563

Source: Data provided by DFFH to the Commission on 18 January 2023

## Chapter 6: The role of carers and stable home environments in supporting the educational needs of children and young people in out-of-home care

Table 71. Number of students in residential care enrolled by year level, 2018–22

Year level	2018		2019		2020		2021		2022	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Foundation	18	3	11	2	6	1	8	2	0	–
Year 1	3	<1	5	<1	4	<1	1	–	1	<1
Year 2	3	<1	5	<1	8	2	4	<1	6	1
Year 3	5	<1	3	<1	11	2	9	2	6	1
Year 4	3	<1	5	<1	9	2	16	3	8	1
Year 5	15	3	8	2	14	3	14	3	20	4
Year 6	18	3	24	5	19	4	20	4	28	5
Year 7	52	10	31	6	33	6	29	6	35	7
Year 8	69	13	82	15	51	10	60	12	84	16
Year 9	92	17	86	16	111	22	78	16	88	16
Year 10	94	17	97	18	76	15	116	23	98	18
Year 11	54	10	71	13	64	13	54	11	67	12
Year 12	16	3	15	3	16	3	7	1	12	2
Ungraded	100	18	88	17	87	17	82	16	85	16
<b>Total</b>	<b>542</b>	<b>100</b>	<b>531</b>	<b>100</b>	<b>509</b>	<b>100</b>	<b>498</b>	<b>100</b>	<b>538</b>	<b>100</b>

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

**Table 72. Number of year 12 students in out-of-home care eligible to complete VCE by completion status and placement type, 2018–22**

	Completed VCE		VCE not completed		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
<b>2018</b>	<b>17</b>	<b>81</b>	<b>4</b>	<b>19</b>	<b>21</b>	<b>100</b>
Home-based care	5	71	2	29	7	100
Kinship care	12	86	2	14	14	100
<b>2019</b>	<b>24</b>	<b>83</b>	<b>5</b>	<b>17</b>	<b>29</b>	<b>100</b>
Home-based care	3	60	2	40	5	100
Kinship care	21	88	3	13	24	100
<b>2020</b>	<b>31</b>	<b>82</b>	<b>7</b>	<b>18</b>	<b>38</b>	<b>100</b>
Home-based care	9	100	0	–	9	100
Kinship care	22	79	6	21	28	100
Residential care	0	–	1	100	1	100
<b>2021</b>	<b>32</b>	<b>91</b>	<b>3</b>	<b>9</b>	<b>35</b>	<b>100</b>
Home-based care	9	90	1	10	10	100
Kinship care	23	92	2	8	25	100
<b>2022</b>	<b>37</b>	<b>90</b>	<b>4</b>	<b>10</b>	<b>41</b>	<b>100</b>
Home-based care	4	100	0	–	4	100
Kinship care	33	89	4	11	37	100

Source: Data provided by DE to the Commission on 12 October 2023



**Table 73. Number of year 12 students in out-of-home care eligible to complete VCAL by completion status and placement type, 2018–22**

	Completed VCAL		VCAL not completed		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
<b>2018</b>	<b>10</b>	<b>77</b>	<b>3</b>	<b>23</b>	<b>13</b>	<b>100</b>
Foster care	4	67	2	33	6	100
Kinship care	6	86	1	14	7	100
<b>2019</b>	<b>13</b>	<b>68</b>	<b>6</b>	<b>32</b>	<b>19</b>	<b>100</b>
Foster care	3	43	4	57	7	100
Kinship care	10	83	2	17	12	100
<b>2020</b>	<b>17</b>	<b>81</b>	<b>4</b>	<b>19</b>	<b>21</b>	<b>100</b>
Foster care	2	50	2	50	4	100
Kinship care	14	88	2	13	16	100
Residential care	1	100	0	–	1	100
<b>2021</b>	<b>42</b>	<b>88</b>	<b>6</b>	<b>13</b>	<b>48</b>	<b>100</b>
Foster care	4	67	2	33	6	100
Kinship care	38	90	4	10	42	100
<b>2022</b>	<b>17</b>	<b>68</b>	<b>8</b>	<b>32</b>	<b>25</b>	<b>100</b>
Foster care	1	100	0	–	1	100
Kinship care	15	68	7	32	22	100
Residential care	1	50	1	50	2	100

Source: Data provided by DE to the Commission on 12 October 2023

**Table 74. NAPLAN results for reading – students in out-of-home care (excluding residential care) and students in residential care, 2018–22**

		2018	2019	2021	2022
<b>Students in care (excl. residential care)</b>					
Year 9	Mean	544.8	534.3	525.1	518.0
	At or above NMS (%)	85	86	78	76
Year 7	Mean	493.6	498.7	491.2	490.2
	At or above NMS (%)	89	88	86	87
Year 5	Mean	463.9	461.6	467.3	469.7
	At or above NMS (%)	89	89	92	89
Year 3	Mean	381.2	377.5	381.5	370.8
	At or above NMS (%)	89	94	93	91
<b>Students in residential care</b>					
Year 9	Mean	536.4	471.6	478.8	442.7
	At or above NMS (%)	83	65	75	44
Year 7	Mean	495.0	464.0	436.0	470.7
	At or above NMS (%)	93	86	56	77
Year 5	Mean	456.9	386.9	436.0	388.4
	At or above NMS (%)	83	50	75	71
Year 3	Mean	347.0	0.0	366.5	358.4
	At or above NMS (%)	67	0	100	75

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

**Table 75. NAPLAN results for writing – students in out-of-home care (excluding residential care) and students in residential care, 2018–22**

		2018	2019	2021	2022
<b>Students in care (excl. residential care)</b>					
Year 9	Mean	461.0	509.1	477.8	489.3
	At or above NMS (%)	50	75	65	65
Year 7	Mean	444.7	463.7	473.4	468.3
	At or above NMS (%)	72	79	79	78
Year 5	Mean	422.5	441.1	440.7	448.5
	At or above NMS (%)	74	88	90	85
Year 3	Mean	360.9	387.1	380.9	368.8
	At or above NMS (%)	91	97	96	92
<b>Students in residential care</b>					
Year 9	Mean	384.6	449.8	417.8	480.6
	At or above NMS (%)	55	47	50	55
Year 7	Mean	439.1	486.2	438.7	465.4
	At or above NMS (%)	69	89	67	75
Year 5	Mean	434.5	407.8	398.9	401.5
	At or above NMS (%)	83	50	67	71
Year 3	Mean	306.7	0.0	262.6	337.3
	At or above NMS (%)	75	0	50	67

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

**Table 76. NAPLAN results for numeracy – students in out-of-home care (excluding residential care) and students in residential care, 2018–22**

		2018	2019	2021	2022
<b>Students in care (excl. residential care)</b>					
Year 9	Mean	552.8	541.1	535.3	526.4
	At or above NMS (%)	92	93	89	84
Year 7	Mean	488.9	490.8	487.5	465.9
	At or above NMS (%)	93	89	85	74
Year 5	Mean	455.3	450.7	449.9	437.2
	At or above NMS (%)	93	92	92	87
Year 3	Mean	368.7	362.8	354.9	345.3
	At or above NMS (%)	98	93	93	87
<b>Students in residential care</b>					
Year 9	Mean	524.2	524.4	518.0	508.0
	At or above NMS (%)	75	75	75	71
Year 7	Mean	494.7	456.5	484.0	468.3
	At or above NMS (%)	93	67	100	75
Year 5	Mean	419.5	452.4	442.2	372.9
	At or above NMS (%)	100	100	88	63
Year 3	Mean	335.5	0.0	412.0	311.7
	At or above NMS (%)	75	0	100	100

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

## Chapter 9: Exclusionary practices

**Table 77. Students in out-of-home care on a modified timetable, 2018–22<sup>725</sup>**

	2018		2019		2020		2021		2022		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
No	3,391	88	4,008	88	4,543	88	4,342	86	4,503	88	20,787	88
No answer	0	–	2	<1	6	<1	0	–	1	<1	9	<1
Not presented	10	<1	3	<1	3	<1	0	–	0	–	16	<1
Yes	454	12	535	12	621	12	698	14	619	12	2,927	12
<b>Total</b>	<b>3,855</b>	<b>100</b>	<b>4,548</b>	<b>100</b>	<b>5,173</b>	<b>100</b>	<b>5,040</b>	<b>100</b>	<b>5,123</b>	<b>100</b>	<b>23,739</b>	<b>100</b>

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

**Table 78. Students in out-of-home care on a modified timetable by Aboriginal status, 2018–22<sup>726</sup>**

Aboriginal status	2018		2019		2020		2021		2022		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Aboriginal	93	20	128	24	145	23	144	21	138	22	648	22
Non-Aboriginal	310	68	361	67	397	64	429	61	380	61	1,877	64
Unknown	51	11	46	9	79	13	125	18	101	16	402	14
<b>Total</b>	<b>454</b>	<b>100</b>	<b>535</b>	<b>100</b>	<b>621</b>	<b>100</b>	<b>698</b>	<b>100</b>	<b>619</b>	<b>100</b>	<b>2,927</b>	<b>100</b>

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

**Table 79. Students in out-of-home care on a modified timetable by NCCD status, 2018–22<sup>727</sup>**

NCCD status	2018		2019		2020		2021		2022		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
NCCD	256	56	322	60	369	59	371	53	376	61	1,694	58
No-NCCD	147	32	167	31	173	28	202	29	142	23	831	28
Unknown	51	11	46	9	79	13	125	18	101	16	402	14
<b>Total</b>	<b>454</b>	<b>100</b>	<b>535</b>	<b>100</b>	<b>621</b>	<b>100</b>	<b>698</b>	<b>100</b>	<b>619</b>	<b>100</b>	<b>2,927</b>	<b>100</b>

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

<sup>725</sup> The information provided from the LOOKOUT Partnering Agreement Semesterly Survey reflects responses received from schools and is not validated for accuracy.

<sup>726</sup> The information provided from the LOOKOUT Partnering Agreement Semesterly Survey reflects responses received from schools and is not validated for accuracy.

<sup>727</sup> The information provided from the LOOKOUT Partnering Agreement Semesterly Survey reflects responses received from schools and is not validated for accuracy.

**Table 80. Students in out-of-home care on a modified timetable by school type, 2018–22<sup>728</sup>**

School type	2018		2019		2020		2021		2022		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Pri/Sec	55	12	52	10	55	9	89	13	81	13	332	11
Primary	82	18	102	19	117	19	128	18	108	17	537	18
Secondary	209	46	290	54	311	50	408	58	373	60	1,591	54
Special	57	13	45	8	59	10	73	10	57	9	291	10
Unknown	51	11	46	9	79	13	0	–	0	–	176	6
<b>Total</b>	<b>454</b>	<b>100</b>	<b>535</b>	<b>100</b>	<b>621</b>	<b>100</b>	<b>698</b>	<b>100</b>	<b>619</b>	<b>100</b>	<b>2,927</b>	<b>100</b>

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

**Table 81. Number of students suspended by year level, 2022**

Year level	Students in care		Students in the general population	
	No.	Prop. of students in care population (%)	No.	Prop. of students in the general population (%)
Foundation	14	3	167	<1
Year 1	15	4	189	<1
Year 2	15	3	246	<1
Year 3	21	5	294	<1
Year 4	39	9	499	<1
Year 5	39	9	709	1
Year 6	41	10	986	2
Year 7	147	34	4,125	9
Year 8	183	38	4,949	11
Year 9	162	31	4,930	11
Year 10	103	20	3,808	8
Year 11	29	8	2,057	5
Year 12	11	10	828	2
Ungraded	24	5	213	2
<b>Total</b>	<b>843</b>	<b>14</b>	<b>24,000</b>	<b>4</b>

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

<sup>728</sup> The information provided from the LOOKOUT Partnering Agreement Semesterly Survey reflects responses received from schools and is not validated for accuracy.



## Chapter 11: The out-of-home care education commitment and the early childhood agreement for children in out-of-home care

**Table 82. Students in out-of-home care by whether a learning mentor has been assigned, 2018–22**

Learning mentor assigned	2018		2019		2020		2021		2022		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Yes	3,220	84	3,756	83	4,256	82	3,974	79	4,231	83	19,437	82
No	635	16	792	17	917	18	1,066	21	892	17	4,302	18
<b>Total</b>	<b>3,855</b>	<b>100</b>	<b>4,548</b>	<b>100</b>	<b>5,173</b>	<b>100</b>	<b>5,040</b>	<b>100</b>	<b>5,123</b>	<b>100</b>	<b>23,739</b>	<b>100</b>

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

**Table 83. Aboriginal students in out-of-home care by whether a learning mentor has been assigned, 2018–22**

Learning mentor assigned	2018		2019		2020		2021		2022		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Yes	677	86	821	87	925	88	904	82	939	88	4,266	86
No	106	14	123	13	124	12	198	18	134	12	685	14
<b>Total</b>	<b>783</b>	<b>100</b>	<b>944</b>	<b>100</b>	<b>1,049</b>	<b>100</b>	<b>1,102</b>	<b>100</b>	<b>1,073</b>	<b>100</b>	<b>4,951</b>	<b>100</b>

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

**Table 84. Students in out-of-home care by whether the student was in a student support group, 2018–22**

Student support group	2018		2019		2020		2021		2022		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Yes	3,483	90	4,070	89	4,635	90	4,549	90	4,675	91	21,412	90
No	371	10	476	10	538	10	491	10	448	9	2,324	10
No answer	1	<1	0	–	0	–	0	–	0	–	1	<1
Not presented	0	–	2	<1	0	–	0	–	0	–	2	<1
<b>Total</b>	<b>3,855</b>	<b>100</b>	<b>4,548</b>	<b>100</b>	<b>5,173</b>	<b>100</b>	<b>5,040</b>	<b>100</b>	<b>5,123</b>	<b>100</b>	<b>23,739</b>	<b>100</b>

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

**Table 85. Aboriginal students in out-of-home care by whether the student was in a student support group, 2018–22**

Student support group	2018		2019		2020		2021		2022		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Yes	713	91	871	92	989	94	1,039	94	1,017	95	4,629	93
No	70	9	73	8	60	6	63	6	56	5	322	7
<b>Total</b>	<b>783</b>	<b>100</b>	<b>944</b>	<b>100</b>	<b>1,049</b>	<b>100</b>	<b>1,102</b>	<b>100</b>	<b>1,073</b>	<b>100</b>	<b>4,951</b>	<b>100</b>

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

**Table 86. Students in out-of-home care by whether the student received an Individual Education Plan, 2018–22**

Individual care plan	2018		2019		2020		2021		2022		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Yes	3,464	90	3,993	88	4,534	88	4,481	89	4,575	89	21,047	89
No	386	10	552	12	638	12	559	11	548	11	2,683	11
No answer	1	<1	0	–	1	<1	0	–	0	–	2	<1
Not presented	4	<1	3	<1	0	–	0	–	0	–	7	<1
<b>Total</b>	<b>3,855</b>	<b>100</b>	<b>4,548</b>	<b>100</b>	<b>5,173</b>	<b>100</b>	<b>5,040</b>	<b>100</b>	<b>5,123</b>	<b>100</b>	<b>23,739</b>	<b>100</b>

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

**Table 87. Aboriginal students in out-of-home care by whether the student received an Individual Education Plan, 2018–22**

Individual care plan	2018		2019		2020		2021		2022		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Yes	734	94	869	92	978	93	1,043	95	1,011	94	4,635	94
No	49	6	75	8	71	7	59	5	62	6	316	6
<b>Total</b>	<b>783</b>	<b>100</b>	<b>944</b>	<b>100</b>	<b>1,049</b>	<b>100</b>	<b>1,102</b>	<b>100</b>	<b>1,073</b>	<b>100</b>	<b>4,951</b>	<b>100</b>

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

**Table 88. Aboriginal students in out-of-home care by whether the student had a cultural care plan, 2021–2022**

Cultural care plan	2021		2022		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Yes	527	48	548	51	1,075	49
No	536	48	505	47	1,041	48
Not presented	39	4	20	2	59	3
<b>Total</b>	<b>1,102</b>	<b>100</b>	<b>1,073</b>	<b>100</b>	<b>2,175</b>	<b>100</b>

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023

**Table 89. Students in out-of-home care for 90 days or more by status of Education Needs Analysis, 2019–2022**

Year	No. students in care	No ENA (%)	Unsure (%)	ENA referral (%)	ENA commenced (%)	ENA completed (%)	Students with or in process of completing ENA (%)
2022	4,744	28	15	16	9	32	56
2021	5,439	30	15	15	8	33	55
2020	4,732	39	10	n/a	19	32	51
2019	4,020	46	6	n/a	25	23	48
<b>Average</b>	<b>4,734</b>	<b>36</b>	<b>12</b>	<b>15</b>	<b>15</b>	<b>30</b>	<b>52</b>

Source: Data provided by DE to the Commission on 11 October 2023

**Table 90. Aboriginal students in out-of-home care for 90 days or more by status of Education Needs Analysis, 2019–2022**

Year	No. Aboriginal students in care	No ENA (%)	Unsure (%)	ENA referral (%)	ENA commenced (%)	ENA completed (%)	Aboriginal students with or in process of completing ENA (%)
2022	1,336	24	15	18	9	35	61
2021	1,527	25	16	16	7	36	59
2020	1,234	33	11	n/a	21	35	56
2019	1,040	46	6	n/a	24	24	48
<b>Average</b>	<b>1,284</b>	<b>32</b>	<b>12</b>	<b>17</b>	<b>15</b>	<b>32</b>	<b>56</b>

Source: Data provided by DE to the Commission on 11 October 2023

## Chapter 12: Targeted school re-engagement initiatives for children and young people in out-of-home care

Table 91. Students in out-of-home care by whether the student attended a Flexible Learning Option, 2021–2022

Flexible Learning Option	2021		2022		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Yes	361	7	269	5	630	6
No	4,679	93	4,854	95	9,533	94
<b>Total</b>	<b>5,040</b>	<b>100</b>	<b>5,123</b>	<b>100</b>	<b>10,163</b>	<b>100</b>

Source: Data provided by DE to the Commission on 31 May 2022 and 1 and 7 August 2023





COMMISSION FOR CHILDREN  
AND YOUNG PEOPLE

### **Commission for Children and Young People logo**

The logo represents our vision for all children to be strong in health, education, culture and identity, and face the world with confidence.

The people are connected, equal in size and importance, and there is a fluidity that binds them together.

The mission of the Commission is for all young Victorians to achieve these goals.

The symbol is a Koori design created by Marcus Lee for the Commission.

The Commission respectfully acknowledges the Traditional Owners of the country throughout Victoria and pays respect to the ongoing living cultures of First Peoples.





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