



Government of South Australia

Office of the Guardian
for Children and Young People

Submission to the House of Representatives Standing
Committee on Indigenous Affairs Inquiry into

Educational Opportunities for Aboriginal and Torres Strait Islander Students

October 2015

To: Mr Stephen Boyd
Committee Secretary

From: Guardian for Children and Young People
Level 4 east, 50 Grenfell St. Adelaide
www.gcyp.sa.gov.au

Ph. 8226 8570

Email: pam.simmons@gcyp.sa.gov.au

Further Information

For further information about this submission, please contact -

Pam Simmons, Guardian for Children and Young People
phone – 8226 8570, or at Pam.Simmons@gcyp.sa.gov.au

Alan Fairley, Senior Policy Officer
Office of the Guardian for Children and Young People
phone – 8226 8549, or at Alan.Fairley@gcyp.sa.gov.au

1 Introduction

I thank the Standing Committee on Indigenous Affairs (the Standing Committee) for this opportunity to contribute to the Inquiry into educational opportunities for Aboriginal and Torres Strait Islander Students (the Inquiry).

As Guardian for Children and Young People in South Australia I advocate for children and young people under the guardianship or in the custody of the Minister for Education and Child Development as provided for in the *Children's Protection Act 1993*.

Among other things, the Office of the Guardian for Children and Young People (GCYP) advocates for children and young people in care¹, monitors their access to specialist and mainstream services, and engages with young people about their experiences (as well as with practitioners and others involved with their care).

GCYP emphasises the need to address disadvantages faced by young Aboriginal and Torres Strait Islander² people across critical life domains, including education.

Aboriginal children and young people are seriously overrepresented in the child protection and youth justice systems in South Australia.

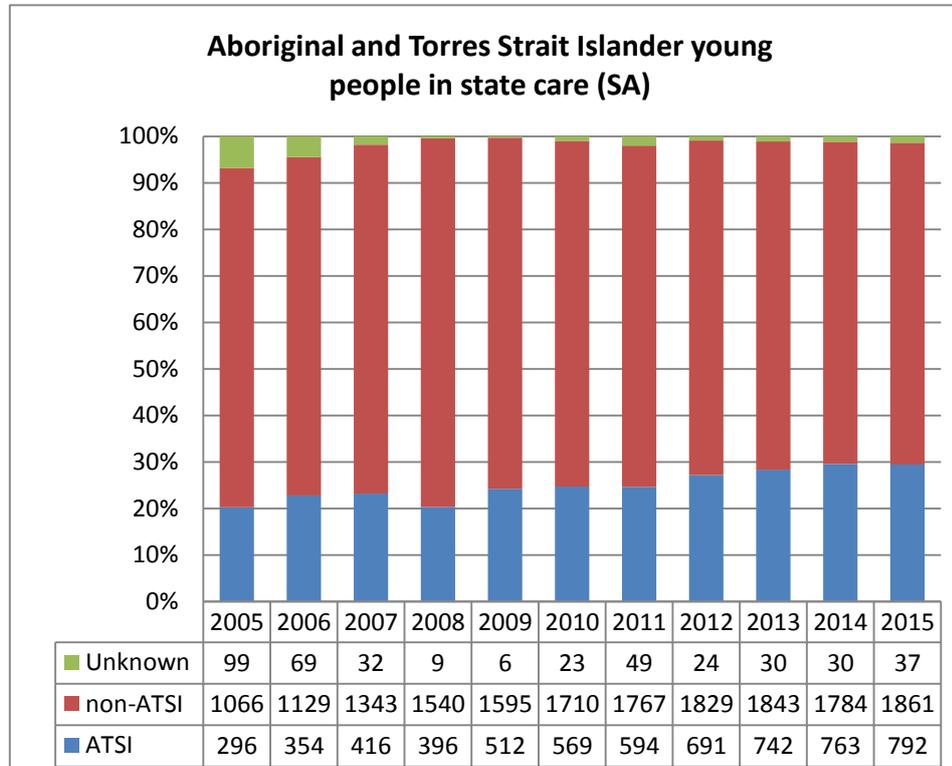
- Of 2,690 children on care and protection orders in South Australia in June 2015, 792 were Aboriginal or Torres Strait Islander (29.44 per cent of the total) (see Diagram 1 for the period 2005-2015).
- For the period 1 July 2014 to 30 June 2015, 44 per cent of the 426 individuals admitted to South Australian youth justice facilities were Aboriginal or Torres Strait Islander.

Australia wide, Aboriginal and Torres Strait Islander children and young people were seven times more likely than non-Aboriginal children to access child protection services in 2013-14, (136.6 per 1,000 children compared to 19 per 1,000 respectively).³

¹ Under the *Children's Protection Act 1993*, an application can be made to the Youth Court for a Care and Protection Order to place a child or young person in care for a period of up to 12 months or for a period until the child reaches 18 years of age. Orders can be made if a child is deemed to be at significant risk of serious harm to his or her physical, psychological, or emotional wellbeing against which s/he should have, but does not have, proper protection. GCYP also advocates for young people detained under the *Youth Offenders Act 1993*. In this submission, the generic term 'in care' refers to children under the guardianship or custody of the Minister and those who are detained in youth justice facilities.

² Where the term Aboriginal is used in this submission, it should be understood as being inclusive of Torres Strait Islanders.

Diagram 1 – Aboriginal and Torres Strait Islander status of young people in state care in South Australia 2005 to 2015



Given that the child protection system is a location in which there is a persistent concentration of disadvantaged young Aboriginal people, it is important to consider how best to ensure that they benefit from a good education in those environments.

Some recent GCYP work relevant to the education of Aboriginal children and young people in care or detention is introduced in Part 3 below. These resources help substantiate the opinions offered as our key messages.

Unless indicated otherwise, quotes are from Aboriginal young people and sourced from the GCYP materials described in Part 3.

³ Australian Institute of Health and Welfare 2015, *Child Protection Australia 2013-14*, Child Welfare Series no. 61.Cat.noCWS 52, AIHW (Canberra 2015)

2 Key Messages

The general educational needs and opportunities experienced by all Aboriginal children and young people also impact upon those in the child protection and youth justice systems. Our common responsibility is to ensure that they do not suffer a compounded disadvantage from being permanently or temporarily separated from their family or Community.

The key messages below are intended to help the Standing Committee consider how best to meet the educational needs of these young people.

2.1 Aboriginal children and young people engage more readily with schools that actively and continuously interact with Aboriginal culture and Community.

“Every assembly, they get one of the kids ... Aboriginal or non-Aboriginal, to say things like the reconciliation stuff ... acknowledging Aboriginal people and all that.”

2.2 School can be the one constant in the lives of Aboriginal children in care. If living in non-Aboriginal placements, interactions coordinated through schools can provide much-needed cultural connectivity.

“Understand your culture and how they act ...so you understand [your family] and respect how they act.”

2.3 Most Aboriginal children attend schools where the large majority of students and teachers are non-Aboriginal. The knowledge, attitudes and values of school staff about Aboriginal history, culture and contemporary issues can make the difference between feeling accepted and understood or feeling alienated.

“You need to know so you can figure stuff out [about who you are].”

2.4 Student specific plans (referred to as Individual Education Plans for children under guardianship in South Australia and Individual Learning Plans for Aboriginal students) should be flexible enough to accommodate and respond to changing circumstances for young people in care or detention. Instability often is a feature of their lives, so educational and other systems must actively manage the education process in this environment. A critical element of learning plans for young Aboriginal people is guaranteed engagement with culture and Community.

“To be in the job, the social worker should know how to work with Aboriginals”

2.5 The Inquiry can consider existing good practice programs that work well with young Aboriginal people. A South Australian example is the Department for Education and Child Development's *Wiltja Secondary Education and Residential Program* described in more detail in 3.5 below.

"The government should have Aboriginal workers working with young Aboriginal kids"

2.6 The youth justice system must ensure that the education of young people does not suffer while they are in detention or community supervision. This is a general challenge for systems that have to balance custodial and educational responsibilities. It is more so when seeking to maintain and enhance cultural connectivity.

2.7 The education programs of young people in the youth justice system may involve a combination of schooling and vocational education. Participation in the latter, in particular, can be jeopardised by rigidities associated with youth detention. For example, it may not currently be possible for a young person to attend technical college or a work placement to meet training or course requirements (or, in South Australia, to fulfil *State Certificate of Education* requirements). This can compound existing difficulties young Aboriginal people face in acquiring skills and qualifications that can assist them to transition to work or further training once they are no longer in the youth justice system.

2.8 The general importance placed on early childhood development has added importance for children in care who may have suffered serious disruption at just this time of their lives. It is against this background that GCYP stresses the need for early specialist intervention for children with speech and language disabilities.⁴ This is in an overall environment in which only 56.8 per cent of Aboriginal students are assessed as being "developmentally ready for school" compared with the non-Aboriginal figure of 80 per cent (as established through the *Australian Early Development Census*).⁵

⁴ Yu M and Daraganova G 2015, *Growing up in Australia - The Longitudinal Study of Australian Children Annual statistical report 2014*, Australian Institute of Family Studies, 2015. In this, Yu and Daraganova note that "[a] poor home learning environment ... has been shown to be associated, in the short term, with poorer language development, deficits in school readiness and impaired cognitive development by the age of 3" and, in the longer term "is associated with poor academic achievement at school and lower levels of education, employment and earnings in adulthood".

<http://www.growingupinaustralia.gov.au/pubs/asr/2014/asr2014.pdf>

⁵ Lamb, S, Jackson, J, Walstab, A & Huo, S 2015, *Educational opportunity in Australia 2015: Who succeeds and who misses out*, Centre for International Research on Education Systems, Victoria University, for the Mitchell Institute, Melbourne: Mitchell Institute (pages 4/5). See also Figure 1.2 (page 8) which provides a comparison in relation to 5 AEDC domains, including 'Language & cognitive skills'.

3 GCYP Source Material

These recent GCYP materials are recommended to the Standing Committee as helpful resources for appreciating the situation and needs of Aboriginal children and young people in the child protection or youth detention systems.

3.1 Aboriginal young people speak about culture and community⁶

Attitudes to school and education feature in this twelve minute video, developed earlier this year as part of GCYP's brief to assist young people to express their views about their lives in care.

3.2 Input from the Murraylands Indigenous Community

(GCYP August 2015)⁷

This GCYP report on regional community consultation undertaken in August 2015 includes opinions about the role of schools. These resonate with views expressed by other Aboriginal community members and organisations.

“Many people thought that schools were pivotal. ‘Just one good teacher’ could make a great difference. However, the opportunity was mostly wasted with only occasional involvement of the school community in one-off cultural events like NAIDOC Week but little incorporation of Aboriginal history, language and culture into mainstream education.

Most teachers, it was commented, lacked a deep understanding of Aboriginal history, language and culture and so were unable to incorporate it even if they wanted to. The historical exclusion of Aboriginal history, language and culture from the curriculum was thought by some to be a part of a deliberate policy to allow Aboriginal people to be assimilated into European culture and to, effectively, disappear.”

⁶ The video can be viewed at - <http://www.gcyp.sa.gov.au/2015/08/aboriginal-young-people-speak-about-culture-and-community/>

⁷ The full document, *Murraylands Gathering – themes from the conversation*, is available on the GCYP website at <http://www.gcyp.sa.gov.au/2015/08/murraylands-community-speak-out-on-issues-and-solutions-for-aboriginal-children-in-state-care/>

3.3 Submission to the SA Legislative Council Select Committee Inquiry into Access to Education for Students with Disabilities (GCYP September 2015)⁸

The GCYP submission to this current South Australian Inquiry contains a section about education issues confronting Aboriginal children in care who have disabilities. It suggests that the disadvantages faced by this group of young people compound those of many of their non-Indigenous peers. The submission also contains education related material under general topics such as *nurturing aspiration* and the *school/home relationship*.

The young people themselves prioritise the importance of culture and identity to their lives and their experience of education. A young person (who appeared in the video referred to in 3.1 above) had this to say –

“I think they have a right to know where they come from, their cultural identity. Talk to the school; bring in plans to strengthen their knowledge about who they are as a person and as an Aboriginal as well; know where they come from”.



⁸ The Submission is available at -

<https://www.parliament.sa.gov.au/Committees/Pages/Committees.aspx?CTId=3&CId=320>

3.4 Literature Review: Residential care for Aboriginal children and young people
(GCYP July 2015)⁹

The *Literature Review: Residential care for Aboriginal children and young people* similarly highlights the importance of cultural identity. The perspective offered is that -

“Over the past few decades, there has been repeated recognition that the over-representation of Indigenous children in state care is an outcome of the loss of culture and heritage due to these past practices, and the concomitant intergenerational impact of poverty, access to education, employment, and mental and physical ill-health”

“There are significant ongoing costs to the community, and to health, education, correctional and judicial services of having children and young people leave state care without the life skills and family connections that can break the intergenerational cycle of disadvantage (Forbes et al 2006). The pathways for children taken into state care are fractured and fraught; the care experience and the pathways out to positive personal and social health can be nurturing, supporting and healing.”

The Literature Review draws attention to the SA Department for Education and Child Development’s *Wiltja Secondary Education and Residential Program* for school students from the remote South Australian Anangu Pitjanjatjara Yantjatjara (APY) Lands. A number of ‘critical success factors’ are highlighted in the report (see Attachment 1), including -

- program governance by the Community group from the APY Lands
- staffing with youth workers and educators selected for their commitment, skills, goals, and approach
- close working relationships, formalised by information sharing protocols, with key agencies, such as mental health services, general children’s health services and the child protection statutory agency.

⁹ The Literature Review can be accessed at <http://www.gcyp.sa.gov.au/2015/08/what-is-good-residential-care-for-aboriginal-young-people/>

3.5 Australia's Children's Commissioners and Guardians (ACCG)

The SA Guardian is a member of the Australia's Children's Commissioners and Guardians (ACCG) group. ACCG members collectively recognise a need for special consideration of the educational needs of children and young people in care or in detention, within which context we acknowledge the particular difficulties faced by Aboriginal and Torres Strait Islander children and young people.

ACCG comments provided in response to the *Draft National Indigenous Education Plan 2010-2014*, for example, asserted that "[t]he education of Aboriginal and Torres Strait Islander children and young people and the continuing gap between outcomes for Indigenous and non-Indigenous students is a key area of concern".

Several recommendations made in that response may be of particular interest to the Standing Committee -

- *Recommendation 2* - That long-term investment is provided for culturally appropriate maternal health and early childhood services as well as support for parents and communities to engage and assist them in providing leadership to ensure the optimum development, health and education of their children and young people.
- *Recommendation 4* - That the importance of outreach services to reach chronically disengaged children and their families is fully reflected in the Plan, including further consideration of the role of dedicated Indigenous community liaison officers to maximise engagement and connections between schools, students, families and community services to improve educational outcomes.
- *Recommendation 7* - That meaningful consultation and participation with Indigenous children and young people become a standard approach in future education planning.

Wiltja Secondary Education and Residential Program

An example of good education practice

The text provided below is from the GCYP Report 'Residential care for Aboriginal children and young people' (pages 7/8)

Wiltja Secondary Education and Residential Program

The Wiltja program is a nationally unique initiative of the SA Department for Education and Child Development (DECD) which provides residential accommodation for secondary school aged students from the remote South Australian Anangu Pitjanjatjara Yantjatjara Lands (APY Lands). The purpose is to support these young people to engage in and complete secondary schooling, whilst remaining closely connected to and supported by culture (see Appendix 2 for more detail).

In interview, the Manager of the Wiltja program identified some critical success factors which he suggests are relevant to the provision of residential care for children under the guardianship of the Minister. The Wiltja Program has several students under guardianship from the Northern Territory and South Australia.

The critical success factors include:

- Governance of the program by the community group from the APY Lands. This group of Elders reviews the program regularly through visits and discussion with children and staff, and makes recommendations, which are then implemented, monitored and reported on by program managers. This ensures that the program is embedded in culture and Community, and that the children are strongly connected, maintaining the relationship with Community and family across the metropolitan area and the APY Lands.
- The staff are youth workers and educators, selected for their commitment, skills, goals, and approach. The school campus and the residential campus work closely together, providing education, health and therapeutic programs, social programs, sports and life skills as a holistic package.

- There is a close working relationship, formalised by information sharing protocols, with key agencies, such as Child and Adolescent Mental Health Services, Women’s and Children’s Hospital, and Families SA, to ensure that the children’s physical and psycho-social needs are comprehensively and consistently addressed.

The key elements are close connection with culture and Community, qualified staff with particular interpersonal qualities and skills, and a supportive “family oriented” environment.

Programs that provide structure, access to specialist and therapeutic services as needed, and build life skills and competencies, are key elements of any successful residential care program, and also essential for a successful Aboriginal specific program (Hodgkins et al, 2013; Bromfield et al 2005; Higgins et al 2005; Price-Robertson & McDonald, 2011).

.....

The full report is available at - <http://www.gcyp.sa.gov.au/2015/08/what-is-good-residential-care-for-aboriginal-young-people/>