

# Office of the Guardian

## Celebrating the launch of our office's artwork murals

We were delighted to launch the painted murals last month, celebrating the artwork of young people in care and detention. After more than eight months in the making, the murals are now on display in the foyer of our office. Thanks to artist Fran Callen and the amazing children and young people who contributed to the murals.



Above: Guardian Penny Wright and Minister for Child Protection Rachel Sanderson, MP

### Without Judgement

Whisper, whisper  
 The noise I hear  
 I fear the world is judging  
 Judging me, judging my friends and judging my family  
 What is written  
 And what is spoken  
 Can never be erased  
 We make mistakes  
 But every day we choose our battles and we choose our paths  
 To a successful future and brilliant life  
 We stand for our respect  
 We stand for our appreciation  
 And we most certainly stand for the truth  
 Judgments are like sins  
 Once you do it, you always will  
 It's like trying to run from your shadows  
 It's impossible to erase  
 Impossible to forgive  
 And impossible to apologise  
 Judging is another word for disrespect or bullying  
 We shall not stand upon people who judge others for what they look like  
 or their past lives  
 We shall all try to rise above and surrender our guilt to be or to give  
 forgiveness

*This poem was written by a young Aboriginal person in care and was read out at the mural launch. The poem is on display in our foyer. We greatly appreciate in being able to share this.*



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## Importance of individual support in education

“The beautiful thing about learning is that no-one can take it away from you”. For children and young people in the child protection system or youth detention, who experience more losses and gaps in their lives than most other children and young people, this makes access to education critical. Children and young people have told us that education is crucial for so much more than work success. Positive schooling also contributes to socialisation, a sense of belonging and identity, curiosity, and the chance to connect with caring adults who believe in them. In this edition of our newsletter we’re taking a look at education – and asking, “if it really is a fundamental right for all children in our community, why are so many of this cohort missing out?”

Data from our Guardian’s Office report released in June this year: [\*\*Children and Young People in State Care in South Australian Government Schools 2008-2018\*\*](#) shows that, in government schools, disengagement from school due to absenteeism, suspension and learning and intellectual disabilities is significantly higher in children and young people in care than those who are not. (This data is not currently available from Catholic and independent schools.) Other data shows similar trends when it comes to their engagement with [\*\*higher education \(tertiary and TAFE\)\*\*](#).

What will it take to change this? Individual support is crucial, but children have told us that it needs to be offered in a sensitive way, so they don’t feel singled out. This office suggested some strategies in our 2008 report [\*\*Improving educational outcomes for children and young people under guardianship in South Australia\*\*](#) including one on one assistance (mentors, tutors and school support officers) as and when required.

The South Australian public school system offers a number of [\*\*education supports\*\*](#), including the requirement that all children in care who are enrolled in school must have an individual education plan (IEP). However, CREATE Foundation’s latest [\*\*Out of Home Care in Australia report\*\*](#) found only 24.2 per cent of children and young people surveyed were aware of having an IEP. It also found that for those who did, their involvement in its preparation was particularly low in South Australia.

Despite these measures, there has not been an increase in the rate of children and young people attending and being engaged in their education.

We clearly need sustained and targeted work with individual children but we also need broader attitudinal and cultural change, with higher expectations about what children and young people are entitled to, and capable of.

The University of Newcastle’s [\*\*‘Live, Learn, Grow’\*\*](#) is a ground-breaking program that marries research and practice to support and promote higher education for students with a ‘care’ background. Seventy-five percent of participants said no one had spoken to them about university as an option for them prior to their involvement with the program. Since its inception, several years ago, 40 people with care backgrounds have been supported to study at the University and 90 per cent of those students said they would have withdrawn from study within the first month but for the support they received.

The program combines two aspects: dedicated outreach into the out-of-home-care sector and with young people in care, to build knowledge and aspiration about higher education pathways and supports, and an ‘on-campus’ Navigator role, which supports and encourages young people with their enrolment, courses, accommodation, employment and social needs, and helps ‘normalise’ the university experience.

Through our expectations, both individually and as a society, we must convey to children and young people that their education matters because they matter. To quote the young person, whose words contributed to the name of our [\*\*2008 report\*\*](#) (and still resonate today): “If they don’t give up on you – you don’t give up on you.”



*Penny Wright  
Guardian*

# What's been done May 2019 – July 2019

## Training Centre Visitor Unit continues visits and prepares for inspection

The Training Centre Visitor Unit (TCVU) has continued to attend the Adelaide Youth Training Centre (AYTC) to visit residents and provide advocacy. The TCVU is finalising the next report to Parliament about this work.

The TCVU is also preparing for the first formal inspection of the AYTC in late November. This event, and the associated reporting, will be a milestone in the TCVU's establishment phase. A pilot inspection model has been developed after examining how similar processes work in comparable jurisdictions in Australia and overseas. More details about the proposed approach and the inspection's roll out will be available soon.



Principal Training Centre Advocate Belinda Lorek (far right) and Administration Officer Melissa Phoenix (far left) with author Karen Keavy at the launch of her book 'Angel'. The book is the first in a series of children's books designed to support children who have experienced sexual abuse.

## Rise in enquiries for advocacy

There has been a 58 per cent increase in the number of in-mandate enquiries we received in the last financial year, compared with the previous financial year.

The total of in-mandate enquiries received for the 2018/19 financial year was 406, an increase from 256 from the previous year.

It is difficult to be sure about the reason for the dramatic rise but it could be due to the increased presence of the Office of the Guardian's staff out in the field and identifying individual needs for advocacy and the increase of children living in state care.

## Child and Young Person's Visitor program trial comes to end

The trial of the [Child and Young Person's Visitor program](#) is drawing to a close next month. The pilot was initially due to end in June but has been extended until 30 September to allow for the completion of the final report.

The trial visiting program arose from the (then) government's response to Recommendation 137 of the SA Child Protection Systems Royal Commission and was funded for two years from July 2017. The trial program worked to promote the best interests of children and young people under guardianship orders who are living in residential care.

Findings from the report will inform the necessary arrangements and resourcing of the program if it is to become formally established in the future.

We would like to acknowledge all the staff (both past and present), stakeholders and the young people who have contributed to this pilot program. The full report will be available early October.

## Cultural awareness training for the courts

Aboriginal Advocate Conrad Morris and Training Centre Advocate Travis Thomas have assisted the Courts Administration Authority with a project to engage and interview Aboriginal young people about their experiences in the court system. Led by Justice Martin Hinton, the video produced will form part of cultural awareness training for Judges and Magistrates.

Two young people participated in the project, sharing their experiences of being in court and the cultural considerations they thought Judges and Magistrates need to know about.



Behind the scenes of the project recording with the Courts Administration Authority. Training Centre Advocate Travis Thomas being interviewed.



The staff bid farewell to Annie Catanzariti and Sandra Loprete, Community Advocates from the Child and Young Person's Visitor program. We wish them all the best for what's to come.



In July, we also bid a fond farewell to long-time Communications Officer Malcolm Downes. Malcolm has been part of the furniture here at the Office for 13 years and we were certainly all sad to see him go. A big thank you to Malcolm for all his hard work and kindness over the years and we wish him all the best for what's next!



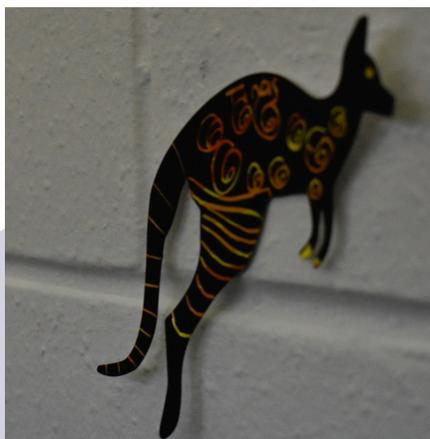
We welcome Bianca Turner as our new Senior Communications and Liaison Officer

### NAIDOC Week event

Community Advocates Karina-Michelle Yeend and Lucy Brown attended a Residential Care NAIDOC Week event. They enjoyed a performance from Tal-Kin-Jeri Dance Group, a Colour Run and more.



Minister for Child Protection Rachel Sanderson and Community Advocate Karina-Michelle Yeend



### New publications

In case you missed it, here are some of the reports the Office published in the last quarter:

- [South Australian child protection expenditure from the Report on Government Services 2019](#)
- [Snapshot of South Australian Aboriginal Children and Young People in Care and/or Detention from the Report on Government Services 2019](#)
- [Children and Young People in State Care in South Australian Government Schools 2008-2018](#)

### Conferences and presentations

- In May, the Guardian and the Senior Policy Officer attended the national meeting of the Australian and New Zealand Children's Commissioners and Guardians (ANZCCG) in Canberra.
- The Training Centre Visitor Unit team met with peers from across the youth justice sector at the recent Australian Youth Justice Administrators national conference. While in New South Wales, the team also took the opportunity to visit the large Cobham youth detention centre in outer Sydney.
- In June, the Senior Policy Officer and Senior Communications and Liaison Officer attended the Progress 2019 conference in Melbourne. The conference brought together campaigners and advocates from around Australia and the world to build connections and share ideas about social change.

# Rights to education

Education and school play a vital role in any young person's life. Its value extends far beyond what's learnt in the classroom, to the development of identity and social connections and promoting community stability. This is especially important for young people in care.

The value of education to individuals and to the community has been long recognised in Australia and we're signatory to all significant international treaties and conventions concerning child rights, including the right to an education.

The right for everyone to an education is specifically addressed in the [\*\*\*Universal Declaration of Human Rights\*\*\*](#). It states that education, at least at a primary level, should be free to access, and higher education should be accessible for all on the basis of merit.

These rights are reinforced in the United Nations Convention on the Rights of the Child (UNCRC). We've explored the importance of this document in [\*\*\*previous articles\*\*\*](#).

The UNCRC strengthens the rights outlined in the Declaration of Human Rights that all children have the right to an education. It affirms that states take measures to encourage regular attendance, reduce dropout rates and ensure school discipline is undertaken in a way that is consistent with the child's human dignity.

The UNCRC covers the aims of education and that education should develop each child's talents, abilities and personalities to the fullest. This reinforces the importance of learning, beyond the traditional ideas.

The UNCRC also states a child's right to learn and use languages and customs of their family. This is vital to consider in an Australian and South Australian context given the overrepresentation of Aboriginal children and young people in care. It's their right to learn about their culture and use their own language.

Children and young people in care are protected by additional rights specific to their situation. In South Australia, this is laid out in the [\*\*\*Charter of Rights for Children and Young People in Care\*\*\*](#), which builds on the rights outlined in the UNCRC. It states that children and young people in care have the right to a good education and additional support if they have special education needs. This is crucial as according to our latest [\*\*education report\*\*](#) 30 per cent of students in care who attended state schools in 2018 had an identified disability.

Residents of the Adelaide Youth Training Centre (AYTC) are in a uniquely vulnerable position. The [\*\*\*Charter of Rights for Children and Young People Detained in Training Centres\*\*\*](#) sets out the right for young people in detention to continue education or to access training to learn useful skills for work. It's important this right is promoted and protected given young people in detention are more likely to have a disconnected relationship with schooling. With children as young as 10 in the AYTC, it's crucial they are aware of and understand these rights.

Protecting these rights and creating positive education experiences for children and young people in care is essential for establishing strong relationships with adults and increasing chances of successful life outcomes into adulthood.





## State schools and children in state care

As we described in the Rights to education article (p5), education has a range of social and emotional benefits, but it's also a fundamental right.

The obligation to honour this right is shouldered primarily by state governments and, to a smaller extent, by private schools. The obligation on state government is doubled when it takes on the role of parent as is the case when a child is in care. In this article we look at the quantity of education provided by state schools to children in care.

Given that children in state care often face many additional challenges to those faced by the broader school cohort, how well does our state system meet that challenge?

### Attendance

Statistics published in the Guardian's latest [education report](#) showed a higher rate of absence among children in care than the overall government school population (13 and 9.5 per cent respectively). The absence rate for Aboriginal children in care is 14.5 per cent, compared to 20.1 per cent for Aboriginal students not in care, meaning Aboriginal children in care are more likely to be attending school than Aboriginal students not in care.

Regular attendance is important in establishing strong relationships with adults and finding a sense of stability they may be missing.

### Suspension and exclusion

Children in care in government schools are suspended at a rate more than four times higher than other students who are not in care. Exclusions (where the student does not attend school for either four to 10 weeks, for the remainder of a term or, for students over 16, the remainder of the semester) are more difficult to reliably compare because of the small numbers (24 children in care were excluded in 2018) but children in state care are generally excluded at seven to 12 times the rate of children in state schools overall.

Trauma, neglect and abuse experienced in early life can present in a school environment with a range of behavioural difficulties, including disruptive behaviour and lack of emotional or impulse control. These kinds of behaviours can increase the risk of suspension and exclusion.

### Options involving reduced contact

It's important children and young people in care attend school regularly to allow them to experience its full benefit. In our [education report](#), it's noted 'a small but significant number of students in care attend school for periods of as little as one hour per week by negotiated arrangement. These are not recorded as absences' (p 16).

Commissioner Margaret Nyland's 2016 [The life they deserve report](#) made a number of recommendations concerning the education of young people in care. This included calls for regular audits of students who are on reduced hours of attendance (Recommendation 91). This was to ensure they have education plans to return to full-time, mainstream education to the greatest extent possible.

This recommendation was accepted by the state government and, according to the Department for Child Protection's 2018 [A Fresh Start progress report](#), a state-wide audit was completed in early 2018.

### Placement disruption and delays in enrolment

Each time a child in care changes placement it has the potential to disrupt the continuity of schooling and cause delays in re-enrolment. Sometimes valuable school time is lost if social workers and schools do not coordinate the transition well to ensure minimum disruption when a child's placement changes. Placement changes can also affect a young person's ability to form friendships, which could also affect their desire to go to school.

Many students in care in state schools have significantly less exposure to the social and educational benefits of schooling than other students. Some of this is the inevitable consequence of their history and circumstances. However, many factors, like the ones outlined above, can be mitigated by thoughtful decision-making and suitable resourcing within the system.

# Young people on being in care and education

Here is a snapshot from our conversations over the years with children and young people about their thoughts on being in care and getting an education.

- ***We want the same things in life as other children: success at school, a good job, and a happy family. However, many of us face great upheaval and disruption in our lives. We can experience several moves during a year, resulting in a change of foster carers, school and friends.***
- ***I couldn't concentrate as I worried about my brothers and sisters in other foster homes.***
- ***I got picked on as I was the different one.***
- ***Seriously the most hardest thing is asking for help.***
- ***It's easier to be thought of as trouble rather than stupid.***
- ***My grades have improved over the last year and a half (with help from an SSO). These programs are very necessary.***
- ***This [AYTC Youth Education Centre] is the only school I have been to since year 7 [youth is now 15 years-old].***

## To my Teacher... A memo from a child in foster care

An excerpt of a letter from the perspective of a four-year-old who has experienced trauma to her new teacher.

*Dear Miss Kendall*

*Tomorrow will be my first day at school and you'll be my teacher, so I thought I'd let you know what that means to me. I know it's normal for kids to be a bit nervous about starting school, but this is an extra tricky time for me because of where I come from.*

*Not being sure about stuff...like when I don't know what's going to happen, is really, really hard for me. Any kind of change (even change that you might think of as good or exciting), feels scary in my body.*

*Starting school is a huge change, but I know there are going to be heaps of mini changes I'll also have to go through every school day: arriving at school in the morning, going from classroom to playground and back again; table to mat for story time, our classroom to the library and back again, classroom to the bathroom and back... Each of those changes can feel as wobbly for me, like walking across a trampoline. Those are the times when my body is most likely to change into the energy mode, and I sometimes run away or fight or, if it feels so scary that I can just kind of go away.*

*To do well at school, I could really use your help. There's so much you can do to help me feel safer during those tricky transitions: early warnings, egg timers, colour clocks, visual timetables, predictable routines....*

*Please don't think of my bad days as a sign of weakness. Those are actually the days when I'm fighting my hardest just to survive.*

*Thanks for listening*

*Billie the foster kid.*

Thanks to the Australian Childhood Foundation for letting us publish this excerpt. You can read the full blog article on the [Australian Childhood Foundation website](#).

## Contact us

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