



NSW Ombudsman

## Final Report

Review by the Ombudsman  
of the planning and support  
provided by Community  
Services to a group of young  
people leaving statutory care

June 2010



NSW Ombudsman

Our logo has two visual graphic elements; the 'blurry square' and the 'magnifying glass' which represents our objectives. As we look at the facts with a magnifying glass, the blurry square becomes sharply defined, and a new colour of clarity is created.

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# 1. Introduction

Under section 13 of the *Community Services (Complaints, Reviews and Monitoring) Act 1993*, the Ombudsman may review the circumstances of a young person or group of young people in care. In doing so, we look at the welfare, progress and the circumstances of the young people the subject of review.

This report details the observations, findings and recommendations arising from our review of a group of young people leaving statutory care in 2009.

## 2. Background to the review

The *NSW Children and Young Persons (Care and Protection) Act 1998*, requires designated agencies with supervisory responsibility to prepare and support a young person in out-of-home care for independent living. Ministerial guidelines for the provision of assistance to young people, who have left care, were issued in May 2008. Specific arrangements are in place for young people with disabilities requiring ongoing supported accommodation once they leave statutory care.

Despite the requirement for leaving care planning, in their 2007/08 annual report the Office of the Children's Guardian noted that leaving care planning was inadequate for a significant number of young people. Often this commenced too late or not at all. Significantly, the report of the Special Commission of Inquiry into Child Protection Services in NSW noted that while appropriate policies are in place to guide the provision of leaving care and after care services '*greater attention needs to be given to ensuring that care leavers are given adequate assistance and information concerning their entitlements to aftercare assistance... and that sufficient funding be available to provide the assistance needed*'.<sup>1</sup>

Against this background, in 2009 **we** determined to initiate a review of a group of young people due to leave statutory care that year, as a consequence of turning 18. The purpose of the review was to examine the adequacy of leaving care planning and the related support being provided by Community Services and other designated agencies.

## 3. What The Research Tells Us

For most young people, the transition to independence involves significant challenges, and constitutes a major life event. Many young people delay this transition, remaining in the family home longer for various reasons including costs associated with further education / vocational training and the prohibitive cost of renting.

However, remaining at home is often not an option for young people leaving statutory care.

In addition, many young people leaving care will face significantly greater challenges in achieving a successful move towards independence than their peers who have supportive families. Many care leavers experienced disruption and trauma before entering care and for some, their time in care has also been difficult. Extensive research into outcomes for young people after leaving statutory care highlights their significant disadvantage. Many young people experience

<sup>1</sup> Report of the Special Commission of Inquiry into Child Protection Services in NSW, Nov 2008, p 844

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homelessness during and/or after their transition from care, or reside in unstable accommodation arrangements such as youth refuges, or short-medium term accommodation programs.

Studies have shown that young people in out-of-home care are at an educational disadvantage; generally less likely to complete their schooling and perform less well at school than the general population.<sup>2 3</sup> Care leavers face the associated disadvantage of limited employment opportunities – they are more likely to be unemployed, dependent on government income support or earning a low income, and struggling to ‘make ends meet’.

Many care leavers share a range of other common circumstances. They are more likely than their peers to experience incarceration or to become involved in the criminal justice system. The health needs of children and young people in out-of-home care have not been well met in the past, leaving them vulnerable to ongoing health problems after leaving care.<sup>4</sup> There is a high incidence of teenage pregnancy and early parenthood amongst care leavers. They are more likely to experience mental health problems, including depression and self harm, and are at higher risk of engaging in substance abuse.

Despite these circumstances, these young people are often expected to make the transition to independence at a younger age than their peers, irrespective of their individual readiness, the availability of secure accommodation options, or their access to services. Some young people are expected to leave a placement abruptly once they turn 18, and as noted, many lack the social, financial and emotional supports usually available to other young people residing with family.

Studies have shown that a successful transition to independence from statutory care is contingent upon a range of factors. One of these is leaving care planning. Proper planning and support can have a profound impact upon future outcomes for a young person.<sup>5</sup>

## 4. Methodology

The scope of our individual reviews included young people leaving statutory care in 2009 as a consequence of turning 18.

In February 2009, we advised Community Services of our decision to initiate the review. Pursuant to section 18(1) of the *Ombudsman Act 1974*, we requested Community Services provide us with a list of young people whose dates of birth fell between June 1991 and May 1992, and whose care order allocated all or aspects of parental responsibility to the Minister for Community Services. We also requested the name of the Community Services Centre (CSC), Intensive Support Service (ISS) or designated agency with supervisory responsibility for each young person.

Community Services provided the requested information for 398 young people. In order to consider the adequacy of leaving care planning and support, we needed a sample from this group that could be generalised back to the broad population of care leavers. We decided to reduce our sampling population to those young people born between 1 June 1991 and 31 October 1991 and to commence the reviews three to four months before the young people left care. This timeframe provided a sound measure for the evaluation of the adequacy of leaving care planning. This gave us a population of 154 young people from which we selected 51 for individual review.

The individual reviews of each young person were informed by an examination of their departmental

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2 CREATE Foundation, 'Australian Children and Young People in Care', Report Card on Education 2006

3 Wards Leaving Care: four to five years on. A longitudinal study. Cashmore and Paxman. January 2007

4 NSW Office for Children Submission to the Special Commission of Inquiry into Child Protection Services in NSW, February 2008, p.45

5 Wards Leaving Care: four to five years on. A longitudinal study. Cashmore and Paxman. January 2007

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file, and where relevant, files held by other designated agencies and Ageing, Disability and Home Care (ADHC). We interviewed caseworkers and/or casework managers, carers, and other relevant service providers. Where appropriate, we offered the young person an opportunity to be involved in the review.

Following each individual review, we informed Community Services and, where relevant, non government designated agencies and ADHC, of the results. Where the review identified concerns about leaving care planning or other issues for the young person, we asked the relevant agency to provide, pursuant to section 18(1) of the *Ombudsman Act*, additional information and/or advice on any action proposed or taken to address our concerns. In a number of cases, we requested a copy of the endorsed leaving care plan, where this was not available at the time of review.

Separately, in October 2009, we requested Community Services provide us with the leaving care plans and minutes of the planning meetings for all those young people leaving care who turned 18 between June and August 2009, who we had not reviewed. This group was comprised of 73 young people. Where a leaving care plan had not been developed for a young person, we asked Community Services to explain why this was so. This allowed us to look more broadly at certain aspects of leaving care planning for young people in statutory care.

In November 2008 and again in September 2009, we consulted with after care services, including the Aftercare Resource Centre (ARC), ACE Burnside and Centacare ALIVE. We asked questions about the number and profile of young people leaving statutory care referred to their services, the nature of the support provided, and the average age that leaving care planning commenced for those young people. We also asked about the involvement of Community Services in the leaving care process after young people are referred to the after care agency, and the types of challenges facing after care workers in responding to the needs of young people leaving care.

During the course of the individual reviews, we consulted managers at 35 Community Services Centres, two Intensive Support Services and five non-government designated agencies that had supervisory responsibility for the young people reviewed. We asked about leaving care practices, what systems were in place to identify young people leaving care, whether all young people receive support to develop a leaving care plan, and about the support provided by the agency once the young person turned 18. We also asked about the challenges agencies face in this area of work, the involvement of other agencies in the leaving care process, and local leaving care initiatives.

We provided Community Services with a draft of our report on 9 March 2010. The agency provided us with a response to the draft on 28 June 2010.

## 5. Key findings and observations

based on our consultations, the results of our reviews of 51 young people and our analysis of leaving care plans for an additional 73 young people who left statutory care in 2009, we found that:

1. The Ministerial Guidelines on after care assistance are not being implemented for all care leavers in NSW.
2. Most of the young people in our sample group of 124, left statutory care without an endorsed leaving care plan.
3. The arrangements in place between agencies within the NSW Department of Human Services, to ensure young people with a disability with high support needs are appropriately supported

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when they leave statutory care, are working well.

4. Community Services staff had a limited understanding of the eligibility criteria for other services provided through Ageing, Disability and Home Care's leaving care program.
5. Young people with high support needs are prioritised for leaving care planning. We found planning for these young people was generally timely and comprehensive.
6. Despite the planning and support provided to young people with high support needs while in care, the supports required after leaving care, particularly accommodation, were not in place for most.
7. Young people in stable relative placements and those in stable foster care placements supervised by Community Services were more likely than other care leavers to turn 18 without an adequate leaving care plan in place. Access to financial assistance to support the placement while completing the HSC was a particular concern for a number of these young people.
8. Community Services did not make reasonable efforts to engage a large minority of our review group in their leaving care planning.
9. The leaving care plans we examined were often based on an inadequate assessment of the young people's needs.
10. Only one in five of the Community Services teams we interviewed said they provide after care support consistent with the Ministerial Guidelines and Community Services' guidelines. It is therefore likely that many young people in our sample group, who left care without an endorsed plan, will not be followed up.
11. There was significant variation in the way leaving care plans are recorded. Community Services' managers had differing views on what level of detail needs to be recorded on a leaving care plan and who needs to approve them.
12. The administrative arrangements for the approval and provision of financial assistance for leaving and after care assistance are inconsistently understood and applied. Community Services' managers said the process is cumbersome, lengthy and protracted.

## 6. Community services' response to our review

in response to our draft report, Community Services provided this office with information on projects the agency is planning, or which are underway, which it states will improve service delivery to young people leaving out-of-home care.

### Compliance with the Ministerial Guidelines

As noted, our review identified that not all young people leaving care are being provided with a leaving care plan. We found that where plans are developed, they are often based on an inadequate assessment of the young people's needs and there is minimal involvement of the young people in the planning process.

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In response, Community Services said the agency is developing a new casework planning framework which is due to be implemented in 'late 2010'. The framework both '*provides for a process whereby all young people will have a leaving care plan that complies with the Ministerial Guidelines*' and '*will make Community Services' requirements for leaving care planning more explicit*'.

The agency also advised that it is developing information resources for young people and carers which will explain young people's entitlements and assist carers to prepare young people for leaving care. These resources will be available by December 2010.

While the development of the resources is welcome, it is unclear how the development of a new casework planning framework will ensure better compliance with the Ministerial Guidelines particularly given that Community Services already has in place adequate guidelines in relation to the development of leaving care plans.

### **Young people with high support needs**

Our review identified that despite the Ministerial Guidelines requirements, in the main Community Services does not follow up young people once they leave care. We found that this lack of support is particularly concerning in relation to young people with identified high needs.

In response, Community Services advised that the Metro Intensive Support Service has already instigated a system for three monthly follow up of care leavers. More broadly, the agency said that the identification of young people who have high needs and require after care support will be considered as part of the case planning project.

It would seem desirable that a system similar to that now operating at the Metro Intensive Support Service be implemented for all young people supervised by the agency's intensive support services given Community Services' timeframe for completing its case planning project (December 2010).

### **Approval of financial assistance**

Our review also identified significant problems with Community Services' processes and timeliness for approving financial assistance to care leavers.

In response, Community Services said that '*it will review its procedures for approving financial assistance to care leavers with the objective of minimising delays and ensuring that their after care support needs are met in a timely manner*'. In particular, the review will consider lowering the threshold of delegation for approval of the leaving care plan from the Regional Director to Director, Child and Family and giving Managers Casework an additional delegation of up to \$500 for '*urgency items*' such as dental treatment, finding employment, and education and training. The review of its procedures for approval of the leaving care plan will also be completed by December 2010.

The proposed changes to the procedures for approving financial assistance are welcome, but the timeframe for the review means that, in the interim, many of the 400 or so young people who will leave care between now and December 2010, may experience problems receiving the financial assistance that they require.

### **Support of care leavers completing secondary education**

A further issue identified in our review relates to the inequities and inconsistencies in the way Community Services provides financial assistance to support young people, who turn 18, prior to completing their secondary education.



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In response, Community Services said that it will review its policy and procedures for providing financial assistance to *'sustain young people in their placements while they complete their secondary education to ensure clarity and consistency in practice in this area'*. Again, this issue will be addressed by December 2010.

While we also welcome this proposed work, the possibility remains that young people in statutory care, who will turn 18 this year prior to completing their secondary education, will be treated inequitably.

### **Support of care leavers who are eligible for disability support services**

Finally, our review identified that many Community Services staff had little understanding of ADHC's leaving care program. In response, Community Services advised that the agency in conjunction with ADHC is currently developing a casework practice procedure: *'Leaving care support for young people with a disability and the ADHC Leaving Care Program.'* The procedure will provide information about ADHC's leaving care program; eligibility for the program; referral; and transition planning. The procedure is due to be published by September 2010. We welcome this initiative.

## **7. Conclusion**

Despite the accepted importance of leaving care planning and support, a significant number of young people are leaving care without either.

Acknowledging Community Services' proposals to improve leaving care practice and its provision of after care support, this office remains concerned that this aspect of casework practice has been poorly dealt with. It is particularly concerning that the practice is so inconsistent.

## **8. Recommendations**

Taking into account Community Services' response to our draft report, I now make the following recommendations.

1. By 31 December 2010, Community Services should provide this office with a progress report on:
  - a. the development and implementation of its new casework planning framework with particular reference to leaving care and after care support
  - b. the development of leaving care and after care information resources for young people and carers
  - c. the outcome of its review of the procedures for approval of leaving care plans
  - d. the outcome of its review for providing financial assistance to sustain the placements of care leavers completing secondary education.
2. By 30 June 2011, Community Services should provide this office with a report on:
  - a. whether the agency is meeting its obligations under the Ministerial Guidelines on the provision of assistance after leaving out-of-home care.
  - b. if so, what evidence does Community Services have to support its position?
  - c. if not, what action does Community Services propose to take?

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Steve Kinmond  
**Deputy Ombudsman**

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## 9. Legislation, policy and practice

Part 6 of chapter 8 of the *Children and Young Persons (Care and Protection) Act 1998* outlines the responsibilities of designated agencies to prepare a plan for a young person leaving care and describes the types of assistance that may be provided.

The Ministerial guidelines, issued in May 2008, describe who is eligible for after care assistance and outline the different types and levels of support that may be provided to a young person.

The NSW out-of-home care standards set out the actions and tasks required of designated agencies to prepare a young person to leave care. These include:

- planning well before the young person leaves care
- case planning for transition to independent living with the young person and significant others
- preparation of a comprehensive leaving care plan which includes alternative strategies should the plan not work
- regular meetings between the caseworker and the young person to work towards transition for independent living
- developing clear expectations of what support will be available after leaving care
- preparing an accurate record of the young person's time in care, compiled with input from the young person and given to them before leaving care
- establishing basic living requirements before leaving care.

Community Services' policy and procedure on leaving care provide direction on when leaving care planning should commence, who should be involved in the planning, how the plan should be developed, financial and other after care assistance.

The (draft) OOHC Service Provision Guidelines, a joint resource for Community Services and other out-of-home care service providers, outline the responsibilities of agencies to arrange or provide assistance to young people aged 15-25 who are leaving or who have left statutory care.

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## 10. The circumstances of the young people we reviewed

The following provides a brief overview of the characteristics and circumstances of the 51 young people we reviewed.

### Age and gender

At the time of our review, all of the 51 young people were approaching their eighteenth birthday. All left statutory care between June and October 2009.

Just over half of the group (26) were male.

### Length of time in care

One third of the group (17, 33%) entered care before their fifth birthday. Fifteen young people (29%) entered care at age 14 or older.

### Cultural background

Seven of the 51 young people (14%) were Aboriginal. Another two young people were identified as possibly having an Aboriginal family background, but this had not been confirmed at the time of review.

Six young people (12%) were from culturally and linguistically diverse backgrounds.

### Location

The review group included young people living in both metropolitan and regional NSW.

Seventeen young people lived in the Sydney metropolitan area; 10 lived in the Hunter/Central Coast region; nine in the Western region; seven in the Northern region and five in the Southern region of NSW. One young person was living interstate and another had recently returned to NSW. The whereabouts of two young people were not known at the time of review.

### Placement

At the time of review, 30 of the 51 young people (59%) were residing in placements provided by a designated out-of-home care agency, including Community Services, non government organisations and ADHC.

- Twenty of the 30 young people were placed through Community Services in either foster care (10) or relative/kinship care (10).
- Nine of the thirty young people were placed through an NGO in either foster care (5); professional foster care (2); semi- independent living (1); or residential care (1).
- One young person was residing in residential care (a disability group home) provided by ADHC.

Ten young people were living independently, either in their own private rental accommodation or in housing provided by partners or friends. Six young people were living with family. Five of these had self-restored to a parent or grandparent.

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Two young people were residing in services provided under the youth supported accommodation assistance program (SAAP) and one young person had secured a supported community housing placement. As noted, the whereabouts of two young people were not known at the time of the review.

### Placement stability

Around half the young people (25; 49%) had been in long term placements with little or no disruption and had strong relationships with their carers. Most of these young people were in foster or relative/kinship care and most had only had one or two care placements. At the time of review, 10 of the young people had been in their current foster or relative care placement for more than ten years.

Sixteen young people (31%) had experienced placement disruption as well as periods of stable care. Eleven of the 16 had a history of challenging behaviours or complex needs in relation to their physical, mental or emotional health. At the time of review, six of the 16 young people had been in their current placement for less than 12 months.

Ten young people had experienced chronic placement instability characterised by frequent and multiple placement changes. Six of these 10 young people had been in their current placement for less than twelve months and the whereabouts of another two were not known at the time of review.

### Case management responsibility and caseworker allocation

Community Services held case management responsibility for 47 of the 51 young people. Three NGO designated agencies were responsible for the case management of the other four young people.

In total, 39 of the 51 young people (76%) had an allocated caseworker at the time of review.

Thirty four young people had a Community Services caseworker. For nine of these young people, the caseworker had been allocated for the purpose of undertaking leaving care planning. Five of the 34 young people had an NGO caseworker as well.

Five young people had only an NGO caseworker. Two of these young people were also receiving support from the NGO's aftercare service.

ADHC was also involved with four young people who had an allocated Community Services and/or NGO caseworker.

Twelve young people did not have an allocated caseworker. All of these young people were case managed by Community Services. The length of time that the files for these young people had been unallocated or in a 'resubmit' system ranged from two months to five years.

### Education and employment

Around two-thirds (35; 69%) of the young people had a history of educational problems, such as truancy, learning difficulties, suspension/expulsion and moving between schools. Frequently, these young people experienced a number of educational problems concurrently.

At the time of review, 18 of the 51 young people (35%) were still at school and working towards completing the Higher School Certificate in either 2009 or 2010.

Fifteen of the 33 young people who were not at school had left school in year 8 or 9, when they were aged 15 or younger. Only one of the 33 school leavers had completed year 12. This young person was undertaking an engineering degree at university. One third of the school leavers (11 of the 33)

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were not engaged in employment or training at the time of review.

Eight of the young people who had left school were in paid employment and six were undertaking further study at TAFE in fields such as nursing, technology, business and hospitality.

### Identified needs

The following is an overview of the group's identified needs relevant to their health and development, drug and alcohol use, involvement with the criminal justice system, education, parenting status and contact with birth families.

- Eleven of the 51 young people (24%) had an identified disability.
- Most of the young people were reported to be in good physical health and were receiving adequate support around their general health needs. One third (17 of the 51) had identified medical needs. These needs included concerns such as vision testing or wearing glasses, asthma management, or investigation of general health problems. One young person had a chronic health condition that required extensive medical intervention and support.
- Twenty two of the 51 young people (43%) had a history of mental health problems, although less than half of these young people had a diagnosed mental illness (10; 20%). Ten young people (20%) were experiencing mental health problems around the time of the review.
- The majority of the young people had received adequate dental care and treatment. At the time of review, nine young people (18%) had outstanding dental needs, including for orthodontic treatment, restorative dental treatment, general dental check-up or the removal of wisdom teeth.
- Fourteen of the 51 young people had a history of drug misuse and nine of these young people also had a history of alcohol misuse. Another four young people had problems with alcohol misuse and no apparent history of any other drug use. At the time of review, eight young people (16%) were experiencing problems with drug and/or alcohol misuse.
- Close to two-thirds of the young people reviewed (30 of the 51; 59%) had a history of challenging behaviours. The most commonly exhibited behaviours were violence, aggression, hyperactivity, self-harm, absconding, lying, stealing, and property damage. For some young people, their challenging behaviour was noted to be a significant contributing factor in relation to previous placement breakdown. Despite the high proportion of young people with a history of challenging behaviours, only eight young people (16%) were reported to be exhibiting challenging behaviours at the time of the review.
- Twenty of the 51 young people (39%) had a history of involvement with the criminal justice system, most commonly in relation to offences involving illicit drugs, alcohol and property or assault.
  - Nine of the 20 young people had contact with police but had never been charged with an offence. Eleven of the 20 had been charged with an offence although six of them had not had a conviction recorded against them.
  - Six of the 20 young people had been subject to at least one order of the Children's Court (criminal matters), including recognisance orders (1), supervision orders (5), and custodial sentences (1).
  - Seven of the 20 young people had spent time in a juvenile detention centre, either on remand or following sentencing. Two had spent time remanded in custody (on at least one occasion) due to a lack of community placement options. Both had extensive involvement with police and Juvenile Justice.
- Seven of the 25 young women in the group (28%) had been pregnant and four of these young women had given birth. Community Services was involved with two of the young women's children due to significant child protection concerns; one young woman's child was in care at the time of

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review. One of the 26 young men had fathered a child.

- Most of the 51 young people had some level of contact with members of their birth family. In the main, contact arrangements were informal rather than set out in contact plans. For more than half of the young people (61%), contact with their birth family was occurring four or more times per year, primarily between the young person and their parents, particularly their mothers, and/or their siblings. A high proportion of young people were also in contact with extended family, especially grandparents. Only three had not had any contact with members of their birth family since their seventeenth birthday.

### Leaving care goal

At the time we closed our individual files for the 51 young people, a leaving care goal had been established through planning for 36 of the 51 young people (71%).

- Transition to independent living was the goal for 33 of the 36 young people. For 20 of the 33, independent living was, however, not an immediate plan; these young people intended to remain living with their foster or relative carer after they turned 18.
- The goal for three young people with a disability was to move to supported care. One of these young people was already permanently placed in a disability group home. The other two were remaining in their current placement until a supported care placement was available.
- For 15 young people, the leaving care goal was not established or was unclear. For most (11) of these young people leaving care planning had not commenced.
- Restoration was not a formal goal for any of the 51 young people.

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# 11. What we found

We note that in response to our draft report, Community Services did not question the following findings.

## 11.1 Timeliness of leaving care planning

### 11.1.1 Practice requirements

Policy and practice guidelines recommend that leaving care planning commence at least 12 months before a young person leaves out-of-home care.

For a young person with a disability who is likely to have significant support needs, joint planning should commence with ADHC at least two years prior to the young person leaving statutory care.

We commenced our reviews three to four months before each of the 51 young people in our sample group left care. By that time, planning should have been underway for each young person.

### 11.1.2 Findings and observations

We found that for 28 of the 51 young people (55%), leaving care planning had commenced and was well-timed to the young person's individual circumstances.

- All except one of the 28 young people had an allocated caseworker at the time of our review.
- Leaving care planning for the 10 young people with an NGO case manager was consistent with practice requirements.
- Leaving care planning was timely for most young people in the group with identified high needs (eight of the nine).
- Leaving care planning for the three young people requiring ongoing supported care because of their disability occurred in accordance with practice requirements.

In contrast, we found that for 23 of the 51 young people (46%) we reviewed leaving care planning had either not commenced, or had not occurred within a timeframe that was appropriate to the young person's needs and circumstances. Community Services case managed all of these 23 young people.

- Leaving care planning had not commenced for eleven of the 23 young people.
- Seven of these 11 young people did not have an allocated caseworker at the time of review.
- For the remaining four of the 11 young people who had an allocated caseworker, there were various reasons why leaving care planning had not commenced. One case was allocated at a CSC in a region where the young person had not lived for almost two years. Another had an allocated child protection caseworker; however casework was focussed on restoration of younger siblings. Planning for one young person was not a priority as he was in stable foster care. For the fourth young person, planning could not commence because he was missing.
- For 12 of the 23 young people, planning had commenced; however, it was not timely. Nine of these young people had an allocated caseworker at the time of review. Where the young person did not have a caseworker, leaving care planning was being managed by the intake team or by the manager casework.



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### **Case study**

A young person with a physical disability and learning problems had been in care since age nine. The young person experienced multiple placement changes due to challenging behaviours and was eventually placed in residential care. From age 17, the young person has resided independently. Leaving care planning commenced six months prior to the young person's eighteenth birthday; however one month before leaving care, a meeting to discuss the young person's future needs had not yet been held and a leaving care plan was not in place. We identified a number of issues that needed addressing to assist the young person's transition to independence.

- The timeframe in which leaving care planning commenced for these 12 young people ranged from between two to eight months prior to their exit from care date.
- In five of the 12 cases, leaving care planning commenced, or appeared to commence, as a consequence of our review.

### **Case study**

A young person had not had an allocated caseworker for over two years prior to our review, and there had been minimal casework. The young person had a mild intellectual disability, was in receipt of the disability support pension, and had various unmet needs including medical, dental, and counselling. An NGO worker who knew the young person described him as highly vulnerable and lacking adequate supports. After notification of our review, a caseworker was allocated to commence leaving care planning.

The findings referred to above were consistent with what managers told us about their capacity to undertake leaving care planning and the arrangements they have in place to do this.

Almost half (17 of 37) of the Community Services managers reported that leaving care planning does not occur for all young people exiting statutory care. Young people who do not have an allocated caseworker – usually but not always those in stable placements with relatives – were reported least likely to receive leaving care planning. At one CSC, 541 of the 742 out-of-home care cases (73%) are unallocated because of limited caseworker resources.

Most of the Community Services managers said they have systems in place to identify young people who will leave care at 18. In addition to annual reviews, these include using Excel spread sheets or a white board to track cases, using the care allowance schedule, or using students on placement to identify cases. Only one manager reported using the Community Services' Key Information Directory (KiDS) to identify young people about to leave care.

We observed, and managers agreed, that the systems in place at CSCs for identifying care leavers have a bearing on the timeliness of leaving care planning. For example, CSCs that rely on the care allowance schedule to identify care leavers will only identify them shortly before they leave care.

All of the 37 Community Services managers said they have systems in place to identify young people requiring referral to ADHC for joint leaving care planning.

All the NGO managers we interviewed reported that all young people in their care have an allocated caseworker and that leaving care planning is addressed through ongoing casework and review.

Failure to commence leaving care planning in the timeframes specified by legislation and practice requirements, means that many young people are leaving care without an endorsed plan. This is resulting in some young people not receiving support that they are entitled to.

- Seventeen of the 51 young people reviewed (33%) had an endorsed leaving care plan in place by their eighteenth birthday.
- Thirty four young people (66%) did not have an endorsed leaving care plan in place by their

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eighteenth birthday. A leaving care plan for these 34 young people was either endorsed after they left care, was waiting on endorsement at the time of writing, was still being developed, or was unlikely to be developed.

## 11.2 Engaging the young person and significant others

### 11.2.1 Practice requirements

The NSW out-of-home care standards state that designated agencies should facilitate a young person's participation in leaving care planning. For participation to be meaningful, the young person must be provided with adequate information about the purpose of leaving care planning and the expected outcomes of the planning process.

Community Services' policy and procedure on Leaving Care Support states that:

Young people need to be involved in the planning process. They need to be given information in a way appropriate to their age and developmental stage. Information about decisions made and actions to be taken should be both verbal and written. Caseworkers should discuss issues in language that the young person can understand.

As carers and significant others play an important role in preparing young people for independence and supporting them during the leaving care process, it is necessary that they understand the leaving care process and have the opportunity to participate in leaving care planning. Designated agencies should provide support to enable carers and other significant people in the young person's life to assist the young person achieve independence.

### 11.2.2 Findings and observations

Our reviews found that the comprehensive planning and casework required to effectively engage young people in leaving care planning is currently available to some but not all young people leaving care.

For 29 of the 51 (57%) young people we reviewed, we found that agencies had made reasonable efforts to engage the young person in leaving care planning.

- Most of the 29 young people were effectively engaged in leaving care planning and supported to participate actively in the process. The following examples are illustrative.

#### Case study

A young person was placed with NGO foster carers from the age of six months. At 16, he chose to live with his maternal grandparents. The NGO remained involved with the young person, and commenced leaving care planning at annual case conferences from the age of 15. Whilst initially not prepared to attend the meetings, with significant ongoing support from the NGO caseworker, the young person attended the leaving care case conference and participated in the leaving care process.

#### Case study

A young person lived with relatives from the age of eight. The Community Services caseworker provided significant ongoing support and leaving care planning commenced almost two years prior to the young person leaving care. The young person engaged in the leaving care planning process, and participated in identifying future needs. These were comprehensively addressed in the leaving care plan.

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- In a small number of the 29 cases, there were problems engaging the young person, despite the efforts of caseworkers, primarily due to the young person experiencing instability or uncertainty about their future.

### **Case study**

A young person had high needs associated with a history of neglect and abuse, multiple placement changes, diagnoses of ADHD and conduct disorder, significant challenging behaviours, and involvement with the juvenile justice system. The young person was placed in a high cost professional foster placement and case managed by an Intensive Support Services (ISS) team. Concerns were held by the carer and caseworker about the young person's lack of preparedness for independent living. Despite the timeliness of leaving care planning and comprehensive casework support, the planning process was hindered by the young person's refusal to engage. Those involved believed the young person's refusal to engage was due to fear of leaving the foster placement.

### **Case study**

A young person who had been in care since the age of three had a history of placement instability, behaviour problems and poor educational attainment. There were concerns regarding the suitability of the young person's placement choices, lifestyle decisions and mental health. The young person participated in a leaving care conference approximately six months before turning 18; however, did not follow up on health assessments and referrals that were intended to take place as part of leaving care planning. At the time of review, the caseworker had not succeeded in gaining the young person's cooperation to follow through with assessments or to accept a referral to a supported accommodation service.

Community Services and NGO managers said it is often difficult to engage young people in leaving care planning. Some Community Services managers said it could also be difficult to locate the young person and to get them to follow through with agreed tasks.

Six Community Services managers said leaving care planning is particularly problematic if the young person's file has been allocated specifically for the purpose of leaving care planning and the young person therefore does not have an established relationship with the caseworker. Several managers said that allocating a case around the young person's seventeenth birthday provided a reasonable timeframe for the young person to engage with the worker. Some managers reported difficulty engaging young people in stable placements and commented that young people often don't comprehend the need to be involved in planning for their future.

Young people in stable long term placements were identified as a group who may miss out on leaving care planning because their files are less likely to be allocated or prioritised. One CSC said unallocated leaving care cases are managed by a duty caseworker telephoning the young person and referring them to an after care service.

Some Community Services and NGO managers displayed empathy for the situation of young people and indicated that their caseworkers offered practical support during leaving care planning to encourage the young person's engagement; for example, by accompanying young people to appointments with agencies such as Centrelink and Housing NSW. Other Community Service managers told us that effective engagement required very thorough work and a commitment of resources that their teams were not able to provide due to other casework priorities.

After care agencies described the complexity of engaging young people in leaving care planning and keeping them motivated to participate over sometimes lengthy periods, as well as the challenge of predicting their future needs up to the age of 25. After care agencies also reported that it can be hard to engage a young person when there is no allocated agency caseworker, or, when a young person has no knowledge or understanding of their possible entitlements. Some noted that occasionally a young person doesn't want anything to do with Community Services as a result of negative experiences while in care.

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For 22 of the 51 (43%) young people we reviewed, we found that agencies had not made reasonable efforts to engage the young person in leaving care planning.

We found that engagement of the young person in the leaving care process was hampered if the caseworker did not know the young person or have an established relationship with them, or if the leaving care process did not allow a reasonable period of time for the young person to feel comfortable to participate in the planning process.

#### **Case study**

Community Services had minimal involvement with a young person who entered care at the age of 15. The young person's file was not transferred to an out-of-home care team after the final care order was issued and there had been no planned casework. At the time of review, the young person had an allocated child protection caseworker and leaving care planning had not commenced.

A caseworker spoke with the young person approximately six weeks before his eighteenth birthday and told him a leaving care meeting would be arranged to discuss what supports he might need. Community Services then had difficulty engaging the young person, who did not attend a leaving care meeting scheduled to take place a fortnight after he left care. The young person's father told the caseworker that the young person refused to attend a meeting as he was angry and wanted no contact with Community Services. The CSC subsequently wrote to the young person, inviting him to contact the caseworker should he wish to discuss a leaving care plan.

A number of carers indicated that leaving care planning can instigate anxiety for the young person if the purpose and process is not well explained to them or if the agency has not developed a good relationship with them.

#### **Case study**

A carer said that the young person initially misunderstood the purpose of leaving care planning, and thought that it meant he would have to leave his placement when he turned 18. The caseworker was allocated specifically to undertake leaving care planning and the young person did not know the caseworker very well. The young person found that the leaving care checklist the caseworker asked him to complete was confronting. The carer commented that the leaving care meeting would have been more comfortable and useful for the young person if the caseworker had spent more time with him beforehand.

#### **Case study**

A young person who was in a stable placement with relatives became upset when his caseworker told him that a leaving care plan needed to be developed. The carer advised us that the young person thought this meant he would be leaving the placement.

Most of the carers we interviewed (26 of 31 or 84%) had been consulted about leaving care planning, and we received positive feedback from a number of them about their involvement.

However, we also found that some carers did not have a good understanding of what leaving care planning involved or what support/s the young person may be entitled to receive. Some carers had minimal involvement in the actual planning.

#### **Case study**

At the final leaving care conference, a carer and a young person told the manager that there were many inaccuracies in the draft plan and they did not have an adequate understanding of: the purpose of the after care plan; the policy on what actual support the young person was entitled to; the process to request assistance; or how to access support and services from other agencies.

#### **Case study**

For one young person, the caseworker had had some preliminary discussion with the relative carer about the leaving care process; however at the time of our review, the carer appeared to have only a limited

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understanding of what leaving care planning might involve or what assistance might be available to the young person to assist his transition to independence. The carer was also unclear whether she would continue to receive any financial assistance from the department after the young person turned 18.

## **11.3 Assessing the needs of young people leaving care**

### **11.3.1 Practice requirements**

Practice guidelines state that leaving care plans should be based on a comprehensive assessment of the young person's needs and life skills. Designated agencies must ensure that managers and caseworkers have the appropriate skills, tools and resources to carry out such an assessment.

Community Services' procedure on leaving care support states that the young person's caseworker, through discussion with the young person and significant others, will identify needs and develop strategies for the young person to acquire relevant skills.

### **11.3.2 Findings**

We found that the degree of attention given to assessing the needs of the young people varied extensively.

- For 29 of the 51 young people reviewed (57%), we found that Community Services and/or the supervising NGO had conducted an adequate assessment of the young person's leaving and after care needs.
- These 29 included the three young people in the group with a disability who required ongoing supported care. It also included seven of the nine young people in the group who had identified high needs.
- In some of the 29 cases, the designated agency arranged additional assessments to be carried out by other relevant agencies to inform planning or prepare the young person for independence, such as after care services or health services.

#### **Case study**

At the time of review, a young person resided with long term foster carers and planned to remain with them after turning 18. Assessment of the young person's leaving care needs was managed by the NGO supervising the placement and commenced more than one year before the young person's eighteenth birthday. Assessment was comprehensive, included ongoing discussion with the young person and her carers and focussed on living skills; completion of an easy to read leaving care checklist which covered all aspects of transition to independence; and regular meetings to review progress.

#### **Case study**

A young person with high support needs due to complex medical issues had experienced placement breakdown in the months before leaving care. Community Services arranged referrals to and assessments by supported housing and after care services. Over the 12 months prior to leaving care, the young person's after care needs were comprehensively assessed through regular meetings and discussion with the young person, relevant health professionals, social workers, school personnel and community based services. At the time of review, the young person had weekly contact with the Community Services caseworker and there was an intensive focus on identifying issues pertaining to after care needs.

- We found that the services identified through assessment as necessary to support young people to live independently, were often not available. For example, independent living was the planned

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leaving care goal for the nine young people identified as having high needs. However, at the time of review, only one young person had secure accommodation arrangements in place.

- At the time of review four young women had given birth; three of them were caring for their infant and each had an allocated caseworker. Community Services were involved with two of the babies due to child protection concerns. In both cases, the young women had a background of complex issues and high support needs and both had received an intensive level of out-of-home casework support from Community Services. Appropriate needs assessments occurred for three of the four young women who had given birth.
- We found the assessment of the leaving care needs of 20 of the 51 young people (39%) was insufficient to inform a reasonable leaving care plan. Generally, there was minimal or no assessment of the needs of these 20 young people.
- In some of these 20 cases, assessment had occurred, or was planned to occur, during a leaving care conference or a home visit without prior consultation with the young person or significant others. This was particularly problematic where the case was unallocated or if a caseworker had been allocated specifically for leaving care planning, as it did not allow time for sufficient attention to be paid to assessing the young person's needs.
- For some of the 20 young people, adequate assessment had not occurred, even though there was an allocated caseworker and leaving care planning was on the caseworker's agenda.

#### **Case study**

A young person entered care during adolescence and at the time of review lived with her boyfriend and new baby. The young person had complex needs and she and her partner had financial difficulties and few family supports. Although allocated, casework was very limited and there had not been adequate assessment of the young person's after care needs. While the caseworker had spoken to the young person about developing a leaving care plan some months before our review, there has been little progress to assess her needs in relation to issues such as her parenting skills, childcare, victims compensation, finances, accommodation, or education and employment prospects.

- For eight of the 20 young people, there had been no assessment of their readiness for independence or their after care support needs.

#### **Case study**

Two months before leaving care, assessment had not occurred for a young person residing in long term foster care. The young person had identified high support needs and a history of ADHD, developmental delay, learning problems and oppositional behaviour. The young person's file was in 'resubmit' at the time of review. Some assessment tasks were identified in 2007, including the need for a paediatric review to determine whether a referral to ADHC was required, an educational assessment and an orthodontic examination; however, these assessments had not been carried out. In response to our review, the file was allocated for leaving care planning and a psychological assessment arranged.

#### **Case study**

At the time of review, a CSC supervising a young person who resided in foster care had not commenced an assessment of the young person's leaving care needs. The young person was turning eighteen in two months time and the need to convene a planning meeting had been identified at the two previous case reviews. The manager casework advised that the CSC generally does not prepare leaving care plans until after the young person has left care. Recent staff shortages at the CSC meant that the completion of leaving care plans was not a priority.

#### **Case study**

No assessment had commenced for a young person who would be leaving care in less than three months time. In the year prior to leaving care, the young person's long term foster placement broke down and her mental health had deteriorated. At the time of review, the young person resided in SAAP accommodation and

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did not have an allocated Community Services caseworker. The CSC had not completed any casework for several months.

Following our review, we sought additional information from Community Services regarding the agency's planned actions to address the young person's needs. Community Services' advised that the young person had been hospitalised following self-harm, and that leaving care planning would occur when her health had improved.

- Five of the young people had a level of disability that did not require an alternative placement or direct ADHC services; however, these young people had other needs that could be supported through the range of services offered by the ADHC Leaving Care Program. Three of the five had not been referred to the ADHC program even though they appeared to be eligible. Our reviews identified inconsistent practice in referring these young people to ADHC and some confusion regarding the eligibility criteria for the ADHC Leaving Care Program.

### **Case study**

A young person who sustained an inflicted brain injury as a toddler had intellectual delay and learning difficulties and was completing the HSC life skills course. At the time of review, Community Services had not liaised with the young person's school regarding post-school options and had not considered referring the young person to the *Leaving Care Program*. The caseworker did not regard the young person eligible for ADHC services. A draft leaving care plan had been prepared; however, it appeared the young person's future support needs in relation to training and employment opportunities had not been adequately considered. Following our review, the CSC amended the plan to include a referral to ADHC to assist the young person's transition to employment.

Managers provided some insight into why needs assessment is occurring for some but not all care leavers. A number said that due to competing priorities, there were no resources to effectively assess the needs of young people leaving care. Others said that only some of their staff have the skills to effectively engage young people in a needs assessment.

After care agencies commented on the inconsistency of leaving care assessment practice, noting that some CSCs use no assessment or planning tools, and/or do not conduct an adequate needs assessment, resulting in plans that do not satisfactorily reflect the young person's after care needs.

Some Community Services managers reported that because high needs cases take priority, the least experienced caseworkers are allocated the cases that require leaving care planning. Others noted that many out-of-home care caseworkers don't have the necessary skills to engage with 'difficult' adolescents. One manager said it had been hard for the CSC to establish consistent leaving care casework practice because of frequent staff changes at the manager level. This CSC reportedly had a turnover of at least nine out-of-home care managers casework in the past three years.

A number of managers said that their CSCs or regions have developed their own planning tools, such as leaving care checklists given to the young person to complete and templates for completing leaving care plans. They said that use of these tools has improved the quality of leaving care plans.

A number of the NGOs consulted for the review have also developed a range of tools to support leaving care planning, including checklists completed by the young person alone or in conjunction with their caseworker and/or carer to ascertain skills and readiness for independence and information kits to help young people prepare for independent living. Others used specific case planning tools and templates to assess independent living skills and ongoing needs, such as the *Looking After Children* (LAC) tools. We observed that where these tools were used, the planning was comprehensive.

All Community Services staff have access to a template on KiDS for recording a young person's assessed after care needs, in areas such as financial requirements, health issues or access to personal records. One manager said that the template '*isn't all that helpful*'. Its use is not mandatory

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and in the cases reviewed we found that it was not consistently applied. In many of the reviewed cases, the assessment record was not completed at all; in others, there was an assessment record that contained very limited information about the young person's needs; in a few cases, the record evidenced a comprehensive summary of the young person's assessed needs.

As can be seen below, failure to engage young people in the leaving care process and failure to conduct an adequate assessment of their leaving care needs has a bearing on the adequacy of completed leaving care plans.

## **11.4 Developing and approving the leaving care plan**

### **11.4.1 Practice requirements**

The Ministerial Guidelines state that before a young person exits statutory care, the designated agency should prepare a leaving care plan which includes reasonable steps to prepare the young person for transition.

For young people transitioning to independent living, the leaving care plan should address accommodation, employment and income support; access to education and training; knowledge and understanding of personal history; contact with family and independent living skills, including financial management and health and legal issues.

If a young person exits statutory OOHC without a leaving care plan and later requires assistance, the designated agency is responsible for preparing a case plan.

The leaving care plan forms the basis for the provision of financial or other support to a young person after he or she has left care, dependent on their assessed needs. Any after care financial assistance must be consistent with the leaving care plan and, at the time of review, must be approved by a Community Services regional director. This may change if, along with the transfer of case management responsibility that is currently underway, responsibility for administering financial assistance is transferred to NGOs.

Financial assistance may be provided in the form of:

- A time-limited after care payment of up to \$200 per fortnight to secure stable, affordable and where necessary, supported accommodation, where the care leaver is undertaking full-time training/education and would be at risk of homelessness if financial assistance was not provided, or in other special circumstances.
- One-off payments for:
  - obtaining accommodation (establishment costs up to \$1,400, or \$2,000 in single accommodation)
  - education and training (up to \$500 per year for 3 years and up to 10 driving lessons)
  - finding employment (assistance towards security deposits for a child care placement)
  - obtaining legal advice, where legal aid and law access services are unavailable
  - dental treatment, where timely services cannot be provided within the public health system.
  - counselling and support, for example professional therapy or youth work support (for up to 10 hours).



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The Ministerial Guidelines state that any one-off payments for contingencies or payment of the after care payment must be consistent with the leaving care plan and approved by Community Services regional director.

## 11.4.2 Findings and observations

### Adequacy

We considered the adequacy of the leaving care plans for the 51 young people that we reviewed. We judged a plan to be adequate if it addressed the young person's assessed needs; if the young person was involved in developing the plan; if development of the plan included consultation with other agencies where needs assessment identified this was necessary; and if the plan clearly documented roles and responsibilities for implementing the plan.

- We found that the leaving care plans were adequate for two-thirds of the 51 young people we reviewed. Thirty four young people (66%) had a final leaving care plan that adequately documented their identified needs and outlined the supports the young person might need in the future. Some of the young people's plans were more comprehensive than others; however, for the most part the level of detail appeared appropriate to the young person's circumstances.

### Case study

From the time a young person was placed four years earlier with an NGO designated agency, significant emphasis was placed upon preparing the young person for independent living. The young person participated in the leaving care planning process, which commenced 12 months prior to the young person's 18th birthday. The NGO caseworker described the young person as having good independent living skills, with some ongoing support required in specific areas. The young person was to continue to receive support from the NGO, as required, up to the age of 25. A comprehensive leaving care plan was developed and endorsed before the young person turned 18.

- For one-third of the group (17), we found that the leaving care plan was either not adequate, or had not been developed, or had not been provided to us at the time of writing.
- Seven of these 17 young people had a leaving care plan that we considered did not sufficiently reflect the young person's circumstances and future needs. In some cases, this seemed to be due to inadequate assessment or recognition of the young person's after care needs, and in others it was the result of a failure to engage the young person in the planning process. Five of the seven young people were case managed by Community Services and two by an NGO.

### Case study

A young person with a history of placement instability, challenging behaviours, drug use and school expulsions was placed in a refuge at age 12 and subsequently self placed with an older sister at age 14. At the time of our review, the file was unallocated and there had been minimal contact between Community Services and the young person for four years. Four months before she was due to leave care, a caseworker informed the young person's sister that a meeting was required to commence leaving care planning; however, the caseworker made no further contact with the young person or her sister. In response to our review, leaving care planning was initiated two months before the young person's 18<sup>th</sup> birthday. A leaving care plan was developed with minimal involvement from her.

### Victims compensation

When considering the adequacy of the leaving care plans developed for the group of 51 young people, we established that three of them had finalised victims compensation claims. We also established that Community Services had identified an additional five young people in the group who may be eligible to claim for victims compensation. However, there were significant delays in

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processing the compensation applications for these five young people. We also observed that based on the child protection histories for some of the other young people in the group, they may have been eligible to lodge a claim for compensation but no action had been taken in this regard.

If a claim for statutory compensation is not lodged before a young person leaves care, the responsibility for doing so is likely to fall to the young person at a time when they are adjusting to new situations and responsibilities, sometimes with limited resources and supports. This set of circumstances raised questions as to whether Community Services has adequate systems in place for identifying and progressing compensation claims for children and young people in statutory care. Because of these concerns, we have dealt with these issues separately, by way of investigation.

Our investigation found that there are inconsistencies across Community Services in relation to the arrangements the agency has in place to meet its obligations to children and young people in its care, under the Charter of Victims Rights. We also found that the actions taken by the agency, to date, have not been sufficiently adequate to ensure these obligations will be met in the future.

In response to our draft investigation report, Community Services said it accepted our investigation findings. The agency said that it is committed to improving its systems for processing victims compensation claims for eligible children and young people who are in care. Community Services accepted our recommendations and has undertaken to monitor its progress to implement these.

### Documenting the plan

We found significant variation in the way that leaving care plans were recorded.

We observed:

- Community Services teams don't use a standard template to document leaving care plans. Written plans vary widely in the level of detail they contain.
- Some teams use comprehensive table-style templates that clearly outline objectives, tasks, responsibilities, timeframes and costs associated with the plan. Others used minutes of the planning meeting or a file note as a record of the after care plan and outline in narrative form the young person's plans for the future.
- In a number of cases, the plans we received did not clearly specify what after care support the young person was likely to require or was eligible to receive.
- CSCs record plans on KiDS in numerous ways. Some CSCs attach a scanned copy of the endorsed leaving care plan to the young person's KiDS records; others do not. In some cases, we found it was difficult to determine from KiDS whether a young person's leaving care plan had been approved.

### Case study

A young person and her carer could not attend a leaving care planning meeting scheduled eight months before the young person's 18<sup>th</sup> birthday. Assessment of her leaving care needs had not commenced at the time of our review and the Community Services file was unallocated. It appeared that the responsibility for initiating another meeting was left to her. During our review, the manager casework contacted the young person and her carer to arrange a meeting and told us that preparing the leaving care plan would 'only take 20 minutes'. A meeting was held and a plan was prepared the week statutory care ended. The leaving care plan was approved after the young woman had left care.

- The NGOs used various formats to document plans for young people, including *Looking After Children* templates.

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## Financial and administrative aspects of planning

In his report of the *Special Commission of Inquiry into Child Protection Services in NSW*, Justice Wood made observations about the very limited expenditure for assistance, noting that *'the order of expenditure involved seems to border on the insignificant, given the number of care leavers aged 15-25 years who could benefit from assistance'*.

The Community Services managers we spoke with had differing views on whether leaving care plans needed to specifically detail all relevant after care contingencies, or whether they should simply state what the young person may need in the future without being overly specific, in case the young person's needs might change.

Managers also had various understandings of who could approve leaving care plans and whether regional director approval for specific financial items was required before a young person left care or at the time the item was requested, or both. Some Community Services managers said that approval of a leaving care plan was contingent upon the young person signing the plan, and this became a problem if the young person did not sign the plan and then later required financial support.

After care financial support and the financial approval process was an issue commonly identified by the Community Services managers and after care agencies we interviewed. A number of managers said they had concerns about the cumbersome nature of the administrative process for approving financial assistance. Most said that all requests for financial assistance - no matter if the funds required are small or large - must be approved by a regional director.

Managers said that the approval process is too lengthy and often delayed. Some managers and aftercare agencies advised that approval for after care items can sometimes take months. Young people with immediate, sometimes urgent needs therefore do not get the financial support they require. Aftercare workers gave examples of young people waiting up to six months for submissions to be approved.

A number of managers expressed concern about the requirement that each request from a care leaver for financial support involves a new submission to the regional director, even where there is prior approval for the item via an endorsed leaving care plan. Some said that detailed submissions are at times required to obtain approval.

Community Services managers and aftercare workers said that the arduous nature of the approval process can present as a disincentive for young people to persevere with requests for assistance, and that the process is particularly problematic for young people who leave care without an approved plan, or who move to another area.

Managers and aftercare workers expressed concern that the 'restrictive' criteria for providing financial support to care leavers fails to realistically address young people's needs. Some managers said that they would seek approval for out-of-guidelines assistance where a young person's needs could not be met within the guidelines. Some after care services said that some managers are more open than others to assess an individual's specific needs and circumstances and more willing to consider requests that may be outside the guidelines, particularly where a good relationship exists between the young person and the CSC.

Some managers identified particular concern for care leavers who are employed and therefore deemed ineligible for financial assistance. This is the case even when their income may be insufficient to meet their living costs.

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Some managers and after care workers also said the support for a young person to obtain a drivers licence is inadequate. The guidelines allow financial assistance for ten driving lessons where this will improve a young person's employment prospects. Some saw this as inadequate for care leavers who may not have access to an adult driver to supervise them while they complete the 120 hours of driving practice now required prior to sitting the driving test.

Aftercare workers had concerns that some CSCs require a young person to access all available TILA<sup>6</sup> funds prior to requesting assistance from Community Services for establishment costs for independent living. Community Services managers we interviewed held differing opinions about whether TILA must be accessed before Community Services can provide financial assistance to establish a young person in independent accommodation.

The comments and observations of managers were reflected in our findings:

- Our individual reviews of young people identified that where caseworkers and managers had a good understanding of the financial guidelines this translated to effective leaving care planning for young people. One Community Services region has developed a financial package for CSCs and provides training on how to prepare financial submissions. A manager of a CSC in the region advised that this tool is particularly helpful to caseworkers when preparing leaving care plans.
- We found that some Community Services and NGO staff working with the young people we reviewed had minimal or even no experience of leaving care planning. Although at the time of our reviews, the Ministerial guidelines had been in place for one year, some caseworkers and managers demonstrated a poor knowledge of the range of after care supports and financial assistance available.
- Two NGO managers indicated they had very limited understanding of the Ministerial Guidelines, including one agency that had case management responsibility. In particular, these agencies were uncertain exactly what financial supports Community Services would or could provide to care leavers. This issue will need to be addressed given the transfer of case management responsibility to the NGO sector that is currently underway, and is relevant whether an NGO has responsibility for preparing the leaving care plan for Community Services approval or whether the agency is also responsible for administering after care funds.
- We found that, in practice, an inadequate understanding of the financial guidelines for the provision of after care support meant some young people are denied financial assistance to which they are reasonably entitled. In some cases, the rejection of a request for financial support appeared unreasonable.

#### **Case study**

A young person requested financial assistance to purchase a washing machine when moving from foster care to live independently at age 17. A caseworker denied the young person's request, advising that such assistance could not be provided until she was over 18.

#### **Case study**

A relative carer, who was unable to teach a young person to drive, requested financial assistance from the supervising CSC for driving lessons. The CSC said it could not assist with this sort of request.

#### **Case study**

Before leaving care, a young person approached her supervising CSC to request assistance to pay for driving lessons. The manager client services denied the request because she was unemployed and was not attending an education or training program. Other reasons documented for not supporting the request were that the young person had shown little commitment to follow through with the employment service she was

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<sup>6</sup> TILA – Transition to Independent Living Allowance - is a one-off Commonwealth allowance to assist some young people who are making the transition from formal and informal care to independent living.

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enrolled with and that she had self-restored.

After the young person had left care, the CSC arranged a meeting with her to develop a leaving care plan. The plan included limited financial assistance. The young person had by then completed her driving hours and requested financial assistance to pay for her provisional driving test and licence. The CSC referred the young person to an aftercare service to discuss options for using her TILA allowance to fund this. The young person expressed an interest in going to TAFE to attain her school certificate. The leaving care plan noted this, but made no provision or recommendation to assist the young person with education costs.

On the other hand, planning for two young people progressed to the development of draft leaving care plans which included sizeable after care financial support and out-of guidelines expenditure.

### **Case study**

The draft leaving care plan for a young person included ongoing financial support as a fortnightly subsidy for up to seven years as well as assistance with establishment costs of more than \$5000. The NGO caseworker had developed the plan in consultation with the young person; however, the caseworker was not familiar with the limits of the Ministerial guidelines at the time the plan was prepared. Community Services did not approve the draft plan, but developed an interim plan to support the young person while she completed school.

### **Financial support for young people still at school after age 18**

Community Services' policy on leaving care support states that financial assistance is available to sustain a young person's placement for a reasonable transition period while the young person completes studies and makes decisions about their future.

The policy, however, does not clarify how or when such financial assistance is to be provided, or to whom it should be paid – the carer or the young person – or what amount. Notably, while the Ministerial Guidelines on after care support allow for the provision of an after care allowance in certain circumstances to a young person who is undertaking full time training or education, they do not provide for continued financial support to carers when a care leaver who is studying remains living with their carer. Furthermore, Community Services out-of-home care financial guidelines specify that an after care payment is paid to a young person who is living independently.

Eighteen of the 51 young people reviewed were still at school and will have turned 18 before completing their secondary education.

- In relation to these 18 young people, we found that managers and caseworkers were confused about what financial assistance could be provided and to whom when young people turn 18 while still at school.
- Some managers said that in these circumstances they would refer the young person to Centrelink with the expectation that the young person would pay board to the carer from their youth allowance. Some said that Community Services could provide the young person with financial support through an after care payment of up to \$200 per fortnight. Others said that the after care payment could be paid to the carer. Still others said that they would continue paying a standard rate of care allowance to the carer (\$607 per fortnight)
- Consistent with what managers told us, we found that in the cases we reviewed, there were significant variations in the arrangements made to provide ongoing financial support when a young person was to remain in their placement and continue their schooling after turning 18. We also found that the issue was often addressed in an ad hoc manner or not addressed at all.
- Fourteen of the 18 young people were placed in relative or foster care and intended to remain with their carers at least for the duration of their schooling. Where provision was made for ongoing financial support once they turned 18, we found inconsistencies in the amount of financial assistance provided, and who receives it. The arrangements varied widely, and individual carer circumstances – for example, whether they experienced financial hardship – was not necessarily a factor in determining the amount and kind of financial assistance.

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- In relation to the 14 young people:
    - The carers of two young people were to receive an ongoing allowance from Community Services until the young people complete school, at a rate equivalent to the standard care allowance.
    - Two young people had disabilities and were eligible for ongoing assistance from ADHC. The carer of one young person with a disability was to receive an ongoing care allowance from ADHC and the carer of the second young person was to receive an ongoing care allowance from Community Services.
    - Arrangements were in place or underway for four young people to receive an after care allowance paid directly to them, with the expectation that they would pay a contribution to their carers.
    - Three of the young people were to receive an allowance equivalent to the standard care allowance previously paid to their carer; Community Services also funded the payment of independent school fees for one of these young people.
    - Another young person was to receive the maximum after care payment of \$200 per fortnight until he completed school.
    - For one young person, Community Services agreed to continue to fund education costs, including independent school fees, until the end of year 12, when the young person will be 19 years old.
    - The issue of financial support while completing school appeared not to have been raised during leaving care planning for two of the 14 young people and had not yet been considered for three young people whose leaving care plans were still to be completed.
  - In regard to the four young people still at school who resided in arrangements other than foster or relative care:
    - Approval was granted for a young person who resided in community housing to receive an after care allowance of approximately \$150 per fortnight to supplement the Commonwealth youth allowance. The amount of after care allowance was calculated through a detailed assessment of the shortfall between the young person's income and living costs. Community Services also planned to pay school fees and assisted the young person to apply for a \$2000 secondary education scholarship offered by Housing NSW.
    - Two young people in residential care and one young person living in semi-independent accommodation received ongoing assistance and support from their service providers to stay at school after turning 18.

## **11.5 After care support**

### **11.5.1 Practice requirements**

The Ministerial guidelines recognise the importance of young people having access to appropriate assistance and support after they have left care. The guidelines state that the designated agency responsible for supervising a young person's placement (where that placement was of more than 12 months duration) should offer after care follow up at regular intervals in the years following his or her

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exit from care. Follow up support may involve reviewing the leaving care plan, as well as providing ongoing advice, advocacy and assistance. Contact between care leavers and the designated agency should reinforce the availability of support when needed and provide a safe context for young people to discuss their circumstances.

Community Services' practice guidelines indicate that follow up by the caseworker should occur within three months of a young person leaving care and then half yearly for the next two years, where the young person wishes to have this follow up.

Assistance is also available to young people who have left care through the various NGOs funded by Community Services to provide after care.

## **11.5.2 Findings and observations**

### **Provision of aftercare services by designated agencies**

- We found that there is little consistency across Community Services teams in their approach to providing follow up and support to young people after they have left care.
- Seven of the 37 Community Services managers (19%) reported providing after care support consistent with the Ministerial and Community Services' guidelines.
- Twenty Community Services managers (54%) said they will respond to requests for assistance but do not actively follow up the young person. A number of these managers noted that they are cautious not to create a dependency in the young person that cannot be maintained over time. Some of these managers indicated that follow up support is provided in an 'ad hoc' manner; for example, young people might stay in touch with a particular caseworker who works well with adolescents; however, this contact is not planned.
- Ten Community Services managers (27%) reported that they do not provide any follow up, and offered various reasons why this was the case, for example, the department is not legally mandated to provide such support, unless the young person asks for it. These managers advised that there are insufficient resources for ongoing monitoring or support of young people who have left care. One ISS manager said that their team does not provide follow up and if this is required will refer the case back to the local CSC. A CSC manager in the same area said that the CSC does not do follow up of these cases.
- The three NGOs which had case management responsibility for several of the young people reviewed all reported that they provide follow up to care leavers consistent with the Ministerial guidelines. Several young people we reviewed were placed with NGOs that did not have case management responsibility. One of these said the agency did not have funding or any capacity to provide any after care follow up or support. One said the agency provided after care support. The other provided ongoing placement to young people after they left care.

### **Referral to aftercare services**

A number of Community Services managers reported good relationships with the funded aftercare service in their area. One aftercare agency had assisted a CSC to improve its leaving care planning and aftercare support practices. Some CSCs reported referring young people to the aftercare service well before the young person left care, so that the service could be involved in planning and develop a relationship with the young person before they left care.

One Community Services manager advised that inactive cases are referred to the local after care service to plan with the young person and facilitate a leaving care meeting, which the CSC attends. Another manager advised that a duty worker will phone young people when they are about to turn 18

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and refer them to the local after care service.

Aftercare agencies advised that most of the referrals they receive come from Community Services and are generally for young people who are in supported placements and/or have significant needs. They reported receiving few referrals for young people in stable foster or relative care.

Aftercare services reported that some CSCs expect the aftercare service to do leaving care planning. Two aftercare services reported problems with receiving referrals too late for the service to be effectively involved in planning, noting that it is important for the service to consult with the young person before the leaving care conference. Overall, however, the aftercare agencies noted recent improvements in the timeliness of referrals, and indicated that early referral provides a better opportunity for the service to meet the young person in the months before they leave care and participate in the leaving care conference.

In relation to the 51 young people we reviewed, we found the following:

- At the time of review, 39 of the 51 young people (76%) had not been referred to a funded aftercare service.
- Thirteen of the 39 young people lived in regional areas where funded aftercare agencies do not operate. Notably, seven of these 13 young people were case managed by CSCs which said they either do not provide follow up to care leavers or do not provide it routinely. An NGO case managing two of the 13 young people planned to provide each young person with monthly follow up.
- Five of the 39 young people are to receive ongoing support from ADHC or ADHC funded services.
- Leaving care planning had not commenced for ten young people.
- Caseworkers advised that six of the young people were to be referred to an aftercare service at a later stage.
- It was unclear whether two young people would be referred to an aftercare service, as leaving care planning was at an early stage.
- Two young people declined a referral.
- One caseworker was not aware that an aftercare service operated in the area.
- One young person had moved interstate.

Twelve of the 51 young people (24%) had been referred to an aftercare service. The aftercare services had varying levels of involvement in planning and direct contact with the young people prior to them leaving care.

- Two of the young people received casework support from an aftercare service prior to them leaving care.
- Aftercare caseworkers attended the final leaving care planning meetings for another four of the 12 young people.
- Five of the 12 young people were referred to an aftercare service prior to leaving care; however, the service was not involved in leaving care planning and it appeared the young people did not require immediate after care support or assistance.
- One young person had been referred to an aftercare service; however, leaving care planning had not commenced at the time of review.



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## 11.6 Leaving care planning for other young people who left care between June and August 2009

In addition to the 51 young people whose circumstances we considered in the group review, in October 2009 we requested Community Services provide this office with a copy of the leaving care plans and leaving care planning minutes for an additional 73 young people who left care between June and August 2009. Where a young person had left care without a leaving care plan, we asked Community Services to tell us the reasons why this was the case. Community Services provided the requested information in December 2009.

The information provided by Community Services does not allow us to comment on the individual circumstances of the 73 young people, or the adequacy of the leaving care support that they received. However, it does allow us to consider issues such as the timeliness of planning, the number of young people who leave care without a plan and the factors that influence this.

### 11.6.1 Findings and observations

Similar to our findings concerning the group of 51 young people, our examination of the records provided for the 73 care leavers identified issues concerning the timeliness of leaving care planning and the development and endorsement of leaving care plans.

- Twenty nine of the 73 young people (40%) did not have a leaving care plan in place when they left care. Of these 29, 12 had leaving care plans developed after they had left care. Leaving care planning had not occurred for the remaining 17.
- Community Services had case management responsibility for the 17 young people who left care without a leaving care plan. The following reasons were provided for why these 17 young people left care without a leaving care plan.
  - Leaving care planning did not occur for 10 of the 17 young people because their files were unallocated at the supervising CSC. Of the 10, five were supervised by the one CSC where, as noted elsewhere, reportedly 541 of the CSC's 742 OOHC cases (73%) are unallocated because of limited caseworker resources.
  - One young person had an allocated caseworker; however, the caseworker reportedly did not have capacity to undertake leaving care planning, and the case had not been reviewed in the year before the young person left care.
  - Community Services could not engage two young people in the leaving care process. One of these young people had high needs and had received intensive casework support. In lieu of a leaving care plan for this young person, the supervising ISS team prepared after care recommendations to be implemented should the young person wish to develop a plan in the future.
  - Two young people could not be located.
  - Planning did not occur for one young person because she self-restored to a parent 18 months before leaving care.
  - It was not clear why one young person did not have a leaving care plan prepared before exiting care. This young person has a disability and may have been eligible for aftercare services through the ADHC leaving care program.
- Community Services also had case management responsibility for the 12 young people who had

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leaving care plans documented after they had left care. The reasons why a plan was not developed before they left care included:

- the young people not engaging with Community Services.
  - young people not being available for meetings or their whereabouts unknown.
  - files being unallocated, in resubmit or transferred to another CSC without a plan.
  - communication/coordination problems or delays between the various services involved.
  - for some of the young people, planning was underway but had not been completed before they left care.
- Forty two of the 73 young people (58%) had a leaving care plan in place before they turned 18.<sup>7</sup> Of these 42, only six were endorsed before they left care.
    - One young person's leaving care plan was dated 12 months before her eighteenth birthday.
    - Five young people had leaving care plans documented six to 10 months before they left care.
    - Seventeen young people had leaving care plans documented two to six months before they left care.
    - Twenty young people had leaving care plans documented less than two months before they left care; plans for several of these young people were dated less than one week prior to their exit from care.
  - Twelve of the 73 young people (16%), had a leaving care plan developed after they had left care. Based on commencement and completion dates, some of these may have been initiated in response to our request for information.
  - Community Services had either developed or contributed to the development of the leaving care plan for the majority (53) of the 56 young people.
  - A significant number of the leaving care plans – 41 of the 56 (73%) – had not been endorsed by a Community Services regional director. The majority of the plans (all except for two) recommended financial after care support for the young person, and as such require regional director approval.
    - A Director Child and Family had approved five of the 41 plans.
    - Managers Casework had approved 11 of the plans.
    - An NGO manager had approved one of the plans.
    - Twenty four of the plans were not approved.

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<sup>7</sup> Another two young people had leaving care plans in place; however, from the records available, it was not possible to verify whether the plans were developed before or after the young person left care.

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