

South Australian
Commissioner
for Children and
Young People
2023

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Best Interests

Listening to children and young
people's experiences within
the child protection system

PROJECT REPORT NO. 35 | MAY 2023

I can have my own
say in things like my
decisions and i can
share my views

not having to worrie
about money and stressing
about everything thats
happning all the time.

The Commissioner's Role

The South Australian Commissioner for Children and Young People is an independent statutory position, established under the *Children and Young People (Oversight and Advocacy Bodies) Act 2016*.

The Commissioner's role includes advocating for systemic change to policies, programs and practices that impact the rights, development and wellbeing of South Australia's children and young people.

This work is informed by the experiences and issues of children and young people themselves, with a specific focus on those who struggle to have their voices heard.

The Commissioner's strategic agenda was formulated with direct input from children and young people. In particular children and young people asked the Commissioner to facilitate their involvement in decision making and to create opportunities for them to experience authentic participation.

The Commissioner is working with a number of partners on this agenda including ways in which children and young people can have input into the design and delivery of policies, processes, services and practices that affect their lives.

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- Life Without Barriers Inc
- Uniting Country SA Inc

Throughout this report we have used unedited quotes from children and young people to ensure their views are faithfully communicated.

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Commissioner's Foreword

As South Australia's Commissioner for Children and Young People, my role is to advocate at a systemic level for the rights, interests and wellbeing of children and young people in South Australia. My work is directly informed and guided by children and young people, particularly those who struggle to have their voices heard.

South Australia's child protection system has been under pressure for some time and from two distinct directions: first, responses that focus on forensic investigations and child removal, which in practice has the effect of alienating some families and communities; and second, through a public discourse that criticises the system for not "rescuing children" early enough.

Both of these pressure points demand more authoritarian intervention in families, limiting the capacity for genuine family support to keep families together. As those involved in the system know, removing a child from their family creates trauma – short and long-term – for the child, the family, and the community.

As a system intended to ensure children and young people are protected from harm, from what children and young people have told me, the current system is not serving children or families well. Our system is not adequately supporting parents to be the type of parents they want to be, particularly for those families with experiences or circumstances of vulnerability.

South Australia needs to invest in a child protection system that facilitates and embeds child rights into everyday decision making and practices that promote the best possible outcomes for children and young people.

Children understand how poverty, loneliness and mental health conditions undermine their parents' capacity to look after them, as well as their own happiness, health and wellbeing. Meeting all the needs of a child can be challenging for all families but for families without supportive resources, it can be extremely difficult to be the parents they want to be, and that their children deserve.

In working with children and young people involved with child protection I have heard and witnessed resilient children experiencing love, and kindness, as well as distress and trauma. I have seen carers, social workers and support staff go out of their way to do the right thing for children. I have also heard from children being let down time and time again by adults who they feel are never on their side.

I don't know
what the future
holds for me

– 17 year old, male

(I wish)

I could have more
openity to ^{see} ~~be more~~
more of my family

– 10 year old, female

(I wish)

I can have my own say in things like my
decisions and i can share my views

– 10 year old, female

Some young people have told me they wished they had stayed with their birth family and that the loss of family has irreparably harmed them. Others said they should have been removed earlier and that continuing contact with their birth family has not been a positive experience. Some children want more contact with birth parents, while others didn't want or expect to have an ongoing relationship.

The majority however said that their families would have benefited from more services, resources, and practical assistance to support their parents to provide more stable homes for them and their siblings. They needed someone to check in regularly to see that things are okay, help them get to school, pay for internet at home and keep the electricity connected. They felt that with this kind of help things would have been better.

To better support children's best interests, South Australia's child protection system must be delivering services and support that ensures those children and young people coming into contact with it are happy, healthy, hopeful and loved. This means providing them with stable and safe living environments, ensuring they are

enjoying nurturing relationships, and maintaining strong connections to community and culture. Wherever possible this should be with birth parents or family. If this is not achievable then the same obligations must be made in alternative care arrangements, preferably with adults that already have a relationship with the child.

Over the last five years in South Australia, the number of children in care has increased significantly, and against national trends the rate of children in care per 1,000 children is also rising.¹

Behind these numbers are children who share the same hopes, dreams, expectations and worries as their peers. For these children the system must more actively take on the role of parent and support them to:

- be confident in themselves and their identities
- believe in their capacity to make a difference to themselves, their schools, and their communities
- learn new things and experience achievement

- feel valued by the adults in their lives and be free to spend time to “be” and “do” with others outside their family, the same as other children
- be listened to and believed about things that affect them
- have a say over their lives; and
- experience connection and confidence in their community.

Whilst each child's experience with child protection is individual, and their family circumstances unique, there was a commonality of experience insofar as most children and young people didn't believe that their views were given adequate weight in any decisions made about their lives. This universality of children not feeling heard must be addressed. All parts of the system need to listen better to children and young people and respond to what they say they want and need. This is what best interests means.

Having children's best interests first and foremost in our minds and actions, compels us to create a child protection system where no child is lost and where every child is heard, respected, and provided with the care and resources they need to thrive and develop. We must protect children, uphold their rights and nurture their relationships with the people who are important to them.

We need a system that loves and cares for other people's children in the same way we would our own, because the social, economic and health costs for children and communities is far too high a price to pay when we fail.



Helen Connolly

Commissioner for Children
and Young People

Context

Child protection systems must place greater weight on understanding and valuing the voices and participation of children and young people in decision-making.

This needs to happen at both the individual and system level, supported by good policy, practice and resources, to embed a culture of respect for children and young people's views and experiences.

The right of all children to be heard and taken seriously in all matters that affect them is enshrined in Article 12 of the United Nations Convention on the Rights of the Child (CRC). Article 12 not only establishes a right in itself, it also constitutes one of the four general principles – meaning it 'should also be considered in the interpretation and implementation of all other rights'.²

The systemic safety and wellbeing of children depends on them having opportunities to be included in the processes that affect their lives. When children talk about being safe, they talk about feeling valued, known, heard and understood. They talk about stable relationships with people who are kind and in whom they can trust. As such, attending to children's participation rights alongside their rights of protection, must be a key part of system reform.

While the right to be heard is incredibly important to children and young people, it is also a right they feel least likely to have access to. As the principles of conventions and frameworks are filtered into programs and practice, experience shows that children's rights, particularly those related to 'voice' and 'choice', are often diluted in favour of other priorities and agendas.

It can be difficult to enable children's participation in the context of child protection decision-making, particularly when the system places 'safety' as the

paramount consideration with the priority usually placed on the child's immediate safety. Children and young people of all backgrounds often say they feel underestimated and overlooked when decisions that affect their lives are being made. Children and young people with experience in the child protection system face additional barriers to realisation of this fundamental right.

Even if children are given an opportunity to have their views heard, the decisions and reason for decisions do not explicitly acknowledge their views. This can make them feel like their views do not matter and there is simply no point to express their wishes. Currently determinations of a child or young person's best interests do not consistently prioritise children and young people's right to participate in decisions that affect their lives. In some cases, 'best interests' is used to justify overriding a child's right to express their views.

The best interests of children can only be met if they are included and supported to participate in decisions being made about their lives. As the United Nations Committee on the Rights of the Child has emphasised, there is a false dichotomy between protection and participation:

'There can be no correct application of Article 3 [the best interests of the child] if the components of Article 12 [hearing the child] are not respected. Likewise, Article 3 reinforces the functionality of Article 12, facilitating the essential role of children in all decisions affecting their lives'.³

We need to focus on the systemic changes to ensure children and young people are protected *in* rather than protected *from* participation.

Why participation matters

Meaningful participation not only improves the design and delivery of services and policies, it also increases children's self-esteem, sense of agency, empowerment and hope. It also sends a clear message to children and young people that the adults and systems around them care about and value their interests, wellbeing and safety.

Services or systems that presume to understand children and young people's priorities, perspectives and wishes without seeking their insights and respecting their views and experiences, can exacerbate children and young people's feelings of disempowerment, confusion and frustration. This not only erodes their confidence and trust but can also perpetuate marginalisation and vulnerability in ways that are counter to effective safeguarding.

Many children and young people in care have said they do not feel their insights or experiences are consistently considered or valued. At times, they feel as though the system dismisses their views and experiences and underestimates their capacity, while prioritising other issues. They describe being asked for their opinions as a tokenistic 'tick a box' activity rather than as a genuine attempt to take their views into consideration and have them acted upon.

Where children and young people are given an opportunity to share their views, they do not consistently hear back about how and whether their views were considered. This can exacerbate distress and distrust in the system and 'make you feel as though everything is happening to you' and is 'out of your control'.

While there are limits on the extent to which children can determine the outcomes of proceedings or decisions, the fact that children and young people's preferences will not always be accommodated is not a reason to negate their right to be heard. When children and young people are supported to understand why certain decisions have been made, they are more likely to accept the outcome, including when a decision does not reflect their wishes.

Given that children and young people know their lives better than anyone else, recognition of their views will drive better outcomes at an individual level as well as at a system level. Their context and experiences can make an invaluable contribution to the development, delivery and review of policies, practices and services.

I have family and friends
around to make me safe

– 15 year old, male

(I wish)

for grandma to be
a legal garden

– 14 year old, female

(I'm worried that)

I won't see my
sister who moved
to Sydney

– 14 year old, female

(I'm worried that)

I would never
be able to
live with my
family again

– 10 year old, female

(I feel safe when)

I'm hanging out
with my family
and friends and
with my pets

– 14 year old, female

(I wish)

to see my
family more.
to live with
my mum

– 10 year old, male

(I'm worried that)

We ~~can~~ won't get LG. Or I won't
get my way with things I decide.

– 10 year old, female

What we did

We heard directly from children and young people with experiences of the care system.

- Individual and small group conversations with 88 children and young people who have had a range of experiences in a variety of care settings across South Australia. The children and young people who participated were aged between 4 and 25 years and had diverse experiences in terms of the age at which they entered care and how long they had been in care.
- In addition to these conversations, I designed a postcard asking children in care to share with me what they wish for, when they feel safe, what they are worried about, and what they would like to change to make life better. The postcards were distributed to children via a range of service providers. I received 40 postcards from children and young people aged between 4 and 17 years, living in foster care, kinship care or residential care.
- As well as being informed by the children and young people who completed a postcard or participated in these recent conversations, this report also honours conversations I have had with many children and young people in residential care, foster care, and school settings across South Australia over the past five years.



Systemic barriers to participation

- When ‘safety’ is the paramount consideration, it can be particularly difficult to facilitate the inclusion of children and young people’s voices in child protection decision-making.
- A child or young person’s right to be heard is too often viewed as conflicting with rather than being complementary or essential to their best interests.
- Although some individuals and agencies working across the system demonstrate a commitment to the importance of children’s voices and participation, there are significant barriers to facilitating this in practices and processes at the systemic level.
- The dichotomy of children as either ‘vulnerable’ or ‘capable’ overlooks the complex reality that children can be both vulnerable and capable, and that their involvement in decision-making processes can be stressful and difficult, but with the right support, information and feedback can also provide relief and promote feelings of trust.
- Children and young people are not being consistently provided with the information and support that is necessary for them to be able to express their views, or make an informed decision to not express their views.
- Children and young people recognise the importance of having relationships with trustworthy, supportive and responsive adults that can enable their participation, but do not consistently have access to such relationships.
- Opportunities for a child or young person to be heard at a systemic level are generally not consistent enough to capture key elements of a child’s life and needs over time, including their relationships and experiences, wellbeing and perceptions, or hopes and dreams.
- There is no reportable activity or measurable outcome that quantifies the extent to which children and young people in care in South Australia have access to their right to be heard and to participate in decision-making.

Key messages from children and young people in care

Feelings and fears

- Children described enormous grief and loss associated with significant disruption to their lives, including the loss of relationships with brothers, sisters and extended family, including grandparents; the loss of leaving pets or not being able to have pets in their new homes; moving multiple times, changing schools and having to make new school friends.
- Children spoke of feeling powerless and entering a world they didn't understand, where they had no idea of what was happening to them or their siblings.
- Children said they couldn't understand what was being said to them and that the experience of being put into a stranger's house without explanation is something they will never forget.
- Children who had been taken into care from school said this changed their views of school as being a safe place. Both the embarrassment of being removed from school and knowing that others at the school would know this, and that they were now seen as being different, meant they felt they would be bullied as a result.
- Children were catapulted into navigating complex interpersonal relationships with multiple adults, including other family members, carers, placement workers, support workers, social workers, therapists, lawyers, and other "random" adults they either weren't familiar with and/or didn't know what they did. This resulted in feeling unsafe and fearful.
- Children and young people described feeling safe when they feel listened to; when they are with family members, friends and pets and when they have opportunities to play.

(I'm worried that)

I won't get to call my sisters
on their birthdays.

– 13 year old, female

(I wish)

I could have my cat
to help me sleep

– 14 year old, female

(I'm worried that)

I might be going
down the wrong path
in my life.

– 16 year old, male

Birth family

- Some children and young people are very worried about never seeing, having contact with, or living with their birth family again. Some are worried about not being able to stay in places where they feel safe and supported, while others wished they had long-term guardianship 'so that DCP aren't making decisions for me 24/7'.
- Children reported that their birth parents are often not treated with respect and are looked down upon by foster families, social workers, and others.

Being heard

- Children and young people said they were frustrated about not feeling heard when decisions are made that affect their lives.
- Children and young people in care wanted more 'freedom' and 'certainty', including more opportunities to see their friends and family, both online and offline; have a say in decisions about their lives, 'feel more in control' and be more physically active.

- Children and young people want to know how decisions have been reached and what criteria has been used to arrive at them. When this happens they say they are also much more likely to accept decisions and trust the adults and systems around them because they have understood.

Complicated systems

- Some children had stories of no support to address their feelings about what had happened to them at home, and a few shared new and worse abuse in the system, describing their experiences post-removal as being the most traumatising.
- Children and young people said their lives would be better if they were listened to, if they could 'go out more', do more exercise and other activities, and if they had more support for the future with independent living arrangements.
- Children talked about not understanding how the system works and what everyone does, and that this left them feeling powerless and disconnected from their own lives. Consequently, many had stories of confusion about the timelines of their lives and events of the past, and what had occurred prior to, during, or after their removal.

Recommendations

Protecting children and young people from harm is not an adequate ambition for our child protection system or community. We must take a more holistic view of a child's best interests, incorporating their wellbeing, voice, relationships, safety, and circumstances. Our collective ambition for the care and protection of children and young people will come from a commitment to all children to provide the supports and resources to inspire action, scaffold aspiration, and achieve positive outcomes for all children to live in stable and safe environments, have nurturing relationships, and maintain strong connections to community and culture.

To achieve this the system for protecting children must be reformed. I recommend

1. The child protection system explicitly recognise the United Nations Convention on the Rights of the Child 'best interests' principle as the paramount consideration in decision making.
2. The child protection system practically support children's rights through active efforts to preserve the ability and increase the capacity of vulnerable families to love and care for children in their family environment, to ensure the protection, development, and overall wellbeing of their children.
3. Children and young people who have been removed from their family must be seen as children first and have their best interests and right to have a say in everyday decisions about their care, contact with family members, connection with siblings and preparation and support to transition to adulthood considered.
4. Children and young people in care must be actively supported and encouraged to develop friendships and access opportunities to participate in school, childhood experiences and activities in line with their peers.
5. The system must ensure all children involved with Child Protection have age-appropriate information in multiple formats regarding all aspects of their care and engage children in real time and over time to inform the decisions made about their lives.
6. Children in care should have timely access to specialised education resources that support preschool , primary school and secondary school transitions and school transfers, and be unable to be suspended or excluded from school without the approval of Child Protection.

Child voice and participation in care

System reform must ensure that the views of children and young people in care are actively sought, listened to, documented, and considered in everyday decision-making, as well as in more formal, longer-term decision-making processes.

Refocusing from adult-centred to child-centred processes and practices is vital to effectively safeguarding the wellbeing of children. It will not only promote transparency, accountability, and trust in the system, but will also reduce stigma, empowering children and young people to develop their sense of identity as they make plans for a future beyond 'being in care'.

In addition to decisions regarding placements, children and young people should be included in decisions about their connection with family, their education, and planning for their transition from care. It is also critical that children and young people have choices and opportunities to influence smaller yet still significant 'everyday' decisions being made about their lives, such as what they eat and what they do before and after school, such as playing sport or spending time with friends.

Children and young people must be provided with age-appropriate information so that they understand why certain decisions have been made, including why they may not be able to see siblings or other family members.

In a truly child-centred system children and young people's case notes and 'life stories' are documented with sensitivity, and with the assumption that the child or young person will read them one day.

This may look like files that address the child directly, are written in the first person, and respect children and young people's voices and participation, wellbeing, experiences, and outcomes. The use of language should also reflect this, including limiting the use of legal and clinical jargon, and using child-friendly everyday language used to describe activities like family time.

(I wish)

I could have more opatunity to ^{see} ~~be more~~ more of my family and live with them for a couple of Day's and have a pet

– 10 year old, female

Relationships and connection with siblings

For too many children and young people in South Australia, contact with the child protection system means separation from their siblings. Children and young people often describe the immense pain of being separated from their siblings, and wish they could spend more time with them, talk to them more often, or live with them. Many are worried that they will not be able to call their siblings on their birthdays, or ever see a sister or brother who lives interstate.

Research shows that supporting siblings in care to stay together enhances feelings of well-being, and can provide a sense of emotional and physical safety as well as much needed continuity and familiarity.⁴ Being connected to those who children consider important to their family structure is both a right and a protective factor against the impact of trauma, as well as helping to minimise the levels of uncertainty and disruption to their lives.

“I wish I could have my sisters and my own say, and have my brother. I wish I had LTG.”
– 9 year old, male

Although maintaining a connection with their ‘biological family’ is a current consideration in the *Children and Young People (Safety) Act 2017*, there is no specific reference to siblings. A better system should place greater emphasis on upholding safe and loving relationships that are important to children and young people, including those with a sibling and other sibling-like relationships.

This could include:

- Making active efforts to maintain relationships with siblings, friends and other people valued by the child or young person.
- Ensuring that when siblings cannot be placed in care together that efforts are made to support their interaction across the same community, including attending the same school.
- Providing siblings with reasons as to why a decision has been made to separate them, and then involving them in creation of a plan that enables them to maintain regular meaningful contact with their sibling/s when they are separated.

‘Sibling-like’ relationships between children who may identify as siblings through shared experiences, emotional connections, and culture need to be included. Given that ‘siblings’ will mean different things to different children, the best way to understand what siblings means to each child is to ask them who they consider to be their siblings.

(I wish)

I could see
my real family
for a little bit

– 17 year old, male

Given that children's lives, needs, circumstances and family networks can be complex, decision-making is not always straightforward. There can be situations where the rights and needs of one child may appear to contradict those of one or more of their siblings. Practitioners must be supported to navigate assessments and decision-making in the context of such tensions and complexity.

“ I consider a lot of people family – a lot of cultures merged into one, they’re still my family and I would do anything for them.”

“ The ones that mean the most to you – be closer to them. A system should not tear families apart – if we’re about keeping families together, why is it so hard to connect”

having friends come over and having a pet cat and dog

– 10 year old, female

Friendships and opportunities to play

Having opportunities to play sport, participate in other activities, and hang out with friends both online and offline, is a critical part of healthy social, emotional, and physical development for all children.

Hobbies and participation in recreational activities support children and young people in care to build life skills and social connections, be part of ‘something bigger’ and feel ‘more normal’; not defined by or disadvantaged by their care status.

Yet children and young people in care face particular barriers to participation that also impact on their ability to maintain positive relationships and be heard. These barriers are often related to cost and availability of transport or staff. They also include restrictions and rules, particularly for those living in residential care. It can take months for decisions to be made about consent to access opportunities or participate in activities that children living with their birth families would generally be able to resolve and access in much shorter timeframes.

Missing out on opportunities can make children feel different from their peers and perpetuate stigma, embarrassment, and isolation. Effort must be made to address these barriers and to ensure decision-making is based on a more balanced assessment of risk, with best interests that incorporate children's views so that the lives of children in care are not so different to those of other children.

“ i want my social worker to take me out more”
– 10 year old, female, foster care

“ to get internet so that we can play online games on my xbox” – 14 year old, male, residential care

“ I wish I could play with my friends on my birthady without any adults or carers. Walk to school.” – 13 year old, female

“ Doing different stuff like watching tv more and colouring in” – 6 year old, female

Case planning and annual reviews

Barriers to being heard highlight young people's experiences of instability, high rates of staff turnover, and a lack of positive relationships or contact with social workers and other adults. This leaves young people feeling that their words are misinterpreted, or as if they are not being listened to or taken seriously.

Current case planning processes are described by children and young people as too adult-focused and bureaucratic, with insufficient attention to relationships or wellbeing. While some young people are involved in developing their case plans, this opportunity is not consistently offered to all young people.

System improvement must include support for every child to have an active, up to date case plan. Not only to be aware of the existence of their case plan and that it undergoes an annual review, but to also be aware of their right to be involved in the development of such plans and reviews.

To ensure the system is more child focused there needs to be a presumption that children and young people will participate in case planning and annual reviews. Meaningful participation needs to capture young people's voices and experiences over time, and in real time. This includes the use of engagement and accessible communication tools for children and young people to share what is important to them; how they feel, and what they would like to change.

Such tools will provide valuable insights into children and young people's lives and wellbeing. They should be used regularly to inform and review plans at the individual level, as well as inform the design and delivery of policies, practices and projects at a more systemic level.

Access to information, opportunities and tools should be automatic for every child and young person, so that being heard does not depend on the capacity or goodwill of individual case workers. This will address inconsistency in the quality and relevance of planning and decision-making, and help to ensure processes recognise, reflect and respond to children and young people's needs thereby nurturing stable and trusting relationships.

Ensuring every child and young person has a say will also avoid models whereby only a select few will be engaged and supported to have a voice. Plans developed without insights from children and young people should be considered inadequate.

Particular attention should be given to engaging with younger children, in recognition of the fact that children and young people's experiences, opinions and needs vary significantly as they get older. The experiences of an 8 year old today cannot be transposed from an 18 year old who is reflecting on their experiences of when they were 8.

Meaningful participation requires an appropriate level of information about the scope and parameters of decision-making, the reasons for decisions being made, and what to do if they don't agree.

“ i feel included when my friends and family ask me to do something with them even if I don't do it. It just makes me feel loved and included”
– 14 year old, female

“ I wish I could go on more holidays, get out more, and do more exercise” – 16 year old, male

DCP not controlling my life or making decisions for me.

– 10 year old, female

School and education

School is a significant part of children and young people's lives. Some children and young people describe school as a safe place that nurtures relationships, provides opportunities and teaches skills that are critical to their health, safety, wellbeing, confidence, and aspirations.

Given the significance of school, there should be greater consideration and weight given to children's views about school and education in decision-making and planning, with support provided particularly during key transitions between school years and school sites. This will help to ensure children in care have the same opportunities as their peers, and that they are valued for their relationships, achievements, and all aspects of their identity and experiences, including but not limited to their experience of being in care.

Children and young people in out-of-home care can face challenges and negative experiences while at school. This includes being treated differently from peers by teachers; moving schools due to placement changes or instability; experiencing a lack of respect for privacy; and encountering a lack of expertise supporting children to deal with the impacts of complex trauma. South Australian data shows that students in care are suspended at a rate that is four times higher than students who are not in care.⁵

“ I didn't get a say what school I went to”

“ I'm worried that the kids at school annoy me” – 13 year old, female

“ I’m worried that I will get bad grades” – 14 year old

“ not having to worrie about money and stressing about everything thats happening all the time. but i do want grandma to be my legall gardien so i dont need to see my soshall worker” – 14 year old, female

Current legislation states that case plans must include provision for the education and development of the child or young person and that information about their school enrolment must be provided prior to their placement in care.

Experiences at school not only affect how children and young people in care engage with their education, but also can impact on their views of services, how they see themselves, and how they see adults.

(I'm worried that)

I'll make NO Friends
in High school apart
From Family

– 11 year old, female

Transition from care

Including young people in planning for when they leave care is essential, both in terms of supporting children and young people to make decisions that will set them up for a healthy future, as well as ensuring access to information and services that are tailored to individual needs and interests.

When children and young people are excluded from decision-making processes while they are in care and are separated from relationships that should scaffold them throughout their lives, it is unlikely they will feel prepared or hopeful about the future.

Many children and young people are worried about what the future holds, including where they will live, whether they will be able to maintain important relationships, or how they will access education and employment opportunities.

“ be in SILS program. Get Centrelink” – 16 year old, male

“ I don't know what the future holds for me” – 17 year old, male

Planning should also take into account their identity and culture, social relationships and support networks. Such information and services must include:

- Centrelink and financial support.
- Housing and independent living support.
- Health services and information related to physical, mental, sexual and dental health.
- Information about job and career pathways to employment, education and training.
- Comprehensive and inclusive education relating to relationships and sexual health.

Next steps

If we are to start decreasing the numbers of children in out of home care in South Australia, we must change the system we have been using. It's not working for children or their families. The data and the feedback from children and young people is clear on this.

South Australian children in care are saying that they are not feeling heard, and this must be addressed. How can we expect children in care to be happy, healthy, and confident, if we're not listening to what they tell us about the types of support they want and need, when things don't go well in their family?

We need collective ambition for an approach to the care of children and young people in our community that operates in a fundamentally different way to the current one. Our legislation must inspire action, scaffold aspiration, and move beyond intentions that aim to achieve positive outcomes for some children, toward a commitment that sees all children living in stable and safe environments, enjoying nurturing relationships, and maintaining strong connections to family, community and culture.

Greater weight needs to be placed on supporting vulnerable families, while at the same time understanding and valuing the voices and participation of children and young people in decision-making that directly affects their lives.

Legislative change and future system improvements must include opportunities for a child or young person to express their views at every stage of their 'care journey', from before they enter care through to their transition from care and beyond. This includes embedding processes that ensure they can be included in court

proceedings, be part of decisions regarding their placement, parental contact arrangements, case planning, annual reviews, education, and any other services put in place to support them.

It includes involving them in decisions relating to leaving care and transitioning into adulthood, so that they are not being 'cut off' from support and expected to find their way on their own once they turn eighteen.

We cannot create a system that applies 'best interests' if it is being used to justify overriding a child's right to express their views. We are required to provide opportunities for meaningful participation that supports children's rights to express their views and have them acted upon wherever possible.

If children feel they can trust the system and the adults who are administering it to genuinely have their best interests at heart, they will be less likely to feel 'outside the system' or 'out of control' because of it.

If we design and deliver services and policies that reflect children's direct input, we are far more likely to see increased self-esteem, sense of agency, empowerment, and hope. It will also send the strong message that the adults designing and delivering the systems to vulnerable children, care about and value their interests, wellbeing and safety.

Endnotes

- 1 Australian Institute of Health and Welfare, 2022. Child Protection Australia 2020–21.
- 2 United Nations Committee on the Rights of the Child, General Comment No. 12 (2009) The right of the child to be heard, page 5. Available at <https://www.refworld.org/docid/4ae562c52.html>.
- 3 United Nations Committee on the Rights of the Child, General Comment No. 12 (2009) The right of the child to be heard, p. 18. Available at <https://www.refworld.org/docid/4ae562c52.html>.
- 4 Baker et al, 2019. 'Siblings: A Review of the Evidence on the Circumstances and Experiences of Siblings in the "Care System", and the Factors which Promote or Inhibit Relationships', in Independent Care Review (ed.) Evidence Framework Feb 2017 – Feb 2020. Available at: https://www.carereview.scot/wp-content/uploads/2020/07/ICR_Evidence_Framework_v2-1.pdf.
- 5 Graham et al., (2020). Inquiry into Suspension, Exclusion and Expulsion Processes in South Australian government schools: Final Report. The Centre for Inclusive Education, QUT: Brisbane, QLD. Pg 305.

(I wish)

for grandma to be
in legal garden

– 14 year old, female

I have family and friends
around to make me safe

– 15 year old, male

(I'm worried that)

I might be going
down the wrong path
in my life.

– 16 year old, male

(I wish)

I could see
my real family
for a little bit

– 17 year old, male

(I wish)

I could have more
opportunity to ^{see} ~~be more~~
more of my family

– 10 year old, female

I don't know
what the future
holds for me

– 17 year old, male

(I'm worried that)

We ~~won't~~ won't get LTG. Or I won't
get my way with things I decide.

– 10 year old, female