

Your Ref:
Our Ref: 765

1 March 2019

Hon Roger Jaensch MP
Minister for Human Services
Minister for Housing
Minister for Planning
Salamanca Place
HOBART TAS 7000

By email: roger.jaensch@parliament.tas.gov.au

Dear Minister

Re: Unaccompanied homeless children under 16 years of age in Tasmania

Further to recent discussions with you and your Chief of Staff, I am writing to expand upon my comments about the need to develop a strengthened policy and programmatic response to children aged under 16 years of age who experience homelessness alone in Tasmania.

Since starting in the role of Commissioner in November 2018, various advocacy groups and service providers have raised their concerns about the adequacy of the current system to respond to the specific and complex care needs of these children.

This issue was highlighted by Interim Commissioner Clements in the high level Advice he provided to you on 17 October 2018, a copy of which is **attached**.

In that Advice, which I endorse, Interim Commissioner Clements pointed out that the challenges associated with responding to the unique needs of these children is not a new issue for Tasmania and that other Australian jurisdictions are at various stages of responding to this cohort. While we may not have a clear picture of the number of children who experience homelessness alone in Tasmania, the impressive body of work undertaken by Dr Catherine Robinson at Anglicare's Social Action and Research Centre, referred to in Interim Commissioner Clements' Advice, documents the multiple adversities experienced by children who become homeless and alone in Tasmania.

Based on the discussions I have had, it is clear to me that there is an urgent need for further work to be done in Tasmania to ensure we have in place a policy and program response which specifically responds to the unique needs of this highly vulnerable group of children.



As Interim Commissioner Clements says at page 8 of his Advice to you, any policy framework developed needs to consider and address issues such as (but not limited to):

- the challenge of capturing reliable data relating to children's unique experiences of unaccompanied homelessness;
- the role and responsibility of the Department of Communities Tasmania, especially Child Safety Services, regardless of whether or not a child is subject to care and protection orders;
- the role and responsibilities of specialist homelessness service providers;
- the role and responsibilities of other service providers across the human services and health sectors generally, including for example those providing support for mental health and alcohol and other drugs issues;
- case management responsibility;
- matters arising from the absence of an active parent or guardian in a child's life (including consideration of the extent to which service providers have the legal authority necessary to make critical decisions concerning those children in their care who do not have an active guardian); and
- the type of specialist supports required to appropriately address the unique and complex needs of this cohort of children.

Further, the associated program and service design should prioritise the development of a continuum of services, which includes the provision of a comprehensive medium- to long-term care environment for highly vulnerable children aged less than 16 years, augmented by intensive therapeutic and trauma informed support services and capacity for outreach at all transition points along the continuum.

I commend Interim Commissioner Clements' Advice to you and the collaborative work he undertook during 2018 with Anglicare's SARC, ARACY and YNOT to highlight this important matter.

Yours sincerely

Leanne McLean

Commissioner for Children and Young People

cc: *GINNA WEBSTER, Secretary, Department of Communities Tasmania*

Attachment: *Interim Commissioner Clements' Memo of Advice – Unaccompanied homeless children under 16 years of age in Tasmania (17 October 2018)*

Memo of Advice

Hon Roger Jaensch MP
Minister for Human Services
Minister for Housing
Minister for Planning

Subject: Unaccompanied homeless children under 16 years of age in Tasmania

Role of the Commissioner for Children and Young People

Pursuant to section 8(1) of the *Commissioner for Children and Young People Act 2016* (the CCYP Act), my functions include the following:

- (a) advocating for all children and young people in the State generally;
- (c) researching, investigating and influencing policy development into matters relating to children and young people generally; and
- (f) assisting in ensuring the State satisfies its national and international obligations in respect of children and young people generally.

In performing a function or exercising a power, section 3(1) of the CCYP Act requires that I must –

- (a) do so according to the principle that the wellbeing and best interests of children and young people are paramount; and
- (b) observe any relevant provisions of the United Nations *Convention on the Rights of the Child*.

In addition, section 3(2) provides that (subject to section 3(1)) the CCYP Act is to be administered according to the following principles:

- (a) children are entitled to live in a caring and nurturing environment and to be protected from harm and exploitation;
- (b) the interests and needs of children and young people who are disadvantaged for any reason or vulnerable should be given special regard and serious consideration;



- (c) the contributions made by children to the community should be recognised for their value and merit;
- (d) the views of children on all matters affecting them should be given serious consideration and taken into account; and
- (e) parents, families and communities have the primary role in safeguarding and promoting the wellbeing of children and should be supported in carrying out their role.

Relevant provisions of the United Nations *Convention on the Rights of the Child*

Consistent with my statutory requirement to observe any relevant provisions of the *Convention on the Rights of the Child* (UNCRC), I note, in the context of this Advice, the following Articles:

- Article 3: 2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
- Article 19: 1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.
- Article 20: 1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
- Article 27: 1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.



Article 39: States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Purpose of this Advice

As you are aware, in collaboration with the Youth Network of Tasmania (YNOT), the Australian Research Alliance for Children and Youth (ARACY) and Anglicare Tasmania's Social Action Research Centre (SARC), I was involved in the organisation of two public forums in Hobart (in April and August 2018) seeking to better understand the extent of the issue of unaccompanied child homelessness in Tasmania and to explore options for strengthened policy and programmatic responses.

On 6 September 2018, along with Tegan Pearce from YNOT, and Meg Webb and Dr Catherine Robinson from SARC, I briefed you on the outcomes of these two events and on various matters relating to this cohort of highly vulnerable homeless children in Tasmania, including potential policy and program responses. I note that a briefing has also been provided to members of the Legislative Council, and briefings are being arranged for Cassie O'Connor MP, the Honourable Josh Willie MLC, and relevant officials within the Department of Communities Tasmania.

The purpose of this Advice is to provide you with additional background and contextual information on the matter of unaccompanied homeless children less than 16 years of age, and to recommend the development of a policy and program framework which specifically responds to the needs of this highly vulnerable cohort of children in Tasmania.

While the focus of this Advice is on unaccompanied homeless children aged less than 16 years, I acknowledge that children and young people aged 16 years and above who experience homelessness alone may also benefit from any policy response and associated initiatives undertaken in relation to those aged less than 16 years.

Background

A long-standing issue

The challenge of responding to the needs of unaccompanied homeless children is not a new issue for Tasmania. In 2011-2012, as a result of "duty of care" concerns raised by homelessness shelters in relation to unaccompanied homeless children below the age of 16 years presenting at and being accommodated in youth homeless shelters, a joint



project was established between the then Commissioner for Children, Aileen Ashford, and the then Department of Health and Human Services represented by Children and Youth Services (CYS) and Housing Tasmania to examine issues associated with this cohort. The project, which was entitled, *Who Cares: Collaborative Services for Young People Under 16 and alone* (the 'Who Cares' project), aimed to establish:

- an age criterion for young people accessing homelessness crisis accommodation that is appropriate taking account of the challenges inherent in housing a very young person with older young people;
- a policy framework, protocols and practice guide to support linked activity between housing support and protective intervention to help improve the experience for young people who are trying to resolve or stabilise where they live; and
- future placement options for young people under 16 years who are on child protection orders and accessing crisis homelessness accommodation services.¹

For reasons that are unclear to me, it appears that this project did not lead to tangible outcomes, although I do note that, subsequent to the establishment of the 'Who Cares' project, DHHS commissioned KPMG to undertake a review of the Supported Accommodation Assistance system in Tasmania (the SAA Review). The KPMG review found that

... it is not appropriate to have young people who are under 16 years old accommodated in homeless shelters. As the service type is funded on the basis of a one worker model, they are not funded to provide adequate levels of supervision to cater for this group. They also do not provide a sufficiently home-like environment for young people of this age, and can expose them to risks posed by older residents. The preferable service intervention for young people under 16 years is for them to be re-united with their immediate or extended family, or where this is not possible, to be placed into residential care through the child protection service system.

Therefore the review is recommending that the service model for crisis and residential care in the SAA system be modified so that services should not be provided to young people under 16 years of age (although there may be some exceptional cases; these could be covered in service protocols).²

¹ Department of Health and Human Services & Commissioner for Children, Internal draft working paper – Who Cares? Collaborative Services for Young People Under 16 and Alone, May 2012.

² KPMG, *Department of Health and Human Services - Tasmanian Support and Accommodation Assistance Review - Information Paper: Proposed models for the Support and Accommodation Service System*, December 2011, 48.



In her February 2012 submission in response to KPMG's SAA Review information paper³, I note that Commissioner Ashford focused on the need to review eligibility and other criteria which permit children aged less than 16 years to be placed in, or to access, crisis accommodation services. Commissioner Ashford also supported and endorsed the finding and recommendation of the SAA Review set out above.

Recent work undertaken by Dr Catherine Robinson from Anglicare's SARC has again served to highlight the longstanding issues faced by vulnerable children in Tasmania who experience homelessness alone. In 2017, SARC published *Too Hard? Highly Vulnerable Teens in Tasmania* and *Who Cares? Supported accommodation for unaccompanied children*. These SARC reports highlight the myriad of unique issues faced by children who experience homelessness alone and the services currently available to support them, the policy program and service gaps relating to the care needs for those children who fall outside the threshold for a statutory child protection response, and makes recommendations for policy development, program innovation, and service redesign to strengthen current responses to address these issues.⁴

Unaccompanied homeless children in Tasmania

As the SARC work demonstrates, the size of the cohort of children who experience homelessness alone is difficult to ascertain. In Tasmania, only limited information is available regarding the group of children aged below 16 who cannot live at home.

AHIW data indicate:

- in 2015-16, 342 unaccompanied children aged 10-17 presented to specialist homelessness services in Tasmania;⁵ and
- in 2016-17, specialist homelessness services were unable to assist 1,292 requests for services by young people aged 10-17.^{6,7}

³ KPMG, *Department of Health and Human Services - Tasmanian Support and Accommodation Assistance Review - Information Paper: Proposed models for the Support and Accommodation Service System*, December 2011.

⁴ <https://www.socialactionresearchcentre.org.au/who-cares/>

⁵ Robinson, 2017, *Who Cares? Supported accommodation for unaccompanied children*, Anglicare Social Action and Research Centre, viewed 24 September 2018, <https://www.socialactionresearchcentre.org.au/research/who-cares/> page 8.

⁶ AIHW, 2018, *Specialist Homelessness Services Annual Report 2016-17*, AIHW, Canberra, Table TAS UNMET.1: Unassisted requests, by age and sex, 2016-17, adjusted for non-response.

⁷ Note: these 1,292 unmet requests include requests made by young people in the care of a parent or guardian.



These data do not include unaccompanied homeless children who did not present to specialist homelessness services, or unaccompanied homeless children living in insecure accommodation – for example, those couch surfing; and as such are likely to under-represent the extent of the issue.

Unaccompanied homeless children represent a group whose pathways into homelessness are complex,⁸ who are likely to have experienced trauma, violence and childhood abuse, and who are likely to experience a range of complex, interrelated and compounding issues, particularly mental health and drug and alcohol issues.⁹

Children who experience homelessness alone interact with and require support and assistance from a variety of service providers including the Department of Communities Tasmania, the Department of Education, the Department of Health, Tasmania Police, specialist child and family support services, youth health services, legal services and homelessness services.

Other jurisdictions' approaches to this issue

It is important to recognise that other jurisdictions are grappling with the complex issues that arise when developing appropriate policy and program responses for these highly vulnerable children. I am aware that action has been undertaken in other states including Western Australia, New South Wales and Victoria.^{10,11,12}

Of particular interest is a recent report of the New South Wales Ombudsman which highlights the ongoing complexity of these issues even in a jurisdiction which has a comparatively well-developed policy and program response to this cohort of children.¹³

⁸ Mallett S, Rosenthal D, and Keys D, 2005, *Young people, drug use and family conflict: Pathways into homelessness*, Journal of Adolescence, 28(2), 185-199. doi:10.1016/j.adolescence.2005.02.002

⁹ Cooper T, 2017, *Homelessness in young people aged under 16 years: A literature review*, Commissioner for Children and Young People Western Australia, viewed 24 September 2018, <https://www.ccyp.wa.gov.au/media/2489/literature-review-homelessness-under-16-years-final-web-file.pdf>

¹⁰ <https://www.ccyp.wa.gov.au/our-work/resources/homelessness/>

¹¹ Family and Community Services, 2015, *Unaccompanied Children and Young People 12-15 Years Accessing Specialist Homelessness Services Policy*, NSW Government, viewed 24 September 2018, https://www.housing.nsw.gov.au/_data/assets/file/0011/369515/Unaccompanied-Children-and-Young-People-12-15-Years-Accessing-SHS-Policy....pdf

¹² Victorian Government, 2012, *Linking services for Young People Under 16 and Alone March 2012*, Victorian Government, Melbourne.

¹³ <https://www.ombo.nsw.gov.au/news-and-publications/news/more-than-shelter-addressing-legal-and-policy-gaps-in-supporting-homeless-children>



I note that policy makers and service providers from New South Wales and a service provider from Victoria presented at the August 2018 forum hosted by myself, ARACY, SARC and YNOT in Hobart. Copies of these presentations are available via the links below.¹⁴

I mention the approaches of the above jurisdictions as examples only noting that, for the purpose of this advice, I have not undertaken a comprehensive jurisdictional scan.

Current Tasmanian policy environment

It is of course important to acknowledge that the Tasmanian Government's *Affordable Housing Action Plan 2015-2019* and *Youth at Risk Strategy* both commit to exploring innovative supported accommodation models for homeless children under 16 years of age. The *Strong Families, Safe Kids* reforms and development of stage two of the Affordable Housing Action Plan also provide opportunities for responding to the needs of this cohort of children.

Under the *Affordable Housing Strategy Action Plan 2015-2019*, the Tasmanian Government committed to explore innovative supported accommodation models for homeless young people under 16 years old, and allocated \$1.4 million for the capital development of the Youth at Risk Response Centre. The newly established nine-bed Colville House commenced operation in June 2018. It provides 24 hour crisis accommodation for children aged 12-15 years who are at risk of homelessness with a focus on family reunification or transition to independent living. As I understand the situation, for those children who are unable to be reunified with their family, the transition to independence may involve transfer to a specialist homelessness service.

The *Youth at Risk Strategy* has two key actions relevant to this cohort of children:

- Under Action 14, the Government has committed recurrent funding for the Youth at Risk Response Centre to provide services for young people under 16, with a focus on 'accommodation and specialised support to make the young person safe'. As noted above, this service commenced in June 2018 as Colville House.
- Under Action 15, the Government noted that '[y]oung people under 16 often have higher support needs due to their developmental maturity and lower levels of independence' and 'a lack of supported medium term supported accommodation options for young people under 16'; and has committed 'to explore innovative models for homeless young people under the age of 16'.

¹⁴ [Ross Beaton Presentation](#); [Joe Parsons Presentation](#); [Simon Benjamin Lighthouse Foundation Presentation](#); [Zoe Robinson YFoundation Presentation](#); [MacKillop Family Services Presentation](#)



There is no doubt that the establishment of Colville Place is a significant first step in acknowledging the need to provide a specialised service response which incorporates both an accommodation element and wrap around support for unaccompanied homeless children. However, in my respectful opinion more work is required to strengthen our policy and program responses, particularly in relation to the unique medium- to long-term care needs of unaccompanied homeless children aged less than 16 years.

What is required?

I respectfully recommend the development of a policy and program framework specific to responding to the needs of this cohort of children.

1. Development of an overarching policy framework

Any policy framework would need to consider and address issues such as:

- the challenge of capturing reliable data relating to children's unique experiences of unaccompanied homelessness
- the role and responsibility of Department of Communities Tasmania, especially Child Safety Services, regardless of whether or not a child is subject to care and protection orders
- the role and responsibilities of specialist homelessness service providers
- the role and responsibilities of other service providers across the human services and health sectors generally, including for example those providing support for mental health and alcohol and other drugs issues
- case management responsibility
- matters arising from the absence of an active parent or guardian in a child's life (including consideration of the extent to which service providers have the legal authority necessary to make critical decisions concerning those children in their care who do not have an active guardian)
- the type of specialist supports required to appropriately address the unique and complex needs of this cohort of children.

There may be other matters which should be included in this policy framework - my intention is to merely provide some examples of issues of concern that have arisen in relation to this cohort of children in Tasmania and in other jurisdictions.



2. Program and service response

In my respectful opinion, any associated program and service design would need to prioritise the development of a continuum of services – from short-term outreach through to crisis, short, medium and long-term specialist care responses - acknowledging that while reunification with family may be possible for some unaccompanied homeless children, for others this is simply not an option.

It is my view that there is a need to develop and fund services that do not operate on a traditional 'homelessness and transitional accommodation' model, but which provide highly vulnerable children aged less than 16 years with a comprehensive care environment, based on medium- to long-term accommodation augmented by intensive therapeutic and trauma informed support services and the capacity for outreach at all transition points.

In my respectful opinion, it is clear that simply providing accommodation for this cohort of highly vulnerable children – without accompanying dedicated care supports – is likely to perpetuate a cycle of disadvantage, referral and vulnerability for these children.

David Clements
Interim Commissioner for Children and Young People

17 October 2018