

Guidelines on the provision of assistance after leaving out-of-home care

These guidelines are published pursuant to Section 165(4) of the *Children and Young Persons (Care and Protection) Act 1998* (the Act).

1. Legislative basis for the provision of assistance after leaving care

Statutory out-of-home care is defined in section 135 of the Act, meaning the residential care and control of a child or young person, at a place other than their usual home and by a person other than their parent under an order of the Children's Court, or as a protected person. This includes foster care and relative or kinship care where the care arrangement has occurred under an order of the Children's Court.

Section 165 of the *Children and Young Persons (Care and Protection) Act 1998* allows the Minister to provide or arrange such assistance for children and young persons of or above 15 years who leave statutory out-of-home care until they reach the age of 25 years as the Minister considers necessary having regard to their safety, welfare and wellbeing. The Minister also has discretion to provide assistance to care leavers 25 years or over (section 165(3)).

Under section 165(2), the type of assistance provided may include provision of information about available resources and services and counselling and support. Further assistance may also be provided, based on assessment of need, including financial assistance and assistance with:

- obtaining accommodation
- setting up house
- education and training
- finding employment
- legal advice
- accessing health services.

Such assistance is intended to assist children and young people in statutory out-of-home care to make a positive transition to independent living.

Section 165(4) provides that the Minister may cause to publish guidelines specifying the circumstances in which assistance may be granted under s165. These guidelines have been developed for that purpose.

2. Eligibility for leaving and after care assistance

To be eligible for assistance under s165 a young person must meet the following criteria:

- (i) leaves out-of-home care at the age of least 15 years

- (ii) was in the parental responsibility of the Minister or care responsibility of the Director-General of Community Services immediately before leaving care pursuant to an order of the Children's Court, or otherwise a protected person
- (iii) has been in this parental or care responsibility for at least a cumulative period of 12 months, and
- (iv) is under the age of 25 years.

The circumstances in which care leavers 25 years and over are also eligible for assistance, including financial assistance, are also detailed in these guidelines.

3. Providing leaving care and after care assistance

(a) Planning by the designated agency prior to leaving care

Effective leaving and after care planning is essential for young care leavers to make a successful transition to independent living. All young people leaving care must have a leaving care plan developed by the designated agency with supervisory responsibility for the young person's placement (section 166).

Planning should occur at least 12 months before leaving care and the child or young person should be involved in the planning process. In some circumstances, this could mean commencing planning for a child as early as 14 or 15 years of age. Consideration should also be given to the involvement of the young person's parent(s), carer(s) and significant others. Authorised carers in particular have a valuable role in assisting young people to develop the skills necessary to support their successful transition to independent living.

For young people with a disability who are likely to have significant support needs upon leaving out-of-home care, case planning to address leaving care should commence between the Department of Community Services and the Department of Ageing, Disability and Home Care at least 2 years prior to leaving out-of-home care.

The leaving care plan should include reasonable steps that will prepare the young person for the transition from out-of-home care and should be informed by a needs assessment (see section 4). Plans should generally cover accommodation, employment and income support, access to education and training, knowledge and understanding of personal history including cultural background, contact with family members, and independent living skills, including financial management and health and lifestyle issues. The plan should also specify, as far as can be determined, the agency/ies or person/s that will provide the services and/or provide the resources to implement the plan.

Where a young person is discharged from care without a leaving care plan and later approaches the designated agency for assistance, a leaving care plan should be prepared at that time. The designated agency that last supervised the out-of-home care placement for the young person is responsible for preparing the case plan.

(b) Information about and referral to available services

Written information about available mainstream and specialist resources, services and referral points should be provided to all young people exiting statutory out-of-home care.

Wherever available, young people leaving care should be assisted through referral to access mainstream services that will support their ongoing needs. This is to ensure the young person is linked to the full range of services and supports available to all young people and that these services recognise the importance of servicing young persons who are leaving care. A particular emphasis should be placed on services and supports for education, vocational training, employment assistance, accommodation, financial management and income support, mental and physical health and legal assistance.

There should be a particular focus on helping the young person to access appropriate income support for which the young person may be eligible and the Australian Government's Transition to Independent Living Allowance. The Transition to Independent Living Allowance is a one-off payment of up to \$1,000 paid to young people leaving formal or informal care arrangements. It can be accessed through the national provider, Southern Youth and Family Services.

Young people should also be offered support to access personal information and assistance in making contact with significant family/others, where this is identified in the leaving care case plan. On leaving, or after having left, out-of-home care, a young person is entitled to have access, free of charge, to personal information held by the designated agency relating directly to the young person (s167). The designated agency is to provide an appropriate person to support and assist the young person at the time when access to information occurs (s167(2)).

For Aboriginal and Torres Strait Islander young people and young people from culturally and linguistically diverse backgrounds who are leaving care, establishing and maintaining links with their cultural identity is often important to their long term development and well being. Ways in which young people could be encouraged and assisted to maintain links include:

- identifying significant people in the young person's life who can assist in maintaining links with the community and other relative and kin, and
- assisting the young person to make contact with specific community/cultural organisations and associations.

(c) Follow up support to a young care leaver

The designated agency responsible for supervising a young person's last placement (where that placement was of more than 12 months duration) should offer follow up to the young care leaver at regular intervals in the years following his or her exit from care.

Follow up support may include a review of aspects of the leaving care plan and include ongoing advice, support and advocacy and assistance where appropriate, for example, discussing whether the young person is accessing and using mainstream services within their community. Follow up contact should reinforce the availability of support when needed and provide a safe context for a young person to discuss their achievements and concerns.

(d) Further assistance based on assessment of need

Beyond support in relation to leaving care planning, information, referral and follow up, further assistance will be guided by an assessment of the young person's needs.

Guiding considerations before granting additional assistance should be:

- Whether the request for assistance is consistent with the leaving care plan,
- Whether the young person is likely to be positively assisted by a one-off provision of after care support. After care is not intended to offer intensive support, which should be provided by mainstream services, for example, a health or disability service, or specialist after care provider. Nor is it only available for those young people who are most vulnerable and at risk,
- Whether the level of assistance that can feasibly be provided will be likely to contribute to the young person's successful transition to independent living. The emphasis should be on assistance that will reinforce the capacity of the care leaver to establishing a successful independent life,
- Whether leaving and after care assistance has already been provided in the leaving care case plan, either by the designated agency or other service providers.

Care leavers who are considered to be at risk of not making a successful transition to independent living based on at least three of the following indicators would be eligible for further assistance.

- **Age at discharge from care:** 15 or 16 year olds leaving care are likely to need more support and assistance than young people who are 18 when they leave care.
- **Length of time in care:** Young people who have spent long periods in care from an early age may have limited supports when leaving care. However, assessment against this criterion needs to also consider the number and length of placements while in care. A young person who has experienced stable, long term foster care is less likely to require additional supports than a young person who has had a long-term and unsettled experience in out-of-home care.
- **Number of placements:** Care leavers who have experienced multiple placements (5 or more) are less likely to have developed supports that will assist with a successful transition to independent living.
- **Educational qualifications and experience:** Young people who have not completed schooling to year 10 will be at greater risk of not making a successful transition to independent living and may need additional supports.

Additional support may also be required initially where discharge from care coincides with leaving school.¹

- **Dependants:** Young care leavers who have become parents are likely to require additional supports including links with supports for vulnerable families.
- **Stability of accommodation:** Care leavers who are homeless should be given priority when accessing after care support. Care leavers continuing to reside with foster carers or who have returned to the birth family should not generally be eligible for additional assistance other than in exceptional circumstances.
- **Employment status and history (unemployed, employed; student; volunteer)** Care leavers who are unemployed and not engaged in study or volunteer work may be at greater risk of not making a successful transition to independent living, particularly if combined with other risk factors.
- **Contact with family:** Care leavers who do not have positive relationships with their birth family, relatives or significant others are less likely to make a successful transition to independent living than those with positive relationships in these areas.
- **Income:** Care leavers earning a full-time wage would not be eligible for financial assistance. Priority should be given to those care leavers accessing Commonwealth income support. Care leavers with assets from compensation claims or as the beneficiary of a deceased estate should also not be provided with financial assistance.
- **Capacity to live independently:** Young care leavers who do not demonstrate skills to live independently may need additional assistance in finding accommodation, establishing an income and setting up home.
- **Health and wellbeing:** Care leavers with health problems (eg drug and alcohol addiction, psychiatric illness) may require additional support to manage these problems and make a successful transition to independent living.
- **Criminal convictions:** Young care leavers with criminal convictions may need additional assistance in finding accommodation and linking with education and training and employment.

Once it is established that further assistance is warranted and the nature of that assistance, it needs to be determined how the relevant service or support should be acquired.

Where practicable, the young person should be referred to an existing service, which may include a funded specialist after care service. In some cases, direct financial assistance from the Department of Community Services may be warranted, in which case, the following financial guidelines must be followed.

4. Financial assistance from the Department of Community Services

¹ Note under s161(3) of the Act young people who have turned 18 but are undertaking full time study may be eligible for continuing assistance where they remain in placement they were in at the time of discharge from care.

Financial assistance is not an automatic entitlement for a young person who has left statutory out-of-home care and must be based on assessment of need as outlined above.

Financial assistance may be provided in the form of a fortnightly after care payment and/or one-off payments for contingencies. Any payments must be consistent with the leaving care plan and approved by a Regional Director of the Department of Community Services (DoCS).

(i) After Care Payment

A time-limited fortnightly payment up to a maximum \$200 may be paid by DoCS to an eligible care leaver to secure stable, affordable and where necessary, supported accommodation where the young person is:

- undertaking full time training or education, and
- would be at risk of homelessness if financial assistance was not provided.

Assistance from the Department of Housing must have been sought and exhausted before the after care payment is approved.

An eligible care leaver attending a life skills course or drug and alcohol program could be eligible for the after care payment where these courses/programs had not been previously undertaken. In certain circumstances, a young person undertaking part-time study may also be eligible, for example, a young person completing the Higher School Certificate over two years, or a care leaver with parenting responsibilities or health problems.

Where eligible, the after care payment is to be provided for a three month period, reviewable at that time. This review process is to ensure that the financial support provided to the young person encourages rather than undermines their transition to independence.

Assessment of level of After Care Payment

The level of after care payment up to a maximum of \$200 per fortnight should be determined by taking into account the young person's income and expenditure. Assessment of income should include rent assistance, subsidies (eg travel concession subsidies) scholarships, victim's compensation payments and Commonwealth income support. Basic (recurring) expenses to be considered in calculating the after care payment include food, rent, utilities (gas, water, electricity, telephone/mobile), clothing, personal items and toiletries, travel and limited entertainment.

Assessment of expenditure should not include one-off items that can be paid as contingency items (eg text books, tools of trade) but may include recurring contingency items (eg child care, instalments towards the payment of debts or fines).

(ii) One-off payments (contingencies)

An eligible care leaver with an assessed need can receive one-off payments to assist with:

- Obtaining accommodation

Eligibility for social housing or rent assistance from the NSW Department of Housing and Commonwealth Rent Assistance should be explored.

Where these avenues have been explored and additional support is still considered necessary and is documented in the leaving care plan, up to \$1400 may be paid to assist in establishing a young person in suitable accommodation. It is recognised that the costs of establishment for young people in single accommodation may be higher and in these cases, where shared accommodation is not a viable option, additional support may be considered up to a total of \$2000.

- Education and training

Assistance may be provided with the purchase of books and/or tools and materials associated with further education and training up to the amount of \$500 per year up to 3 years. Payment of 10 driving lessons is also allowed where this would improve a young person's employment prospects. In cases where the young person has no access to a private vehicle, the payment of additional lessons may be considered.

- Finding employment

Care leavers should be assisted to make contact with Centrelink and job network agencies. Job network agencies are able to purchase services or other assistance to help job seekers obtain work including obtaining a licence, the purchase of uniforms or safety clothing, additional training and providing fares assistance to attend interviews. Young care leavers should be assisted with obtaining access to these entitlements.

Care leavers with parenting responsibilities who are looking for employment, should be assisted to find suitable child care and access relevant Commonwealth subsidies and rebates. Financial assistance from DoCS may be provided towards paying security deposits required to secure a child care placement for care leavers looking for work.

- Obtaining legal advice

Assistance to obtain legal advice may be provided where government-funded legal aid and law access services are not available.

- Accessing health services

Young care leavers should be assisted to access mainstream public health services, wherever possible. Financial assistance for dental treatment may be provided where timely services cannot be provided within the public health system.

- Counselling and support

Where the leaving care plan suggests it is necessary for the safety welfare and wellbeing of the young person, financial assistance may be provided for up to 10 hours of counselling and support. This may include support to acquire appropriate independent living and social skills or address abuse or neglect issues. Consideration must be given to the appropriate frequency and duration of any proposed counselling and should be specified in the leaving care plan.

For more intensive casework (beyond 10 hours) a referral should be made to a funded after care service provider that can utilise brokerage funds to arrange additional counselling.

5. Assistance for care leavers over 25 years

Under section 165(3), the Minister has the discretion to provide after care assistance to care leavers over 25 years.

Assistance beyond the age of 25 years should only be made available where special circumstances apply. For example, where a person has been unable to advance employment and educational opportunities identified in the leaving care plan due to health problems or pregnancy and parental responsibilities, DoCS may provide assistance after the young person turns 25 when those health problems or parenting responsibilities have eased or stabilised. Additionally, if formal leaving care planning has not been undertaken due to periods of detention for criminal behaviour, the Department could consider providing assistance beyond the age of 25 years.

In addition to other eligibility criteria outlined above, threshold issues to be considered before providing after care assistance to care leavers over the age of 25 are:

- age
- reasons for the delay in seeking assistance
- the goals of the leaving care plan
- assistance provided between the ages of 15 and 25 years and
- likelihood that the assistance will significantly enhance the person's life skills and opportunities.

Kevin Greene MP
Minister for Community Services