



everyone's family

**The Smith Family's submission to the
South Australian Government
On the
Child development legislation
discussion paper**

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1. Background on The Smith Family

The Smith Family is a national, independent charity committed to increasing the educational participation and achievement of Australian children and young people in need. Our belief is that every child deserves a chance and our mission is to create opportunities for young Australians in need, by providing long-term support for their participation in education.

The Smith Family provides holistic and long-term support for children and young people, from pre-school, through primary and secondary school and on to tertiary studies. We understand the multiple influences on the wellbeing of children and young people, including their:

- Personal characteristics/attributes
- Family
- Peers
- Learning and care institutions, eg schools, early learning and care centres
- Community and society.

Our approach aims to positively enhance the multiple influences on the wellbeing of children and young people. In 2011-12, The Smith Family supported over 106,000 children, young people and parents/carers nationally. This included:

- Over 34,000 young people on an educational scholarship.
- Close to 39,000 children, young people and parents/carers through our *Learning for life* suite of programs.
- A further close to 33,000 children, young people and parents/carers through a range of government funded programs such as the Commonwealth Government's *Communities for Children* initiative.
- Fourteen percent of the young people we support identify as Aboriginal and Torres Strait Islander people.

In South Australia, The Smith Family:

- Works in 11 communities¹
- Supports around 3,600 children and young people annually on an educational scholarship, with a further 7,000 children, young people and parents/carers supported by a range of programs aimed to enhance educational participation.
- These programs include early literacy and numeracy programs (*Let's Read* and *Let's Count*), a peer mentoring reading program (*Student 2 Student*), primary and secondary after school support (*Learning Clubs*) and an on-line mentoring program for high school students to support their career and post-school plans (*i-track*).

The Smith Family has identified three long-term high level outcomes as the focus of its work with disadvantaged children and young people. They are to:

- Increase school attendance to greater than or equal to 90%.
- Increase the proportion of Year 10 students who advance to Year 12 or equivalent.
- Increase the proportion of young people in education, training and/or work.

The range of programs and support we offer across the life course of children and young people, targeting different stages of their development, as well as providing supports to their families and communities, are all focused on supporting children to achieve these outcomes.

In developing this submission, The Smith Family has drawn on the knowledge and expertise of its staff who are located in communities across South Australia and have relationships with children and young people, their

¹ Christie Downs, Elizabeth Downs, Elizabeth Vale, Hackham, Mt Gambier, Morphett Vale, Port Adelaide/Enfield, Port Augusta, Salisbury North, Smithfield Plains, Whyalla

families and many organisations working to support them. We have also drawn on our programmatic and research and policy experience working with children, young people and families across Australia. The Smith Family understands that this is an initial discussion paper and expects that there will be opportunity for the community to comment on any legislation which is subsequently drafted. It has also participated in a Non-Government Organisation Roundtable regarding the proposed legislation. The Smith Family has provided a separate submission on the South Australian Government's *Every chance for every child* policy paper.

2. Child development legislation

The Smith Family welcomes the public policy discussion that the South Australian government is leading which is focused on *building a better South Australia for every child*. It supports broadening the focus of public policy discussions from *child protection* to *child development* and taking a systemic focus to promote positive development. The Smith Family would urge that a broad understanding of 'development' be taken to include overall 'wellbeing' in line with the International Convention on the Rights of the Child.

The Smith Family also supports the proposal to establish overarching legislation that 'recognises, respects and entrenches in law the fundamental importance of children and young people as valued citizens'. This is in line with Australia's international obligations under the International Convention on the Rights of the Child. While legislation alone cannot guarantee the wellbeing of children and young people, it lays some of the important foundations for achieving this goal, including through the articulation of principles to underpin the state's commitment to children and young people. Such principles can play an important role in helping to shape community debate and understanding about the wellbeing of children and young people and how best to support their development.

The Smith Family welcomes the discussion paper's focus on the importance of the early years of life but it would also urge that the legislation and policy platform understand 'early intervention' not simply as the 'early years', given the importance of the multiple developmental stages and transitions that research shows children and young people go through. The Australian Temperament Project, a longitudinal study of Victorian children, has clearly shown that change is common through those stages of development and that transition points are times both of heightened risk and opportunity for children, young people and their families. The Smith Family would urge that a broad definition of 'early intervention' be used to underpin any policy platform aimed at enhancing the wellbeing of children and young people in South Australia. That definition should include both the 'early years' but taking a developmental approach, also include 'early in the pathway', so that additional support can be provided for children, young people and their families when challenges first arise, rather than at a crisis point. Such an approach is not only more effective, in terms of outcomes, but is also much more cost effective.

The work of the Nobel Prize winning economist James Heckman is also informative in this area. Heckman and his colleague Flavio Cunha found that:

'When investments are balanced throughout a young person's childhood – instead of concentrated only on a particular stage, such as preschool or adolescence – society reaps the greatest return...building cognitive and non-cognitive skills is a process that occurs throughout a child's development...Investments accumulate over time, thus skills at a later stage build on the skills of a previous stage, which leads to more productive overall investments. As important as investments in early childhood are in laying the foundation for intellectual and social development, they do not yield optimal returns by themselves. Early investments ...not followed up by later investments are not productive' (America's Promise Alliance).

3. Objects and guiding principles

The objects and guiding principles of the legislation will provide the framework for South Australia's commitment to children and young people. They will also provide an important educative role and potentially galvanize a shared community commitment to children's wellbeing. The Smith Family, as mentioned above, would argue that the International Convention on the Rights of the Child, should provide the overarching framework for legislation aimed at enhancing the wellbeing of children and young people.

In addition there are a number of suggestions in the discussion paper regarding proposed principles which The Smith Family supports. This includes the recognition:

- of the primary role of parents/carers in their child's development, while simultaneously emphasizing the shared responsibility of the whole community to ensure the wellbeing of children and young people.
- that the interests of children are paramount.
- of the diversity of needs amongst children and young people, and the particular additional needs experienced by some groups of children.
- of children's participation being a central platform for enhancing their wellbeing (see further comments below).
- that regularly monitoring and publicly reporting on children's outcomes is a key part of achieving improvements in this area.

Children's participation

The Smith Family acknowledges the efforts made to date to include the voices of children and young people in South Australia. Our experience confirms the value of strengthening the voice of young people in helping to design policies and programs that might better support them. The Smith Family urges that the South Australian government take further steps to strengthen the voice of young people, particularly those who are perhaps 'less articulate' and less engaged in existing forums and advocacy channels. The Smith Family sees this as a key principle which should be included in the Child Development legislation. It would urge that the legislation articulate the principle of 'participation', in line with the Convention on the Rights of the Child, rather than the potentially more limited notion of 'consultation'. The emphasis should also include participation in 'decision making processes'.

4. Establishment of a Child Development Council

The Smith Family welcomes the exploration of a mechanism aimed at ensuring more effective state-wide alignment and integration of efforts aimed at enhancing the wellbeing of children and young people, given the range of organisations and initiatives which can positively or negatively impact on their wellbeing. To be effective, there will need to be clarity about the authority of the Council which would be spelt out in the legislation once it is drafted. Allowing sufficient opportunity for organisations to comment on the legislation, particularly the role and function of the Council will be an important next step.

Outcomes framework for children and young people

The Smith Family would argue that having a Statewide outcomes framework for the wellbeing of children and young people is an important step in moving towards better child outcomes over time. Government has an important role to play, in partnership with the community, in identifying how wellbeing and progress should be measured, and for taking the lead in developing the infrastructure necessary to track progress over time. It should also hold itself publicly accountable for regularly reporting on that progress. This is a role that could be led by the Child Development Council but it will need to have the appropriate authority, relationships and resources to take on this role. Given the significant data development work which South Australia has recently led, it is well placed for monitoring progress in this area.

Particular focus on vulnerable groups

As identified in the principles mentioned above, the legislation should acknowledge the diversity of needs of different individual children and groups of children. The Smith Family notes that the Council for the Care of Children is likely to be relocated within the proposed new arrangements. The Smith Family would argue that the Child Development Council should have a particular focus on groups of more vulnerable children and those who are at risk of poorer development and wellbeing outcomes. Examples of such groups of children include, but should not be limited to: Aboriginal and Torres Strait Islander children; children with a disability; those in the child protection, out-of-home care or homelessness systems; refugee children; and those seeking asylum. Article 29 of the Convention of the Rights of the Child explicitly relates to equal educational opportunity for all children,

therefore consideration might also be given to the needs of children from low SES, given their poorer educational outcomes relative to their high SES counterparts.

The Smith Family would not recommend a prescriptive listing of all groups of potentially vulnerable children within the legislation, given that vulnerability can change over time and arrangements need to be flexible enough to respond to this. It would however, recommend the legislation include an acknowledgement of the special place within the South Australian community of Aboriginal and Torres Strait Islander children and young people, their families and communities. The monitoring and reporting of children's outcomes mentioned above should also include reporting for particular groups of children and young people, such as Aboriginal and Torres Strait Islander young people. Two key principles underpinning the work of the Council should be *the representation of all children* and *a particular focus on vulnerable groups of children*. These principles can operate in a complementary way.

Membership and functioning of the Council

The Smith Family supports the proposal that the Council should be formed by individuals who collectively bring together the diverse range of skills, experience and expertise, including an understanding of complex governance arrangements, which will be required to support the improvement of children's outcomes over time. It also supports that the Chairperson be independent of Government. There are a variety of ways that Council representation could be determined, but a central principle for its appointment should be a publicly transparent process. Appointment to the Council should be for a sufficient period of time (say 3 - 5 years) to ensure the principles of both continuity and innovation are reflected. Formal review processes for the operation of the Council should be included on a regular basis.

The success of the Council is likely to be enhanced by the establishment of a range of key committees relevant to the work of the Council. The capacity and means for establishing such committees should be identified in the legislation but they should not be prescribed, as different committees are likely to be required over time. Membership of these committees should not be restricted to only those on the Council, though mechanisms should be developed to ensure that the work of the committees is clearly connected to the overarching work of the Council. The establishment of such Committees should not be an opportunity for new silos to be developed as this will not enhance children's wellbeing.

The effectiveness of the Council will in part be influenced by the resources and Secretariat arrangements which are developed to support it. These arrangements should be carefully thought through to ensure that the goals of the new legislation can be realised.

5. Commissioner for Children and Young People

In considering new arrangements to better support the wellbeing of children and young people, The Smith Family would also urge that consideration be given to the role of a Commissioner for Children and Young People. The main focus of such a role is the 'promotion of the interests of children, extending to that of a champion and protector of human rights' (Appelbee, 2009) The visibility and focus that such a role can bring, and its clear link to supporting the human rights of children and young people, in line with the Convention on the Rights of the Child, warrants strong consideration for such a role in South Australia. It is not automatically apparent that arrangements under the proposed Child Development Council would bring these dimensions.

6. Regional Trusts for Children and Young People

The Smith Family understands the potential value of Regional Trusts in ensuring the capacity of locally coordinated and responsive plans and initiatives to enhance the wellbeing of children and young people, given the diversity of communities in South Australia. It believes though, that this is an area which will need much careful thought and more detailed community discussion if this potential is to be realised. Drawing on our experience as a Facilitating Partner for *Communities for Children* and our role in the *Partnership Brokers* program, coupled with the UK's experience with the *Children's Trusts*, if the Regional Trusts are to be established, there are a number of factors which will be required:

- they will need to build on or be cognisant and respectful of, existing governance, partnership and programmatic arrangements,
- their relationship with the State Child Development Council will need to be clearly articulated
- they will need to be e appropriately resourced.

As the National Evaluation of the Children’s Trust Pathfinders found, ‘working with the grain of previously established collaborative practices was essential, particularly where the organisational boundaries of different services overlapped. (University of East Anglia, 2007) In considering the establishment of Regional Trusts in South Australia, attention should be given to the potential role local Councils or a cluster of Councils might play.

In addition, while cognisant of the fiscally challenging times in which governments are operating and of the goodwill of many individuals, organisations and communities to support the wellbeing of children and young people, the contribution that Regional Trusts can make, will to some extent, be influenced by the resources available to support the work of the Trust. The Trusts will be able to draw on some of the social capital and other resources which exist in communities, however, particularly in disadvantaged and regional/remote communities, additional supports and resources will be needed if the Trusts are to be successful given that many of these communities are already struggling to meet the range of demands confronting them.

The National Evaluation of the Children’s Trusts in the UK highlighted the importance of a particular form of leadership in initiatives aimed at bringing together services for children and young people, at both strategic and service delivery levels. It particularly noted the importance of influence and negotiation characteristics in networked organisations. The evaluation identified the key leadership roles of the Children’s Trust pathfinder managers, as they ‘contributed to inter-agency governance...were instrumental in the joint planning...contributed to better coordination of cross-cutting initiatives...(and) also helped developed integrated processes’ (University of East Anglia, 2007). While the implementation of Regional Trusts in South Australia, should they proceed, would need to reflect the geographic and other realities of South Australia which are different from that of the UK, it should draw on lessons learnt from that experience, including the key leadership role played by the pathfinder managers. Similarly, the national evaluation of the *Communities for Children* initiative highlights the importance of Facilitating Partners from non-government organisations, in enabling joint planning, including collective agreement on the desired child outcomes the community is working towards, regular monitoring on progress and resource sharing. . In considering possible regional arrangements, The Smith Family would urge that models such as *Communities for Children*, be taken into account.

6. Foundation for Children and Young People

As noted above, The Smith Family supports the view that the whole of the community should take responsibility for children’s wellbeing. The Smith Family draws heavily on community, corporate and philanthropic support for the work it undertakes in communities across South Australia and nationally. It therefore welcomes efforts to increase the diversity of sources and quantum of resources available to support children’s wellbeing. The establishment of a Foundation for Children and Young People is therefore worth consideration. However, such a Foundation should not result in diminished resources being provided by government to support children’s wellbeing and nor should it contribute to an increased fragmentation of resources available to this area. There are already a large number of organisations in South Australia that raise funds to enhance children’s wellbeing. The Foundation will only be valuable if it can contribute to significantly more resources being available to support children’s wellbeing and if it leads to more efficient distribution of available funds. Any efforts in this regard should also take into account work that the Commonwealth might pursue in related areas.

7. Review of the legislation

In line with good practice, the legislation should include a timeframe whereby it will be formally reviewed.

8. Conclusion

The Smith Family strongly supports the leadership being taken by the South Australian government aimed at improving the wellbeing of children in South Australia. It acknowledges the challenges inherent in developing legislation which will best support this goal. The Smith Family would be pleased to discuss any of the matters raised in this submission and looks forward to the opportunity to comment on the specific legislation which may be developed as part of this process.

References

America's Promise Alliance, *Every child, every promise: Turning failure into action*

Applebee, L. 'The case for a Children's Commissioner for South Australia: Using the United Kingdom experience as a model', *Law Society of South Australia*, v. 31, no. 3, April 2009, p.24-26.

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