

**COMMUNITY DEVELOPMENT AND JUSTICE
STANDING COMMITTEE**

**INQUIRY INTO POLICY IMPLICATIONS OF
AN AGEING COMMUNITY**

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
WEDNESDAY, 24 SEPTEMBER 2014**

SESSION ONE

Members

**Ms M.M. Quirk (Chair)
Mr M.P. Murray
Dr A.D. Buti**

Hearing commenced at 10.35 am**Ms JENNI PERKINS****Acting Commissioner for Children and Young People, examined:****Ms PATRICIA HEATH****Principal Policy Officer, Commissioner for Children and Young People, examined:**

The CHAIR: Good morning, ladies. Thank you very much for coming. On behalf of the Community Development and Justice Standing Committee I would like to thank you for your interest and your appearance before us today. The purpose of this hearing is to assist the committee in gathering evidence for its inquiry into policy implications of an ageing community. You have been provided with a copy of the committee's specific terms of reference. I would like to begin by introducing myself and the other members of the committee present. I am Margaret Quirk, the Chair and the member for Girrawheen. On my left is the member for Collie–Preston, Mr Mick Murray, and on my right is Dr Tony Buti, the member for Armadale. This committee is a committee of the Legislative Assembly of the Parliament of Western Australia. This hearing is a formal procedure of the Parliament and therefore commands the same respect given to proceedings in the house itself. Even though the committee is not asking witnesses to provide evidence on oath or affirmation, it is important that you understand that any deliberate misleading of the committee may be regarded as contempt of Parliament. This is a public hearing and Hansard will be making a transcript of the proceedings for the public record. If you refer to any documents during your evidence, it would assist Hansard if you could provide the full title for the record.

Before we proceed to the questions, I need to ask you a series of questions and rather than nod your head, can you indicate with a "yes" or a "no" so that it is picked up by Hansard. Have you completed the "Details of Witness" form?

The Witnesses: Yes.

The CHAIR: Do you understand the notes at the bottom of the form about giving evidence before a parliamentary committee?

The Witnesses: Yes, we do.

The CHAIR: Did you receive and read the information for witnesses briefing sheet provided with the "Details of Witness" form today?

The Witnesses: Yes.

The CHAIR: Do you have any questions in relation to being a witness at today's hearing?

The Witnesses: No.

The CHAIR: Thank you very much. I do not know if you want to make an opening statement. Given the nature of the inquiry, I need to say that it might seem a bit odd to get you two in but we are looking at the policy implications of an ageing population and I understand that your office has been involved in looking at the role of grandcarers. Perhaps you can give us an overview of some of what you see as the impacts in the future for grandparents as carers.

Ms Perkins: Thank you for the invitation to speak with you about the needs of grandparents who have the primary responsibility of caring for their grandchildren as part of this inquiry. I would like to make an opening statement.

As the Acting Commissioner for Children and Young People in WA I have a statutory responsibility to promote and monitor the wellbeing of children and young people and to advocate for what is in their best interests. In doing this I must have special regard for Aboriginal and Torres Strait Islander children and young people and those children and young people who may be vulnerable or disadvantaged for any reason. The guiding principles for my work are outlined in my legislation and have relevance to your inquiry in terms of children and young people being entitled to live in a caring and nurturing environment, protected from harm and exploitation; the contributions made by children and young people to the community should be recognised for their value and merit; the views of children and young people on all matters affecting them should be given serious consideration and taken into account; and that parents, guardians, families and community have the primary role in safeguarding and promoting the wellbeing of their children and young people and should be supported in carrying out this role.

The work of the commissioner's office over the last six years that has included consultations with over 6 000 children and young people on a range of issues has clearly indicated that the most important factor underpinning the wellbeing of children and young people is the support of a loving family environment. This is what young people themselves tell us, and this is what the literature says. This includes grandparents and other extended family members, whether they perform a primary caring role or not. Although the discussion today is on grandparents as primary carers, I note that grandparents are taking on a growing number of roles. For example, the committee may be familiar with the fact that the recent draft report from the Productivity Commission's inquiry into childcare and early childhood learning highlighted the substantial role grandparents play in providing informal childcare for their grandchildren generally. The increasing number of children and young people in out-of-home care is of great concern as we know that being in out-of-home care is a risk factor for poorer outcomes across a range of wellbeing indicators. In some ways, it is very encouraging that relative and kinship care is now the fastest growing and predominant form of out-of-home care for children and young people from the point of view that children remain connected to their family and live in a stable family environment, which is obviously preferable. However, we are mindful that the circumstances that bring children into the care of their grandparents are often traumatic and can create complex relationships between family members. One of the challenges in this space is that there is a paucity of data and research in this area. The available research shows that children in kinship care often have complex needs and for grandparents moving into a primary care role for their grandchildren it introduces them to a complex array of issues involving an equally complex array of services and agencies. This includes government and non-government agencies at a local, state and commonwealth level working across issues as complex as family law, child protection, housing, financial assistance, education, childcare, physical and mental health services, alcohol and drug services, and even engagement with police and justice services in some circumstances. These complexities can be magnified when different jurisdictions are involved such as when the children are subject to child protection orders in one state or territory and the grandparents reside in another jurisdiction.

I recently made a submission to the current Senate Standing Committee on Community Affairs inquiry into grandparents who take primary responsibility for raising their grandchildren. In that I highlighted a number of issues that I believe require attention in order to ensure that in situations where children and young people are primarily cared for by grandparents they are not disadvantaged and achieve the same outcomes as their contemporaries. The issues I raised included the need for practical assistance such as financial support, access to health care, parenting information and support—many grandparents have raised challenges particularly with teenage grandchildren and understanding the additional challenges that may arise—the need for specialist support to deal with the challenges particular to this area such as legal advice and support, counselling and mediation services to assist with family conflict, and consideration of those with

additional needs such as managing disability, geographical isolation and the need for cultural sensitivity.

Navigation of this labyrinth is a mighty challenge and the cooperation of agencies in smoothing the pathways, providing information and guidance, and recognising the role of grandparents is critical. I note that these issues have been raised in a submission to this inquiry by Carers WA who play an important role in supporting and advocating for the needs of those undertaking a caring role, and I agree with a number of the recommendations that they provided to you. It is important to note that agencies such as Carers WA and Wanslea Family Services provide a range of ongoing support services to grandparents and they are critical in assisting with that navigation.

It is not a function of my office to investigate or otherwise deal with complaints regarding individual children or young people. However, each year my office receives a number of calls from members of the public seeking information and support, and the vast majority that we receive relate to child protection matters and a significant number of these would be from grandparents who are either formally or informally providing care for their grandchildren. Issues raised with my office over time include access by the child's parent, which may cause further trauma for the child; lack of financial resources to participate in legal processes; difficulties accessing information and getting matters resolved with the authorities, particularly across jurisdictions; difficulties accessing services and supports such as mental health, getting children to attend school, and managing their behaviour; and a further number would be from concerned grandparents about the care of their grandchildren in foster care or other arrangements and about access to their grandchildren who are placed in care.

My office is particularly concerned about the number of grandparents providing care on an informal basis, which is quite underrepresented, and the particular difficulties that they have in accessing appropriate support. This is highlighted by one call to my office from an 86-year-old grandmother whose 15-year-old grandson had been staying with her for many months as he had nowhere else to go. This grandmother was in a catch 22 situation where the Department for Child Protection and Family Support would not provide support as the grandson was able to stay with her and therefore not at risk, but she was not really able to afford his upkeep or understand how best to support him but could not turn him out. That sort of epitomises some of the complexities for some of those informal care arrangements. One of the other messages, and it is highlighted, is that we are really talking about diversity of situations, diversity of grandparents reflecting the diversity of the seniors population, and therefore there is a need for services and supports to be provided in a flexible and sensitive way that responds to that diversity.

Finally, as I noted earlier, the available data suggests that grandparent carers represent the fastest growing formal out-of-home care option for children. It would appear that this is the case internationally; it is not unique to Australia. But there is a paucity of data and information in this area. The proportion of informal versus formal grandparent families is unclear, although there is a strong suggestion that the majority of arrangements are probably informal and, hence, largely hidden. An important area of research that we need to consider is to better understand how children and young people fare in relative and kinship care as little is known about the outcomes for those placed in such care. I think it would be particularly helpful for us to better understand also what helps to support those arrangements to be successful in terms of the outcomes for the children. From the point of view of my office, clearly with the work we do, which is very much based on bringing to the fore the voices of children and young people themselves and looking at what the evidence is, it is particularly important to be able to include the views of grandchildren in that context. Their voices are very rarely heard, particularly in this agenda. It is very important that we get the chance to hear from them what their experiences are. Thank you for the opportunity to make that opening statement.

The CHAIR: Thanks, that is terrific. You have obviously highlighted some of the challenges. What do you see as the biggest issues from a policy perspective for grandcarers?

Ms Perkins: I will invite Trish to comment further, but if we look at what grandparents themselves are saying in their submissions and what providers are saying, consistently the challenges are the complexity and the lack of recognition for the fact that they are playing an important role. Clearly and particularly for this age cohort, there is a significant financial disadvantage that those grandcarers will face. There are challenges for them to navigate a system that is often quite alien to them, so access to information and support is important. There is an important role in that context that support groups can play in providing that support. Alongside that there are myriad legal complexities, particularly in situations in which it is not clear who has the legal responsibility. For example, enrolling in school can be a very complicated arrangement if it is not clear who has the full guardianship responsibility. Trish might like to add to other issues that are coming through.

Ms Heath: No, I think that is a good summary of the key issues.

The CHAIR: There is also some level of social marginalism for grandcarers who anticipated and looked forward to their retirement but who suddenly have kids either foisted upon them or who have had to fill a breach and that obviously means that their social contacts become limited.

[10.50 am]

Ms Perkins: A recent study by the University of New South Wales, the group that has done the most recent survey, involved nearly 400 grandparents and that certainly highlighted that social isolation and that disarray in what plans might have been made from a retirement point of view and how that impacts in terms of the social networks that people have access to.

Mr M.P. MURRAY: I am concerned about security for the elderly people who take on a caring role, yet they do not have the control as such. They have to tread on eggshells the whole time otherwise the grandchild says, "I'm leaving. I'm off." And that means going on to the street. There is no process I know of to make a semi-permanent agreement between the child and grandparent, so the grandparent stresses out, thinking they cannot say this or that. I do not have any answers for that but I am sure it is one of the most difficult issues the grandparents face. In some other cases the child in the house is very respectful and happy to have a permanent place to live. Is there anything in that area that could help, because the numbers quoted here are the tip of the iceberg? There are so many people that you feel for because they love their children and grandchildren, and they look after their grandchildren and say nothing. I do get complaints through the office that just a few more dollars would help them a bit. There are two issues there.

Ms Perkins: The first point you raise would be where grandparents are clearly identifying the need for some additional support and access to counselling or information to understand how best to manage some of those relationships. One of the challenges would be that people do not know where to go or are not aware of what supports might be available. So some of the services that are coming through organisations such as Wanslea, for example, who can provide some of that additional support, is really invaluable. Trish, in terms of the relationships between the grandparents and the kids?

Ms Heath: I think that is a critical issue, and it is a critical issue for a lot of parents with teenaged children. We often see children becoming very at risk at that critical point because of that conflict. There is a lack of effective services in our community to support parents and, particularly, grandparents who have a different relationship with their grandchildren than parents do. I think exactly what you say: they are a bit more vulnerable because no parent wants their child to become at risk. The example the commissioner gave you was a classic one, where the grandparent had ended up with the care because of conflict at home. The child could not stay at home because of conflict with mum and dad, so they have just lobbed at Nanna's house and Nanna is trying her best, but really has no idea. It is complex and we need more services to support people to better work in that space and to make those relationships smoother. Also it tells us that we need to intervene earlier when families start to struggle so that things do not get to that place. My background is in working with young people who have gone off the rails. Once they get to that place where they know their

power, they will just go. It is very difficult to intervene and there is not enough being done for families in those situations.

Dr A.D. BUTI: Can I take a bit of a different tack here because we are obviously doing an inquiry about the aged community. What about the situation when grandparents are denied access to the children? I know your role is for the child, but arguably it is in the child's best interests to have contact in the normal situation with grandparents. Do you do any work in that area or do you have any suggestions about how one can seek to solve these disputes without having to go to the Family Court, which could be quite expensive? Often the grandparents are used as pawns.

Ms Perkins: I am not sure that my office has had direct dealings in that space except for noting some of the concerns people have raised where there has been a complexity, not just in terms of accessing in family relationships but in terms of where kids may be in out-of-home care and what that means to how grandparents may be able to have access to the grandchildren.

Ms Heath: It is certainly a big issue and I note that at a federal level there are services being developed by the Family Court to promote mediation and relationship and connection. It is absolutely the way to go. Once you get into legal conflict in these situations, it usually does not end well for anybody and it is incredibly costly. The needs of grandparents need to be more formally recognised in that process as well and more needs to be done to promote that with grandparents. Our experience in dealing with grandparents is that they are often their own worst enemy. They are reluctant to come forward and ask for help and they feel that they should be able to do it. They are often embarrassed by the circumstances that have brought the children into their care as well. And they are grieving for the situations that are coming along with their children as well if they are drug and alcohol-related or involve mental health problems. There are a lot of barriers in the way of grandparents seeking help in those situations and we can do more to assist them in that process to get the help they need.

The CHAIR: One of the issues that has been raised with me a lot, and you referred to it, is the legal assistance. For example, for grandparents to regularise the custody arrangements quite often they need to go to court. As I understand, they are not given legal aid so that is a real issue. Is that correct?

Ms Perkins: Yes, I am not quite sure about the circumstances for access to legal aid but certainly grandparents find themselves in situations where there can be a complexity around those legal challenges and that the financial impost can be really challenging. An example for us would be one person from a regional area contacting our office about the costs incurred in getting transport down to the city to attend some of the legal proceedings. There are a wide range of costs they can incur. What I was highlighting earlier that will then come through are the challenges when grandparents do not have that clear legal responsibility of how they then go about accessing health services in some situations or enrolling in schools, which can be quite difficult.

The CHAIR: Can you tell us a bit about the specific issues in relation to Aboriginal families and also CALD families? Are there any specific issues that we need to be mindful of in those contexts?

Ms Perkins: Certainly if we look at the increase in relative and kinship care that will be around the extended families for Aboriginal children and young people in particular, I think overall it is not well enough understood exactly what that means within the cultural setting. I think some of the same challenges apply to financial difficulties in particular, but it can be a very different context. Possibly at the moment there needs to be more examples of what support may be best provided in that space. Trish, I do not think anything has come through the office in a major way?

Ms Heath: Not in a major way that has come to our office but I know that child protection systems, certainly in Australia, all struggle with getting the balance right in the Aboriginal placement principle where we are wanting to keep these children connected to their families and their culture, which is incredibly important, but also not overburdening the functioning members of the family

with a level of disadvantage that moves through those communities. The grandma can end up with a lot of children in her care that is well beyond her capacity. As the commissioner said before, one of our concerns is the lack of data we have about what is going on with this increased growth in kinship care. Certainly primarily with grandparents we do not know what we are doing in terms of their capacity to care and their willingness to care, which are two very different things. We need to be careful that we are not overburdening people and we are making sure those placements are safe and good for children.

[11.00 am]

Mr M.P. MURRAY: I think you hit the nail right on the head with capacity to care and how many grandchildren are in that house compared with how much income can be brought into the house for other reasons. There does not seem to be any check or balance when the application goes in for the kids to be recognised as being in care in that house, whether that be one, two, three or four, and that works out to be a reasonable income. I am not saying in all cases, but in different cases the care is not actually provided. Those kids are on the street because the money is not being provided for their schooling. I do not see any checks and balances on that happening. It does concern me. The grandparents also come under physical pressure because they are not providing and the kids are saying, “I want.” That is something we have to look at and give that support to the grandparents and make some of them understand that it is not about getting a cheque, it is about looking after those children because all we are doing is taking it to the next generation and the next generation.

Ms Heath: The commissioner said in her opening statement that kinship care is about complex family arrangements. There exists a dynamic that you do not necessarily have in a foster care arrangement and there is an emotional connection to the biological parents of the children. To expand a little on what you said, Mr Murray, the humbugging that can go on by the Aboriginal communities—we know about Aboriginal communities; we will talk about them—and the hassling of people who have the children in their care, whether it is for financial or other reasons, is a real challenge for grandparents who are caring for their grandchildren. They have that dynamic which is really difficult, and it can become physical or it can become financial pressure, and that is not just in the network of people in the Aboriginal community, but I think it is particularly an issue there.

The CHAIR: Do you think there are any institutional systemic issues? The one that comes to mind with Aboriginal families is grandma who lives in a Homeswest unit and suddenly has taken on the care of two grandchildren, and Homeswest comes down like a tonne of bricks and says the unit was for a maximum of two people. Have you come across any examples like that in the course of your work?

Ms Perkins: Not directly, but I guess we need to go back to the importance of then having the recognition that there is this growing cohort of grandparents who may be taking on a caring role and that needs to be given consideration when you are looking at their access to a range of services. There must be an awareness and understanding of the additional pressures that are placed on the grandparents and we must be clear on what is in the best interests of children and young people, being mindful that it is a very important part of that to ensure that carers are appropriately supported so that there is a continuing secure environment for those children to be in. From a systemic point of view, it is a factor that we need to be aware of when services are allocated.

The CHAIR: It seems to me that there is a lack of good information for governments to be able to plan and understand what the extent of this issue is and the impact it has on the community. Would that be correct?

Ms Perkins: That is a struggle that a number of groups will highlight consistently. It is in that informal care space. Again, there is a challenge in what the existing data sets are and how some of that data is collected.

The CHAIR: I have not had a chance to read your submission yet. Is that on your website?

Ms Perkins: The submission we made to the Senate inquiry?

The CHAIR: Yes.

Ms Perkins: Yes, and there are obviously a number of other submissions there that provide a very detailed background.

The CHAIR: One of the things that grandcarers have said to me is that they would like at least the same status or remuneration as foster parents. Is that something that has been said to you or your office?

Ms Perkins: That is certainly a feature that comes through a number of submissions. I think it is a complex situation to work out exactly whether that applies in all cases and/or whether all grandparents are seeking that sort of need. I do not think it is a simple solution.

Dr A.D. BUTI: On the Indigenous issue, what relationship do you have with DCP with respect to that? In my electorate there is a situation where a grandmother is looking after an unbelievable number of kids and that has caused a lot of social issues in the area. We have concerns about the way DCP are handling it and are not doing anything. What is your relationship with DCP? Do you know about these faults or problems?

Ms Perkins: I do not have a role in looking at individual circumstances. The role of the office is more broadly scoped at looking at the intent of broader policies and legislation and programs.

Mr M.P. MURRAY: In these situations with Indigenous children the “grandparent” is not always the grandparent. Does that cause any gaps in the system? Three of the kids might go over to “Granny’s” but it is not really their grandparent, it is someone else’s grandparent. There might be six kids staying at that house because they have come from extended family.

Ms Perkins: I think this highlights the complexity and the need to have that understanding in that broader kinship care and relation care that has some different interpretations, particularly for Aboriginal families. Some of the language may be quite different.

Mr M.P. MURRAY: Yes, because really they are foster children if they are over there.

Ms Perkins: Certainly. They are a very important part of the extended family network who will be providing very important care.

The CHAIR: In a way the commissioner’s job is a bit independent or separate from government. This inquiry is around a seniors strategic framework. We are getting the response that it is pretty well up to each agency to do their own thing and to be mindful of seniors’ issues but there does not seem to be any galvanising or leadership so these issues are pushed in advance. Obviously, as Commissioner for Children and Young People there would not first be an instinct that you would have anything to say in this regard but I just wonder whether you have had, for example, the opportunity to get these issues on the agenda in terms of advancing the strategic framework?

Ms Perkins: Not in direct terms as Commissioner for Children and Young People. Obviously, my leaning is to look at what is in the best interests of children and young people. The comment I will make is that for grandparents who are in this situation of being the primary carers for their grandchildren, their needs that come forward are a complex array of needs that bring them in contact with a diverse range of state and commonwealth government providers. In that context, the needs that they will present really do require assistance to look at how you navigate across myriad providers and programs for them.

The CHAIR: You are an experienced person. I know you are limited in what you can say but you have been around the state public sector for a while and you are experienced in these sorts of social policy issues. How do these issues get more squarely placed on the agenda?

[11.10 am]

Ms Perkins: Particularly in this context, one of the things that needs to be clear is that this is engaging both non-government and government approaches. So the importance of looking at what are the forums and mechanisms that connects this to bring some of those discussions closer together would be really important. Particularly when you are looking at the grandparents—I will focus just on them—a number of those situations are currently informal, not known, and it is important for all players to try to come together through the mechanisms that exists through things like the partnership forum and those opportunities to identify this as a significant social issue.

Mr M.P. MURRAY: In the perfect world, and if we were your fairy godmother, what would be the three top issues you would like addressed?

Ms Perkins: With regard to grandparents, then the primary carers, I think fundamentally as we noted before, ideally we would be in a situation in which these growing demands on grandparents do not happen in the first place; there would be an adequate level of support available for parents and children. So, where does the support best sit and how can that be provided at an earlier point? Second, when those grandparents are in a situation where for a range of reasons they need to get into that space, it is important to recognise the role they have. There needs to be some resolution around some of the legal difficulties that act as real barriers. It would be really important to get that clarified. The third issue is the practical support that grandparents need, be that from a financial point of view or access to proper health and mental health support for both them and the children they are looking after.

The CHAIR: Good, given that you were put on the spot. Is there anything you would like to add to that?

Ms Heath: It is my job to support the commissioner's three wishes!

The CHAIR: A very diplomatic answer. Thank you for your evidence before the committee today. A transcript of this hearing will be forwarded to you for correction of minor errors. Any corrections must be made and the transcript returned within 10 days from the date of the letter attached to the transcript. If the transcript is not returned within this period, it will be deemed to be correct. New material cannot be added via these corrections and the sense of your evidence cannot be altered. Should you wish to provide additional information or elaborate on particular points please include a supplementary for the committee's consideration when you return your corrected transcript of evidence. Thank you very much for your time today.

Ms Perkins: Thank you. Best of luck with the rest of your deliberations.

Hearing concluded at 11.13 am
