

# Special Inquiry: Children and Young People in Alternative Care Arrangements (ACAs)

Office of the Advocate for  
Children and Young People

**acyp.**



## Public Hearing 1: Advocate Address – Zoë Robinson

Sydney, Friday 8 March 2024

### TRANSCRIPT

Good afternoon, my name is Zoë Robinson, and I am the NSW Advocate for Children and Young People. I welcome everybody to the first public hearing of ACYP's Special Inquiry into Children and Young People in Alternative Care Arrangements. The principal purpose of this Public Hearing is to provide an update on the Special Inquiry, the work undertaken to date and the expected next steps.

Firstly, I wish to acknowledge the Gadigal people of the Eora Nation, the traditional custodians of the land I am on today and pay my respects to their Elders past and present. This is, was and always will be Aboriginal land, and I also extend my respects to all First Nations people following this hearing on the livestream.

As the Advocate for Children and Young People, I am currently conducting a Special Inquiry into the experiences of children and young people in NSW in alternative care arrangements (often referred to as ACAs), which includes the use of hotels, motels, caravan parks, serviced apartments and other similar settings as emergency accommodation. ACAs are one of a number of high-cost emergency arrangements used in NSW.

As of 30 June 2023, there were more than 100 children and young people in ACAs across NSW, including 26 children in hotels and motels, 37 in serviced apartments and 55 in short-term rentals including caravan parks. It is reported that in the 2022-23 financial year, ACAs

cost NSW taxpayers approximately \$100 million, with the average cost of an ACA been reported to be \$840,000 per annum.<sup>1</sup>

While ACAs are intended to be utilised as a short-term emergency care placement for children and young people, data highlights that the children and young people placed in these arrangements are staying for extended periods of time.

Of those in ACAs, Aboriginal and/or Torres Strait Islander children and young people are vastly over-represented, accounting for more than 50% of children and young people currently in ACAs. In addition, close to 50% of children and young people in ACAs have a disability. Those currently placed in ACAs have varying levels of needs, with children and young people with child assessment tool scores of low, medium and high currently represented in the cohort.

I am now going to talk about what was the impetus from the Special Inquiry. Part of the impetus for launching the Special Inquiry was consultations in 2021 with young people that informed ACYP's Out-of-Home Care report (*published in April 2022*). Throughout ACYP's consultations, several children and young people talked about their experiences of living in hotels for extended periods of time. They recounted having to move to many different hotels, keep packing and unpacking and feeling unsafe. For instance, one young person said:

*"I was sent back to hotels until they could find me another placement. Hotels specifically are something I have a gripe with, with regards to safety, because you're getting up and you're moving every two weeks. You're never in the same place, so it's never stable...I was in hotels for six months."*

Another young person who had lived in hotels for almost two years reported:

*"So we would pack and we would stay at one hotel and then we would have to pack up and then end up going to the exact same hotel and the exact same room."*

They said that some of the hotels were an hour's away from their school.

Feeling unsafe in placements was also frequently raised by children and young people, with

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<sup>1</sup> Gavin Coote and Housnire Shams, "NSW inquiry to hear from children forced into motels, hotels due to shortage of foster carers", *ABC News*, September 24 2023. Accessed via: <https://www.abc.net.au/news/2023-09-24/nsw-inquiry-into-kids-in-hotels-motels-due-lack-foster-carers/102895278>.

several reporting to have been mistreated and abused in care placements. One young person said:

*“I was sexually assaulted in a hotel that I was staying in, not by a worker but just by a person, another person. I was 12.”*

Since ACYP’s Out-of-Home Care Report was published in 2022, there have been further reports about ongoing systemic issues in regards to the use of ACAs in NSW, that have raised concerns about the safety, welfare and wellbeing of children and young people in these types of placements. This includes public reports about authorities receiving multiple “risk of significant harm” reports about children in ACAs, including suggestions that 16 related to sexual abuse and 13 to physical abuse.<sup>2</sup>

It was clear to ACYP that children and young people who are in these particular arrangements needed to be heard. This inquiry was set up to provide an avenue for young people to have their voices heard. It was deliberately set up in a way that allowed private hearings and for children and young people to speak their truth.

In accordance with Part 5 of the *Advocate for Children and Young People Act 2014 (NSW)*, as Advocate for Children and Young People I made a request to establish a Special Inquiry on 19 September 2023, which was approved by the NSW Minister for Youth, the Honourable Rose Jackson MLC.

Following this, ACYP set out to develop a process for the Special Inquiry. The first step in this process was to develop formal Terms of Reference for the Inquiry. ACYP published Terms of Reference on 12 October 2023 and called for submissions to the Inquiry from all interested parties.

The terms of reference cover a range of topics such as:

- *The pathways, trajectories, factors and decision-making processes that lead children and young people to be placed in an ACA;*

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<sup>2</sup> Gavin Coote and Housnire Shams, “NSW inquiry to hear from children forced into motels, hotels due to shortage of foster carers”, *ABC News*, September 24 2023. Accessed via: <https://www.abc.net.au/news/2023-09-24/nsw-inquiry-into-kids-in-hotels-motels-due-lack-foster-carers/102895278>.

- *The treatment of children and young people whilst in an ACA – including the suitability of the placement, the standard of care provided, access to services and supports, and appropriateness of the location;*
- *The short, medium and long-term impacts of ACAs on the safety, welfare and wellbeing of children and young people;*
- *The cost effectiveness of ACAs; and*
- *Alternative approaches and solutions.*

To date, ACYP has received 20 formal submissions to the Special Inquiry from interested parties, including submissions from NGOs, individuals and young people.

In addition to public submissions, ACYP also recently hosted two workshop discussions, one with researchers and academic stakeholders on the 26 February 2024 and another with caseworkers on the 4 March 2024 to gather further insights on the Terms of Reference and explore key issues and opportunities for reform.

However, at the heart of the Special Inquiry is hearing directly from children and young people about their experiences.

The process for arranging for the ACYP Special Inquiry team to speak with children and young people about their experiences has included:

- Reaching out to caseworkers, service providers and stakeholder networks to discuss arranging for children and young people to participate in private hearings.
- An initial pre-hearing meeting between the child or young person and a social worker supporting the ACYP team, to explain the purpose of the Special Inquiry and private hearings. During this meeting the social worker seeks the young person's informed consent and discusses any special adjustments to ensure that children and young people are supported to share their experiences in a way that best suits them.
- Following this, a private hearing is conducted by myself and the ACYP Team. This is an opportunity for young people to confidentially share their experiences with the Special Inquiry in a safe and supported way.
- After the private hearing, the social worker provides follow-up support to check in on child or young person post-hearing.

To date, ACYP has conducted private hearings with 17 young people in both regional and metro locations across New South Wales. We also have further hearings scheduled for the coming weeks.

So, now to the next steps for the Special Inquiry. Firstly, I want to acknowledge that there has been a multitude of inquiries and reports into the child protection system in NSW. However, what has been missing from many of these reports is the direct voices and experiences of children and young people. As Advocate for Children and Young People my job is to lift the voices of children and young people up to government, business and community – and ensure they remain central and at the core of any work to drive fundamental reform of the Out-of-Home Care system.

ACYP is currently developing an interim report for the Special Inquiry which will be publicly released in early April. The interim report will be focused on elevating the voices and experiences of children and young people in ACAs and will provide an overview of key themes raised by children and young people in the private hearings to date, including issues relating to:

- *Safety;*
- *Stability;*
- *Communication;*
- *Care;*
- *Education;*
- *Access to support(s); and*
- *Connection to family and friends*

Following the release of the interim report, a Final Report of the Special Inquiry will be prepared, which will draw together everything we have heard from stakeholders across the process of the Special Inquiry – including private hearings, submissions, workshops and other research. The intention is for the Final Report to be tabled in NSW Parliament in June 2024.

As Advocate for Children and Young People my primary role is to lift the voices and experiences of the 2.5 million children and young people in New South Wales. We have a particular focus on things that are impacting on the children and young people and their

lives and we have a particular focus on children and young people experiencing vulnerability.

As I have already spoken about, a key component of the Special Inquiry is hearing directly from children and young people who have experienced alternative care arrangements and those that have experienced them in the last 10 years. If you have spent time in a hotel, motel, or a caravan park this is an inquiry where you get an opportunity to be heard about the impact it had on you. ACYP is always here to listen to you - we want to hear about your experiences, and what can change to be made better to support you and others into the future.

If you are interested in speaking with the ACYP team, please reach out to us via: [specialinquiry@acyp.nsw.gov.au](mailto:specialinquiry@acyp.nsw.gov.au) or call 0461 252 921.

Thank-you for taking the time to listen in to this public hearing today. I encourage you to continue to support this important piece of work and listen to and act on the key recommendations that this inquiry hears from children and young people and to thank those young people that have participated to date.

I adjourn this Public Hearing to a date to be fixed.