



Leaving Care Policy

1 Policy Statement

The Department of Communities (the Department) is committed to supporting young people who leave the care of the CEO¹ (CEO's care) of the Department to make a successful transition from care to independence². The Department will undertake planning and provide support and assistance as required under the Children and Community Services Act 2004 (the Act).

2 Purpose

The purpose of this policy is to improve the life chances of young people leaving the CEO's care. This policy aims to: improve the preparation and planning for leaving care; support young people's active participation in decision making; enable a well organised and gradual transition from care; and provide adequate and appropriate aftercare support for young people.

3 Background

The Act requires that leaving care be a planned process and young people are supported in their transition to independent living. The Act also places significant importance on supporting young people to be active and meaningful participants in the planning process, including decision making in accordance with the principle of child participation in s.10 of the Act.

Young people transitioning from out-of-home care face particular barriers in accessing housing, education and employment, and experience other developmental and transitional challenges. The Department recognises a need to provide the same kinds of supports that most young people receive when leaving their families, if necessary until they reach the age of 25.

¹ Categories of young people eligible to receive leaving care services are outlined under sections 4 of this policy.

² For the purposes of this policy 'leaving care' refers to young people who are aging out of care or are moving to independent living before turning 18 years of age.

Planning for leaving care begins when a young person reaches 15 years of age. For a young person who enters care after the age of 15 years, it will begin immediately. The early focus of planning will include a thorough assessment of the young person's needs and independent living skills and strategies to further develop these skills.

It is important that young people are adequately informed and prepared for the transition from care and have access to aftercare support. Young people undertaking the transition from care do so from a range of backgrounds and circumstances and with varying levels of support available to them from family and friends. In addition, care leavers face an accelerated transition to independence which contrasts with the experience of many young people who are likely to remain living at home, receiving continued practical, emotional and financial support into early adulthood.

This highlights the need for flexibility as a key component in meeting such a wide range of potentially differing experiences and needs. The quality of preparation for leaving care, and of the aftercare assistance subsequently provided, may profoundly affect the rest of a young person's life.

4 Legislation

The Leaving Care policy is guided by the objectives, principles and requirements of the Act. It is one of a number of policies that sits under the Department's priorities for better care, better services for young people in the CEO's care.

The Act gives the Department the statutory responsibility to protect, support and promote the wellbeing of young people who are, or have been, in the CEO's care. This includes providing appropriate leaving and post care services to young people who are transitioning from or have left the CEO's care (Part 4, Division 6). Planning must demonstrate, at a minimum, the young person's identified needs, and actions to assist in meeting these.

The Department's responsibilities under the Act differ according to the status of the individual young person leaving care. The differing responsibilities are detailed below, with full details in the Department's Casework Practice Manual.

1. All young people leaving care

- The Department must modify young people's care plan as soon as practicable after they reach 15 years of age (s.89(3F)). The leaving care plan must identify the young person's leaving care needs and outlines the steps or measures to assist in meeting those needs, including the social services proposed to be provided when they leave the CEO's care (s.89B).

- Young people leaving care are entitled to the possession of any personal material held by the Department or by any person who has provided care for the child under a placement arrangement or a secure care arrangement (s.97)³.
- The Department must ensure that young people are provided with social services appropriate to their needs, except where the young person was in provisional protection and care (s.98).

2. Young people leaving care who qualify for assistance under s.96 of the Act until 25 years of age

In addition to the above, s.96 of the Act⁴⁵ provides that a young person qualifies for assistance under sections 99 and 100 if:

- a) the person has left the CEO's care;
- b) the person is under 25 years old; and
- c) at any time after the person reached 15 years of age he or she was:
 - the subject of a protection order (time limited) or protection order (until 18);
 - the subject of a negotiated placement agreement in force for a continuous period of at least 6 months; or
 - provided with placement services under section 32(1)(a) of the Act for a continuous period of at least six months.

For this cohort, the Department:

- must ensure assistance is provided with services to assist the young person to do any one or more of the following: obtain accommodation, employment or legal advice; undertake education and training or access health and counselling services (s.99);
- may provide financial assistance (s.100); and
- must ensure that before a child leaves the CEO's care, they are provided with a written explanation of the assistance that may or must be provided to the child once they leave care (s.100A).

The process of leaving care is complete when the young person turns 25 years of age.

³ Regulation 21B of the *Children and Community Services Regulations 2006* prescribes documents and materials for the purpose of s.97.

⁴ A person who was in a Transitional Consented Placement and has left the CEO's care should be accorded the same assistance provided he/she also meets the age and duration of placement criteria under s.96.

⁵ Children who: are/were in the CEO's care under a protection order (until 18) or a protection order (time-limited) at

- aged 15 years or older; and
- who are/were subsequently adopted or made the subject of a protection order (special guardianship); also fall under s.96 as qualifying for assistance under ss.99 and 100.

5 Rapid Response

The Rapid Response Framework (the Framework) is a cabinet endorsed across-government framework that supports priority service provision to address the complex needs of young people who are, or have been, in care. The Framework recognises that when the state intervenes in a child's life it begins a long term relationship between the young person and the state as a corporate parent. It also acknowledges that all government agencies have a role to play as corporate parent to respond to the needs of these young people and improve their life outcomes.

Rapid Response requires all government agencies to work collaboratively to provide young people in care with the optimum level of care and support, including and particularly during critical transition periods such as leaving care.

6 Post care

The Department provides post care assistance and advocacy for young people who have left care to ensure they receive support in:

- Accessing social services including health, housing, education, employment, legal, financial management and counselling services; and
- Accessing their personal records.

The Department also provides funding to the Community Sector to deliver leaving care services in Western Australia. In addition to the support offered by the Leaving Care Services, eligible young people can seek post care assistance from the Department.

The Department has a legislated responsibility to provide post care assistance for young people who have left care until they reach 25 years of age.

Each district has a designated leaving care officer to assist young people returning to the Department for assistance. The leaving care officer provides a point of reference for child protection workers planning for leaving care and assists young adults who have left care and return seeking post care support.

Young people who seek support from the Department and who qualify for assistance under s.96 of the Act will be given priority in relation to accessing post care support.

7 Principles

Planning for and responding to the needs of young people leaving the CEO's care is underpinned by the general principle in the Act that the best interests of the young person are paramount (s.7). This principle confirms that a young person's needs and interests will

at all times be the central focus of all parties involved in making decisions about, or providing, leaving and post care services.

Other principles which must be taken into account when leaving care planning include:

- the principle of young person's participation (s.10);
- the principle of self-determination (s.13); and
- the principle of community participation (s.14).

This policy builds upon a number of related initiatives including the National Framework for Protecting Australia's Children 2009 – 2020 and the National Standards for Out-of-Home care.

8 Related Policies and Documents

As young people leave care in many different circumstances, this policy must be read and implemented in accordance with other documents including but not limited to:

- The Charter of Rights for Children and Young People in Care.
- Care Planning Policy
- Rapid Response – Prioritising Services for Children and Young People in Care.
- Memorandum of Understanding between the Department for Child Protection and Family Support and the Disability Services Commission.
- Memorandum of Understanding between the Department for Child Protection and Family Support and the Public Advocate.

9 Document control

Publication date	2015 (updated May 2023 to reflect legislative amendments)
Review date	2024
Owner	Executive Director, Statewide Services
Custodian	Director, Child Protection Practice and Support

10 Amendments

Version	Date	Author	Description
1	05/2022	Senior Operational Policy Officer	Legislative amendments proposed
1	07/2022	Principal Legislation Officer	Legal Review (approved 04/2023)
2	05/2023	Senior Operational Policy Officer	Final amendments following General Counsel approval