

TRANSCRIPT

LEGISLATIVE COUNCIL LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into the State Education System in Victoria

Shepparton – Wednesday 17 April 2024

MEMBERS

Trung Luu – Chair

Ryan Batchelor – Deputy Chair

Michael Galea

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Lee Tarlamis

PARTICIPATING MEMBERS

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Georgie Crozier

Moira Deeming

David Ettershank

Wendy Lovell

Sarah Mansfield

WITNESSES

Liana Buchanan, Principal Commissioner for Children and Young People,

Meena Singh, Commissioner for Aboriginal Children and Young People,

Missi Joyce, Commission Youth Council, and

Jasmine Mallett, Commission Youth Council, Commission for Children and Young People.

The CHAIR: Welcome back to the Legislative Council Legal and Social Issues Committee public hearing for the inquiry into state education in Victoria. With us we have the group from the Commission for Children and Young People. Welcome, Liana, Missi, Meena and Jasmine. Thank you so much.

My name is Trung Luu, and my Deputy Chair is Ryan Batchelor. We have Michael Galea, Melina Bath, Aiv Puglielli, Ms Rachel Payne, Dr Renee Heath and Mr Joe McCracken, and also Ms Moira Deeming is coming to join us now.

Before we continue, I just want to quickly welcome you and I just want to read to you some information before we open up for questions and information on your submission.

Regarding evidence, all evidence taken is protected by parliamentary privilege as provided by the *Constitution Act 1975* and further subject to the provisions of the Legislative Council standing orders. Therefore any information you provide to us today during this hearing is protected by law. You are protected against any actions for what you say during this hearing, but if you go elsewhere and repeat the same things those comments may not be protected by this privilege. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

All evidence is being recorded. You will be provided with a proof version of the transcript following the hearing. The transcript will be ultimately made public and posted on the committee's website.

Could you please introduce yourselves by saying your name and the organisation you are representing for the record.

Liana BUCHANAN: Certainly. Hello, my name is Liana Buchanan. I am the Principal Commissioner for Children and Young People in Victoria, obviously part of the group from the Commission for Children and Young People.

Missi JOYCE: I am Missi Joyce, and I am a part of the youth council within the commission.

Jasmine MALLETT: My name is Jasmine. My pronouns are they/she, and I am here on behalf of the youth council.

Meena SINGH: My name is Meena Singh. I am the Commissioner for Aboriginal Children and Young People. I am a Yorta Yorta and Indian woman. On behalf of us, I would like to acknowledge the traditional owners of the lands that we are on today, the Yorta Yorta and the Bunurong people of the Kulin nation – no, not of the Kulin nation at all, a different nation, clearly: sorry, my mob, the Yorta Yorta.

The CHAIR: Thank you so much for coming in and giving us your time. We would like to open it up for your opening comments or any submission you would like to make.

Liana BUCHANAN: I will kick off. As you can see, Meena and I are privileged to be joined by two of our youth council members who have been involved in this inquiry in different points. I would say at the outset that at the commission we are often incredibly lucky and privileged, and our work is no question advanced significantly because we get the input from children and young people and work alongside them. Missi and Jas will kind of contribute along the way.

We have got a bit of a presentation just to share with you a piece of work that we completed and tabled in Parliament at the end of last year looking at the experiences of children and young people in the care system and education.

Visual presentation.

Liana BUCHANAN: Some of you might be familiar with the commission. For those who are not, we have a range of different functions that I will not go into today, but those functions include providing monitoring and oversight of some of the systems run by the state that most impact children and young people, and particularly vulnerable children and young people. We have a role providing oversight and monitoring for children in the care system.

We have tabled a significant number of major inquiries into the care system as the commission. If I go back to 2019, we tabled a fairly landmark inquiry looking at children and young people's experience, and going back to that inquiry, we spoke to over 200 children and young people, including Jasmine and many others besides. Amongst the many things that we heard, we heard about school and education, such that we decided that we could not do justice to those issues back in that inquiry and we decided that we would need to do a subsequent piece of work, which is exactly what we are going to talk about today, the *Let Us Learn* inquiry. The terms of reference for the inquiry I will not read out, but essentially it was to understand the experience of children and young people in the care system when they have contact with early childhood education and school and to make recommendations for change and improvements that might be necessary.

Our methodology for inquiries always starts first and foremost with listening to and hearing from children and young people with lived experience of the systems that we are looking at, and this was no different. We started with hearing from children and young people. We did over 101 consultations with children and young people with lived experience as well as running a survey, as well as hearing from stakeholders across all of the service systems that have contact with children and young people in schools, so everything from teachers in mainstream schools and flexible learning centre schools to child protection workers – the whole gamut. Our full report of course is available. There is a lot that we will not touch on today, but we really went over and above to try and make sure that we had all of the perspectives that were relevant.

We got some submissions, and one of the benefits that we have at the commission when we decide to look at a topic like this is that we have certain powers so that we can require the provision of information from relevant departments, and we did that in this inquiry. So we really got data and information from both the Department of Education and the Department of Families, Fairness and Housing.

You will all, I imagine, know a little bit about the out-of-home care system, but just to kind of set the context, what we are looking at here is the experience in education of children and young people who, under court order, have been removed from their families, often because they have experienced some degree of trauma, neglect or abuse, and who have been placed in some form of out-of-home care. There are some stats up here. Certainly the time frame that we looked at for this inquiry was 2022. The numbers have increased a bit since then, but around that time there were just less than 9000 children and young people in the care system. Predominantly those children and young people are in kinship care – about 78 per cent are in kinship care; another 16 per cent or thereabouts are in foster care; and a smaller number, but still not an insignificant number given some of the issues in resi, live in residential care. Of those children and young people in the care system – you will see the stats up there – 29 per cent are Aboriginal. That is clearly a very significant and worsening over-representation of Aboriginal children in our care system.

What we saw when we looked at the data for this inquiry is that our care system is growing. In the four years between our earlier inquiry, which was called *In Our Own Words*, into the broader experiences of children in care, and this inquiry there was a 13 per cent increase in the number of children in our care system but a particularly high increase in the number of Aboriginal children in our care system – a 21 per cent increase. Amongst all of that – and I am going to mention residential care a few times because, again, we have certainly documented and I think it is reasonably well recognised that there are pretty significant issues and problems for the children we care for in residential care – in that time frame there was an increase of 9 per cent in the number of children in residential care in the state.

We will not talk in detail about this because your inquiry terms of reference are about the education system and schools and what needs to be done differently in schools. But we also looked in this inquiry at the care system itself, because of course aspects of the care system and the way the care system works or does not work have a direct impact on what is going on for children and young people and their ability to stay in school. Jas or Missi, you might want to say something about this. We know from past work of issues like placement instability and

being moved from placement to placement and not having an allocated worker, someone that you can call when things are going badly or you need to have some issues addressed. We know that those are issues. We know of issues around support for carers, financial allowances for carers – which, by the way, in Victoria have not increased since 2016. We know all of these issues impact children's experience in the care system and of course impact their ability to stay in school.

We looked at some of those measures. Again, in that four-year period since we last looked at some of this, those measures had consistently got worse. Placement instability had got worse, which means that children in care are having to move even more frequently than they were four years ago. The proportion of children in care who have child protection as a case manager who do not have an allocated worker, do not have someone they know that they can call or have contact with or who will visit them – that increased from 13 per cent in 2019 to almost one in five in 2022. And we know the issues around carer support, and financial support for carers has not significantly increased. So really all aspects of the care system and the pressure that we know plays out in the care system and the direct consequences they have for children have all got worse in the time frame we were looking at.

Is there anything that you want to say, either of you, about what goes on in care and how that can impact people in terms of their ability to stay in school and just do okay at school?

Missi JOYCE: Yes. A big one is placement instability. For me, I have been moved around all the time. You do not settle down, you do not find stability and you do not find a way to learn how to be yourself and learn how to learn at the same time. Also, as Liana said, the out-of-home care system is growing – this is true, but also aspects of that are not growing with it. Schools are not developing with it. Stuff at home is not being supported with it, with the amount of kids that are continuing to go into care and go back to school and are trying to do all this stuff and navigate their way through life. Supports are not in place for that to happen, and it does not happen.

Jasmine MALLETT: I have a bit to touch on as well. Just to I guess add to Missi's experience as well, it is really common to have so much instability, and the school system just does not help with that at all. I have been to over 20 schools. When people ask me where I grew up, I say just, you know, this massive area, because I moved around so much. A good point Liana said is that the foster carers are not also supported. I am 22, and I recently came out of care. She just had no support to be able to actually help me. Once I came out of care, I was able to realise I actually have ADHD, and that was reflected in my learning. My carer literally said, 'Your high school was just a total failure because there was no support there.' She was not able to support me, because she was not able to identify that. I think it is just really important to realise that all of this stuff is so interconnected. Like Missi says, the way we have to navigate our adult life is so different to people who actually had that foundation of support there.

Liana BUCHANAN: Thanks, Jas. Meena later will run through some of the recommendations that we have made in this inquiry, with a focus on those that we make directed to the school system, but we have made a number of recommendations that you can see in the report that are also directed to the care system, including improved financial and other support for carers. Part of that, and I do not think that we have touched on this, is really trying to build schools' capacity and inclination to work with carers and understanding a bit about what carers might be going through as well as what the children and young people are going through.

I will run through some of the cold, hard data that we uncovered now. You may have heard how well as a state and indeed as a country we measure engagement of children and young people. You might already have some views about that. I think it is fair to say that what we had to rely on and what I think largely the system relies on is some proxy indicators for engagement, so that is what I am about to share. What we found when we dived into the data is, when it comes to students who are chronically absent, meeting that criteria for chronic absence, 64 per cent, almost two-thirds, of secondary students who are in care meet that criteria and almost half of primary school students who are in care are chronically absent.

The next piece of data I expected to be pretty shocking but probably not quite this shocking. Only 25 per cent of students in the care system make it to year 12, compared to over 80 per cent of the broader student population. Students in care are much less likely to do NAPLAN. We heard and saw a lot about students in care being offered exemptions from NAPLAN as well as being given exemptions for very legitimate reasons, and those who did across all of the indicators, all of the measures, as a general rule on average achieved significantly

lower. In this inquiry we were looking after the period of remote learning and lockdowns, and at the commission we know, because we did a lot of work at the time, that those offsite learning periods had a big impact on students' capacity to learn and feel good generally. We looked at that, and certainly the data shows that students in care had a higher absence rate during periods of remote learning but also did not bounce back to return. Their absence rates continued to be higher for longer than the general student population.

We looked at exclusionary and restrictive practices. And it is not particularly regulated; there are no guidance or policies about this at the moment – the department is working on that now. But we heard a lot about modified timetables and that lots of children and young people in care were being placed on modified timetables, meaning that they would only come to school for an hour or a couple of hours a day a number of times a week. We did not form the view that that is always a bad thing. Certainly sometimes those differences are being used for a genuine reason. But because there is no guidance and no regulation about that and no overall recording of when students are on modified timetables, there is also no guidance or clarity about what schools are doing to make sure that those young people and children can come back into full-time school, so we have made recommendations about that.

The data on suspensions and expulsions were pretty clear as well. Students in care are five times more likely to be suspended than other students and five times more likely to be expelled. We are not just talking about kids in secondary school. When we looked at it, children in foundation year, in prep, are 12 times more likely to be suspended than other kids. We are talking about preppies, and we will come back to this. Meena will cover it. But when you know even the slightest bit about trauma and its impact on children and their brain development and their capacity to regulate behaviour and the way they are going to act out, you can see there is a pretty direct line between children in care and the trauma they have experienced before they come into care and often after they come into care and the way they are going to behave at school. So if you respond in a punitive way to that, you are going to see precisely this kind of data. We also heard a lot about the practice of informal or soft suspensions and expulsions. Of course they are not meant to happen. They are not authorised, so they are not regulated, they are not counted. But we heard so much from stakeholders and children and young people about that that we were pretty clear that that needs to be the subject of attention as well.

This slide I will just draw to your attention, because we talk in the report about some of the particularly poor outcomes for students in residential care. Again, coming back to what we know for many children and young people in residential care, it is especially hard for them to engage with school. They are most likely to have been the victim, I will call it, of multiple placement changes and instability and often find their home environment, so-called, not to be safe or stable. Those issues clearly impact the education outcomes – so their chronic absence rate is much higher than for students in foster and kinship care. There is information in there about how only 12 students in 2022 in residential care were enrolled in year 12, none of those completing VCE, and also data in there about the proportion of students in care who live in residential care who just on NAPLAN reading scores alone are significantly lower not only than the general student population but than students in other care types.

I am going to hand to Meena now to talk through, with the clicker, some of the whys – some of what we heard from children and young people and other stakeholders about what are some of the things that drive the outcomes that I have described.

Meena SINGH: Thanks, Liana. Before I do, Missi and Jas, do you want to add anything more at this stage? Certainly more in my part I am going to be talking about the experiences of children and young people in care, and the slides have lots of quotes directly from the children and young people that we have spoken to. Their voices are the strongest. So before I go on, is there anything that you want to add at this point?

Missi JOYCE: Yes, just about the modified timetables. When you say, Liana, that kids are five times more likely to be suspended or expelled, I am a part of that. I would not like to call myself a bad kid, but I would say when you are in a school, even kids in resi care, all of your things are in a bag. You lose things. You lose your sanity, for example. You cannot go to school. You cannot think. You are going to distract yourself with everything that you possibly can. I would not say that it is anybody's fault. From my teachers' perspective, I would not say that it is their fault for putting me, for example, on a modified timetable, but I think there is a lack of understanding that needs to be addressed. My brother, for example, who is in a really dark position at the moment, was expelled from school because he did not have that understanding and he did not have the compassion from the people around him at school during his education. I just think that can change.

The CHAIR: Just before you go on, can you explain what a modified timetable is?

Missi JOYCE: For example, if every day you go to school you have five periods a day, like five classes, a modified timetable is like maybe you might just do three of those classes and go home for the rest, or you might not go to school on Wednesdays or something.

Meena SINGH: I will talk a bit more about modified timetables, and we have got a recommendation about those. But, Jas, did you want to add anything?

Jasmine MALLETT: Yes. I think I am just going to say something. It is nothing to do with my experience, but I think we need to stop demonising kids and their behaviours, because they are just kids. I think that is what it comes down to at the end of the day, and we seem to forget that. I know that teachers still do not have that training and stuff, and that is not their fault. As Missi said, there is not exactly anyone to blame. But I think compassion would help to understand that at the end of the day these are just kids.

Meena SINGH: I think this quote that is up on the slide captures exactly what has been talked about so far:

The ways teachers communicate with us, they don't understand. It is difficult for us to get to school when we are being moved around, have mental health issues and have missed chunks of school. I don't feel motivated by those around me to attend. Don't take it out on the kids. It's hard for us. Be understanding of our situations.

That is from Layla, who is a 16-year-old Aboriginal girl in residential care.

I think what this inquiry and so much of our work bring home is that education does not happen in a vacuum. Education requires a stable home. It requires support outside of the school. What happens outside of school impacts on the learning that happens within a school. How any child is treated within a school will impact on what learning happens in there. With lots of the kids we talked to, it seemed like they were expected to have an on-off button that just switched off things that were going on in their lives so they could suddenly go into learning mode, and we know that kids that have experienced trauma, not just the kids who we spoke to as part of this inquiry, kids in out-of-home care – out-of-home care is a system of last resort. It is a system that comes in when so many other things have failed for children and young people and failed for their families. There are so many kids who are not in the out-of-home care system who can be experiencing those same issues.

I think part of the problem is that we think that trauma is an isolated thing. We think that it is only a small number in the community that experience trauma, when the reality is that it is not. It is much more prevalent; it is much more widespread than we think. I just want to take you to the statistics from the Australian Child Maltreatment Study, which was published early last year. This work confirmed widespread experiences of child maltreatment. It reported that in total 62.2 per cent of the Australian population, nearly two-thirds of the Australian population, had experienced at least one type of child maltreatment. This could be exposure to domestic or family violence. That was most common type of maltreatment, followed by physical abuse, emotional abuse and sexual abuse. The least common type of maltreatment was neglect. Now, these are all the things that we see impact on families that have children and young people removed – they are all the things that we see. But we are not seeing nearly two-thirds of children being removed; we are seeing lower than that. So the breadth of the impact of trauma on children and young people has to be incorporated. The understanding of it and the practice of trauma-informed care have to be incorporated into those spaces where children and young people are most often – early years learning centres, primary schools and high schools.

These are just a few quotes from people who responded to our surveys, but the second one is a quote from an alternative school principal:

The tolerance for the kids in care is very low. It's often like you need to go now. The mainstream schools don't understand trauma responses. We've had to step them through what that looks like. Sometimes providing our safety plans to understand what that looks like. I find our young people often get secluded. It creates the further disengagement with the school and with their peers.

What we see is that there is more and more understanding of the benefits for wellbeing of children in school, in and of itself, of that being a value of education outcome, but actually supporting achievement in academic means. But despite significant developments and interventions in all kinds of schools, we heard in this inquiry that there is a significant gap between understanding trauma-informed practice – that it is needed – and actually the provision of trauma-informed practice on the ground. Both Missi and Jas – you know, it is hard, because the teachers have so much to do and do not have those skills behind them. I heard a snippet of the previous person

speaking to you all, talking about, you know: 'I wasn't trained to be all these other roles.' But we do need teachers to have a trauma-informed understanding of how trauma impacts on the way children and young people learn and what the lives and the circumstances are that they are bringing along with them.

What we see is that there is significant overlap of trauma and disability. Trauma in and of itself for a child who is not living with any sort of disability will have an impact – will impact on their learning and on their development – and then you put that together with disability. We are often very poor in collecting data around disability. What we also saw for children and young people – you said it yourself, Jas; it was not until you left care that you found out what you have been living with for all these years: ADHD. We found from the kids that we spoke to and from their families that the appropriate assessments are not being done, through the education system or otherwise, to find out what the other things are that children and young people are living with. Again, it is not just children in out-of-home care; it is so many more kids than that.

Just to go back to that child maltreatment study, one other quite amazing, astounding piece of data from it was that one in four Australians are experiencing three to five of those different types of maltreatment. Experience with one of those would be difficult enough to battle with as a child, but the compounding implication of multiple forms of maltreatment – we are talking about kids that are just developing, and we are asking them to conform to, to fit into, systems and models that do not recognise what it is that they are actually going through.

I am the Commissioner for Aboriginal Children and Young People in Victoria. The most significant thing that children and young people, that their families and that people who support them in the community talk to me about is the experience of racism in our school systems. This is not an issue that is only confined to Aboriginal children and young people; it is also for children and young people of colour, from communities of colour:

I don't like when I get bullied, when boys call me names and stuff. He tells me not to touch him with my poo skin, says 'Black people are gay'. People don't want to be friends with me.

That is a seven-year-old experiencing that. I think what the worst thing is about hearing these voices – I have spoken directly with Aboriginal children and young people; they have told me of the multitude of their experiences of racism – is that I am nearly 50 and nothing has changed. These are the sorts of things I was experiencing in school, and absolutely nothing has changed. Despite all, when I think about how far we have advanced with education and with learning and with a whole range of things, there is so much that has not changed about what Aboriginal children and children in communities of colour experience.

What we see is racism that persists in the education system, and this can be anything from outwardly racist comments from other children but also from teachers. There are things that children and young people tell us about what teachers have said to them, particularly in the lead-up to the referendum and afterwards. It has been astounding. There is racism that persists in the way Aboriginal culture and history are talked about. Whilst you might have Aboriginal culture and history as part of a curriculum, the way that they are talked about can be incredibly derogatory and incredibly racist. We see that what happens – again, for Aboriginal students but also for students of colour – is that they do not feel like they can speak up. They do not feel safe enough in these spaces to be able to talk about what is happening for them, so racism becomes an exclusionary practice. It has the effect of driving children out of engagement with school.

I just want to give you some data with regard to educational outcomes for Aboriginal children in general, particularly for Aboriginal children and young people in care. As we saw earlier, nearly 30 per cent of all children in out-of-home care in Victoria are Aboriginal. Victoria has the highest rate of removal of Aboriginal children and young people from their families of any state or territory in this country. When it comes to how our kids in care fare at school, 59 per cent of Aboriginal students in care were recorded as having chronic absences in 2022, with a 61 per cent increase in chronic absences from 2018 to 2022. That translates to missing over 20 days a year of education. In 2022, seven Aboriginal students in care completed VCE. There is work that is done by organisations like VAEAI, whom hopefully you have heard from and spoken to or sought out, that talks about how much effort there is from Aboriginal community organisations to support Aboriginal students finishing high school. In terms of closing the gap I think it is one of the very few things that is actually tracking well, the completion of high school. But for those kids in care it is a completely different story, as it is with so many other statistics.

The lack of cultural safety in education is a key issue. At the commission we are co-regulators of child safe standards. Child safe standards apply to some 60,000 different organisations, including schools, learning

settings. There are 11 child safe standards, including child safe standard 1, which will have come in over two years ago soon, which requires organisations to create culturally safe environments for Aboriginal children and young people. What Aboriginal children and young people tell us, whether they are in care or not, is that they do not experience their school environments as culturally safe. We sometimes hear some good practice examples. We hear some things around creating a safe space or a safe room where Koori kids can go and be together, say, at lunchbreaks or whenever. That is just one space within the whole school. Like with so many other kids that feel excluded for their identities, we need to ensure the whole spaces of education, learning spaces, are inclusive for all identities and all children and young people. Again, children and young people who are in care who are Aboriginal experience disconnection from their families, so they experience disconnection from culture and community. Connection to culture is such a protective factor. Even though I experienced racism at school, I always had my family behind me, who told me who I was, who knew how to bolster me with my identity, so that was my protective factor. There are so many kids who do not have that if they are in out-of-home care.

I just want to touch on the recommendations, and we have made a lot in this –

Liana BUCHANAN: Maybe before we go to recommendations, some of the broader issues that we found that you have run through – negative attitudes about students in care, bullying from other students, low expectations placed on students in care by teachers as well as that lack of understanding, that sense that we heard about a lot from young people, that all the adults in the school system just do not understand what they are dealing with in the care system – was there anything on any of that that you want to add to, Missi or Jas?

Missi JOYCE: The low expectations are such a big one, because part of the human condition is to listen to what other people say. It is just what you do as an individual, and if people are telling you, ‘Do your best; you’re not going to get very far anyway,’ then that is what you are going to do, because you start to believe what they believe instead of believing in yourself, and that is not good enough.

Jasmine MALLETT: Just touching on all of that – the bullying, the low standards, everything – once I left school I did not turn back. I dissociated from the whole experience. I fucking hated it. It was the worst place to be for so many reasons, like being a lesbian and not figuring that out after school, because I had so much shame and people put so much shame on you in that experience. Being Aboriginal and also never being able to find out who my mob is because of being in foster care and that – and I am still navigating that – is a really lonely experience. The bullying for so many reasons – being neurodivergent, being in care, being a lesbian: yes, the system has a long way to go.

Meena SINGH: We made a whole range of recommendations that relate to both the out-of-home care system, the child protection system, and the education system. So what we have drawn out here, and I will pull out of a few of them, is specifically around the education system. As you have heard – no doubt it will not come as any surprise – we advocate nationally for a trauma-informed practice to be included in teacher training. So right from the word go at universities and wherever teachers are becoming teachers we need to have that trauma-informed practice understood, but we also need to see leadership in schools. Some of the best practices we saw were when schools had excellent leadership that really saw the value of this work and led from the top down and gave the spaces and the resources to be able to do that. We need to support Aboriginal children and young people to not experience racism, to create racist-free environments, but if it does happen, to be able to be heard and understood. I think equally that goes for any child that experiences any kind of discrimination that is based on identity or any other exclusionary reason.

We want to see – I am going to jump down a little bit, and we are going to focus on the exclusionary practices in schools. One of the things we found is that so much about exclusionary practices – the use of modified timetables, soft expulsions or soft suspensions – so much of it was not being properly recorded. You can understand better what you record, so our recommendations also focused on making sure that these practices are recorded and that the guidance from the Department of Education is understood and is being followed but also understanding when and how often these practices are being used and thinking about the child and how that impacts. A modified timetable for a child to be on who is in out-of-home care or whatever their situation is – just think about the impact on their family, on their carers, on the adults that are providing their home life for them. You know, if someone is at work all day, if someone is at school, that completely disrupts what is happening for them and it creates further disengagement. Often, as Missi said, with that low expectation that gets put on so many children and young people, modified timetables come into that as well – ‘Oh, well, you’re

not going to do any better. We'll just have you attend a couple of classes.' Where are the supports to actually have children and young people attending school in the way that they want to? That is what we want to also see.

Liana, do you want to touch on any of those in particular? Our report *Let Us Learn* has all of these recommendations and all of our findings in it, but I do not think we can stress enough that the issues that we found in this inquiry do not just relate to children in out-of-home care, they relate to children across the board in Victoria.

The CHAIR: Thanks very much. We do have that – all of us have the submission and the recommendations. I just want to ask Jasmine: do you have any other comments or statements on what you have experienced and what you would like to see before we open up for the panel to ask questions? It is your opportunity – what would you like us to hear or what would you like to see change in relation to the education system or the home care system? I know you have mentioned a few already, but is there anything else?

Missi JOYCE: Probably the biggest thing – and it is so small – but, like, compassion, because there is just a lack of. There is no understanding. I find even now – I am at university now – you are an adult and teachers do not come up to you. Like, if you do not do your work, you do not do your work; that is on you, obviously, as an adult. But as a child, when you struggle with that you get the blame for it when it is not necessarily your fault. I was really lucky; I had certain teachers and certain integration aides and stuff that were really kind and took that time to get to know a part of me and help me out. It took 10 minutes out of their day to check in, but a lot of kids do not have that. For people like Jasmine, who moved around all the time – she went to over 20 schools – you do not get that compassion, you do not get that understanding and you do not really get that opportunity to move forward.

I actually have a piece that I am going to read as well. I wrote this – what did I write this for?

Liana BUCHANAN: End of last year.

Missi JOYCE: Yes, end of last year.

At the end of year 12, a social worker I met while living in care let me know about an inquiry looking at the education of children and young people like me. The Let us learn inquiry, run by the Commission for Children and Young People, was gathering insights to see how education could be improved for children and young people living in state care, as I had done for many years.

A phone conversation about the inquiry soon followed, leading me to become a member of the Commission's Youth Council. Through the Council, I was given massive opportunities to speak with other young people, staff and Commissioners, drawing on my experiences to help shape recommendations and call for change to what I considered a broken system.

Favourite recommendations of mine, formulated in our group, was to 'advocate for trauma-informed teaching practices to be incorporated into teacher training' and 'adopt a whole school approach to trauma'.

These really hit close to home when it came to the lack of understanding around trauma in education settings for children and young people in state care.

I was often the 'troubled kid'... the 'she's too much' kid. I engaged in disruptive and destructive behaviour patterns frequently and it wasn't until I got to year 11 and started to learn about impacts of trauma on the brain, that I finally understood that part of myself.

Not only did I find closure on these parts of myself that were so unclear for so long, but I also developed an understanding of perhaps why my teachers responded the way they did to my behaviour, with the common solution being exclusion or suspensions – expecting a child to 'go home' for a few days to give yourself a break, when not all kids necessarily have a home to go back to.

Reflecting now from a completely different position in life, I find it much easier to see the perspectives and have compassion for the reactions of the teachers that were a part of my life then. It's not 'normal' as such, to witness a child exhibit such behaviour, let alone be fully prepared on how to react.

Likewise, it becomes an emotionally draining process on all parties – you've got a young person feeling a higher sense of rejection than they already do, and teachers feeling hopeless in their approach. This doesn't happen because teachers don't care, or because young people in care are 'too much'. It happens because the opportunities to learn about the impacts of trauma, and help these kids learn life instead of learning how to run, don't yet exist.

Another recommendation that I as part of the Youth Council helped to shape was to 'ensure equitable financial support for kinship and foster carers'.

Money is often a barrier when it comes to caring adequately for a child, especially one that isn't your own. Young people in care, especially in my experience, often hold a lot of emotional baggage, trauma, and other prolonged physical or mental health issues that impact massively on their education.

Many of these issues need to be addressed professionally. However, they cost money that too many carers struggle to pull from their pockets.

Most carers struggle financially as is, and in a world like today where money is scarce, it makes it very difficult to support the growth, development, and healing of a child, which only takes a negative toll on their education.

A family that is restricted financially and left without adequate support and resources will not be able to climb the same ladder as those around them, and this is especially the case for children in state care. But I believe with this recommendation and with the many others I worked on for the Let us learn inquiry, change is possible.

The CHAIR: Thanks, Missi. Jasmine, would you like to make any further comments at all? If not, we will open up to questions if you like.

Jasmine MALLETT: I honestly feel that what Meena and Missi and everyone here touched on is so important. Trauma-informed practices I think are especially important, but I think it is having the compassion and being open to actually seeing that in students and being, like, 'Okay, I need to step back here and actually look at the reasoning towards this.' I feel like in my experience I was constantly demonised when I was upset and I would walk out of class and stuff, and people would never see the reasoning behind that. I think just compassion, like Missi said, goes a long way.

The CHAIR: Thank you very much. Thanks for your insights. I am mindful of time, but I will open up to the panel, and we will try to throw some questions to you if we can. Deputy Chair.

Ryan BATCHELOR: Thanks, Chair. Liana, Meena, thanks for coming and the work you do, and particularly Missi and Jasmine. I think hearing your voice at this inquiry is really important for us, and it takes a lot of courage to come and sit in front of a row full of people and tell your story, and we really appreciate it. So I want to say thank you very much.

I was just thinking about the report: I have not read all of it, but the way that the voice of children who have experienced out-of-home care comes through in that report I think is incredibly critical, and I think we will draw a lot from that. I think your point about compassion is really critical, but I want to go back to something that was raised at the start, which is this question of stability and the way that instability clearly has such a compounding effect on children in out-of-home care. I am wondering how in particular you think schools cope with instability in placements and moving children around and what you think schools could do better to support students who are faced with that scenario, because the education system probably cannot solve the problem of the instability that exists in the out-of-home care system, but it does have to respond. So how do we think it should respond to that and better support the students that it has got its own duty of care to take care of?

Liana BUCHANAN: I might kick off. This was an inquiry probably more than others that we have done where, depending on the sector or the service system that the stakeholders were from, it was either all the care system and child protection's fault or it was all the schools' fault. We heard a lot, both from children and young people and from other stakeholders, that for people in schools often – not always; there are absolute outliers, really good examples – from leadership down there is not that understanding about the care system. We had some terrible examples, terrible accounts, of schools not wanting students in care enrolled, so putting up barriers to enrolment of students in care, right through to schools, and we heard a lot about this, by just not making it their job to really understand the instability that a child might have experienced already and to put in place the supports, the understanding, just small things – making sure that the teachers of that child know what some of the experiences of that child might have been and at least can be conscious of that – to bring some of the compassion that both Missi and Jas have talked about.

In terms of what schools can do: number one, let us really tackle the stigma that does sit in many adults' minds, including in people working in schools, about the care system. Children in care are not there because they have done anything wrong, they are in care because for a whole range of reasons they have not been able to stay at home with family – so tackling some of that stigma. We heard, and there are examples of it all through the report, horrible accounts of the way teachers, adults in schools, were treating children and young people in care. So it is tackling that but also then building understanding so that everyone in the school system, particularly where there is a student coming into the school who is in care, has a bit of an understanding about that system. There is quite good training provided by the Lookout centres for designated teachers. We have said it is not just the designated teacher, one teacher, that needs to be given that training. If there are students in care coming to the school, then that whole school leadership should be doing some of that training. Everyone needs to have that knowledge. Is there anything that you want to say?

Missi JOYCE: Yes, I would have to agree completely. Little things like, I think, communication between all teachers, all leadership of the entire school, is a big one because, for example, you might have a PE teacher who has no idea what is going on and punishes you by making you run 25 laps. You do not have any capacity to do that, you know what I mean? Then you might have an English teacher or – for me, I had an aide in my English class who was not my designated aide, but she did not ask questions, she did not put a stigma there, she did not do any of that; she just hung out with me. She just took time out of her day to hang out. And then with that there was obviously communication, because I would talk to her, she would talk to teachers and they would understand. A lot of people do not have that. I think communication is a big one, and then putting in place, like, a safety plan or things like that. Teachers do not read those. They are like, ‘Oh, yeah, whatever – I’ll read it later,’ and they do not. They just do not know. I understand they have a lot on their plate, but I think obviously communication, and if there are steps in place in making sure that everyone is aware of what is meant to happen in this situation where a kid is not comfortable at home – like, making school a bit more of a safe place rather than just more chaos.

The CHAIR: Thank you. Ms Bath.

Melina BATH: Thank you very much. This is very powerful for us to be here today, and we thank you for the work. Thank you for coming and sharing your experiences, and I hope we can all learn from this and make change, because it is really important that we do.

In saying that, the *Let Us Learn* report – you have got compelling data and you are making that available to us, so thank you. You have made 47 recommendations. As part of that – and this is not being political – if these recommendations are not listened to, then your work is useless, and that is not fair. I want to understand: has the government, whether it be the Minister for Children or the Minister for Education or whoever, read this? Have you met with anybody? Who have you met with? I want to understand that cycle of, I have just written, ‘Read by government and policymakers, discussed, responded to, actions and then evaluated the actions.’ That is what I want to understand: where you are at in that cycle. And if you are not, if there is a break in that cycle, what do you want to tell us?

Liana BUCHANAN: I will kick off and others can add. A very, very good question, and as I said at the beginning, we have tabled, I think in my time as commissioner, 11 systemic inquiry reports in Parliament, many about the care system and aspects of it. I will not comment about all of those recommendations. Clearly there are a lot that still need attention. Of course I would say that; I think it is clearly true.

On this inquiry engagement so far at both the ministerial level and the department level has been positive. Our practice is we table the report, we give the recommendations. We try to work closely with the relevant departments to try and make sure that whilst we will challenge current practice, what we are recommending is feasible. We then wait and receive a government response. We do not yet have that. That is due at the end of May. I am hopeful – that is the best I can say. We have met with the Minister for Children. I met, I think it was only last week, with the Minister for Education. So certainly at the ministerial level there is engagement; there is a clear understanding that what we have described in here is not okay.

What we will wait to see at the commission is what that goodwill does in terms of translating to practice and ultimately investment. It is not all about money; we have heard it is about attitudes, responses, compassion. You will have heard the pressures schools are under at the moment are enormous. The pressures on teachers as a workforce are enormous. So some of this is about what other supports in and around teaching staff need to be put in place. All of that we will wait to see.

Our practice is that once a year in or at the same time as our annual report we publicly report on what government has done in response to our systemic recommendations. We will do that for this. We say what government are telling us they have done, their assessment of that and our assessment at the commission, and we will do that for this inquiry report, because just as you have described, we think action on this is incredibly important, not just for children in care – certainly for children in care – but actually for a whole range of children who have different needs or complex needs or who have experienced trauma.

Melina BATH: Chair, I have got about 70 more questions. Can I put some on notice too so that we can continue?

The CHAIR: Yes, certainly.

Melina BATH: I think that would be really important. Thank you.

The CHAIR: I am mindful of time with lunch now. We will open it up, because there are a lot of questions we want to ask you and understand. Thank you so much for extending your time. Ms Payne, do you want to ask a quick question?

Rachel PAYNE: Yes. Thank you, Chair. I guess personally this story really resonates with me because I was out of home at 16. This was the late 90s when that was an experience of mine. Missi, your response, this sense of rejection, is something that I think is throughout those, particularly, children who have been put through care or children who have not been supported in the home environment or whose home has not been safe and who have had to then rely on the stability maybe of their school system. If that stability is not there, it is incredibly difficult.

I just want to talk about trauma-informed care. What we are hearing from teachers is that they are given the skills to identify where there may be trauma but not the skills to support that student with their trauma and how to respond to that. Would you like to share some of your reflections in that space? I do not want you to have to share your experiences of trauma of course, but maybe just any teacher responses to that and how we might better facilitate teachers to learn in that space.

Missi JOYCE: I think a big one is again just communication. It is not their fault as a teacher – I would never, ever blame a teacher for not knowing what to do. It is not like you go through university and they give you examples of what to do if a child jumps off a table or lashes out. They do not know what to do. But I think a big one is conversing with the child themselves to hear their perspective, and then again, just talking through what does not make them feel good, what does make them feel good, if they feel unsafe or feel uncomfortable. I think that is a big one, just getting a child's perspective on where they are at.

Rachel PAYNE: Yes, and my experience is, well, you have become independent very quickly, so to have that respect with those people who are meant to be supporting you is really important. I would love to understand, did you find that that reflection then moving into university for you has been there? Have you found that there is more of a level of respect and understanding?

Missi JOYCE: There is. All through my high school experience I did not enjoy it, but the people who did take the time to converse or understand, I respect. Things like that, even being independent – when you become independent so young, you are like, 'This is what it's like to be an adult and have all of these other things going on.' There is no wonder that teachers sometimes just do not have the time, you know what I mean?

Rachel PAYNE: Yes, exactly. As a committee we are going to make recommendations on how we can improve teachers' lives especially, and some of those recommendations do look at equipping teachers better, but also at limiting class sizes and some things around how we best support a learning environment. Some of the reflections we have had have been around distractions in class or class sizes. Would you like to make any comments about that?

Missi JOYCE: About class size?

Rachel PAYNE: Yes, or do you feel like your learning environment was supportive in how big it was and everything?

Missi JOYCE: It is kind of hard, because in classes I was the naughty one. I did some really terrible things. Obviously I am not going to say that bad behaviour is supported, but for some teachers obviously it would be a modified timetable or a suspension, but other teachers – I had this one teacher in, I think it was year 10, who took me out of the classroom and was just like, 'What's going on?' I just told him, and I think because he understood and because he supported things that were happening, I did not want to act up because I am like, 'This man has taken his time to understand what's happening.' For other teachers, they do not care. They do not really know what to do, and I do not know what to do either, so I am just going to be crazy, because I could not really help it.

Rachel PAYNE: He related to you as an individual.

Missi JOYCE: Yes, for sure.

Rachel PAYNE: Okay. Thank you.

The CHAIR: Michael, I will give one question to you.

Michael GALEA: Thank you, Chair. Thanks, all, and especially to the two of you for your experiences. As Melina said, I think all of us feel it has been really, really powerful, so thank you. I have so many questions, but I will just ask one that I noted from your contribution, Ms Singh, in particular about exclusionary practices. I was quite interested in your comment about how First Nations history is now part of the curriculum, which I think is a really good thing and is something that I wish would have been there when I was at school too. But I am quite alarmed by your comment that the way it is taught can be incredibly derogatory. I am wondering if you could please elaborate on that and in particular what can be done to change that.

Meena SINGH: I have had Aboriginal students tell me about their experiences in the classroom when being taught Aboriginal history and Aboriginal culture. General attitudes have come across about Aboriginal culture being lesser, Aboriginal culture being conquered – basically the sorts of attitudes that are quite old-fashioned and out of date. I had one student tell me about how they had an assignment about what the stolen generation did well for Aboriginal children, and that particular young person had stolen generation relatives. I have heard students challenge back about, ‘That’s not our history; that’s not how things are,’ which is incredibly amazing.

Michael GALEA: Incredibly, yes.

Meena SINGH: Incredibly. I mean, some of the kids I have spoken to are such good advocates for themselves, but we are talking about a complete imbalance of power and what is being taught. The issue of racism is not just confined to schools, obviously. It is a much broader societal issue, and I think we either do not acknowledge it at all – we say, ‘No, we’re fine; we’re not a racist country’ – or we kind of embrace it as some sort of right: ‘Well, yeah, I can be racist, and nothing will be done about it.’ I mentioned before about child safe standards and requirements under law to create spaces that are culturally safe for Aboriginal students, and there is compulsory training that teachers should be doing around cultural safety and cultural knowledge. But what children and young people and their families tell us is that this does not go far enough. It is not just about how the curriculum is taught but also simply how Aboriginal people are talked about and how we model behaviours in terms of being respectful and inclusive of one another. Again, these issues go beyond racism; they go into other types of discrimination that posit people against each other and decide there is a certain way you have to be or act, and you are excluded for being anything other than that.

I think there is a lot more work that needs to be done. Just in the last two weeks I have had contact with three different parents who have talked about the racism that their kids have experienced and the lack of responses from schools. It almost is like you have a playbook of how this will turn out for a young person. The young person, firstly, will be traumatised by the experience, and then they will feel completely unsupported. I had one parent describe their child as, ‘It’s like I’ve got a completely different child after the racist bullying that they experienced.’ This child went from being someone who loved school to just desperately not wanting to go to school, and I have heard that quite a few times. So that obviously impacts their education, and it means that they are not getting the same opportunities as other children are. Effectively the victim of the situation is being forced out of the situation rather than the actual situation being addressed.

The other thing I have seen is kids experiencing racism and retaliating because they have just absolutely had enough. They have just reached their absolute limit, and no matter what they have done – they have told their parents, who have tried to advocate for them – teachers and the schools will not do anything, so a child gets to their limit. I think, again, this goes for any child who is experiencing any sort of bullying and any sort of exclusion – you get to a limit and, because of what you have experienced, you do not know how to respond, so you lash out. I have seen in that situation the child who experienced the racism be charged with criminal offences because of that act of lashing out, whereas there has been nothing to respond to the lead-up and no concept or understanding –

Michael GALEA: And no intervention still.

Meena SINGH: and no intervention to address it.

The Aboriginal community are so invested in education because we know, like every parent knows, it sets you up for life – a good education sets you up for life. But we have over-representation of Aboriginal children not

just in out-of-home care but also in the youth criminal law system. That is a Closing the Gap target, that education is vitally important for reaching, because a solid education – inclusive education – that has any child feel that they are seen, that they are respected and where they can achieve their best, is vitally important for lifelong outcomes, and for Aboriginal kids that involves having culturally safe environments that are free from racism. There needs to be education. Again, there needs to be much more value on just dealing with behaviours that have no place in any sort of learning environment, let alone the broader society. Again, I think in lots of ways it is pushed into the too-hard basket or we accept things like saying, ‘Oh, well, we’ll never get rid of racism.’ I refuse to believe that, just like I refuse to believe that there is any sort of ism that we cannot get rid of.

Michael GALEA: Thank you.

The CHAIR: Aiv.

Aiv PUGLIELLI: Thank you. I acknowledge we are tight for time, but thank you all for coming in and speaking with us today. I am going to follow on directly from Mr Galea’s line of questioning. Earlier, Meena, you spoke about the experiences of racism that are occurring in our school settings; you stated that nothing has changed in the need for people to feel heard and feel understood. To follow on from what you were just speaking about, in a policy setting or recommendations that this inquiry could make, what supports would need to be in place to truly make a change within the school setting?

Meena SINGH: Currently in public schools we have the Koori education support officer role, the KESO. These roles have been integral for years for Aboriginal children and young people in schools. From this inquiry, speaking to KESOs and how they work with all Aboriginal kids and Aboriginal kids in our home care, we heard a range of understandings of their role, from direct support to children and their families through to only supporting the school staff, say, or delivering the CUST training, the cultural understanding – I can never remember what the acronym stands for; there are a lot of acronyms.

Melina BATH: Neither can we. We’re bogged.

Meena SINGH: But these are roles that are integral for the safety of Aboriginal children and families. They play a communicative, connective role between Aboriginal children and families and the school. They can often understand what the circumstances are of a family because they can take the time and they can act as a mediator between, and they can work in so many different ways. But we have also heard things about their roles not being respected or being confined to certain things and not being able to advocate for children and young people, so we need greater understanding and supports for those staff.

We also need a much broader understanding of how Aboriginal children experience education systems, but also how that comes from how their parents experienced education systems. The impact of things like the stolen generation meant that there were generations, literally, of Aboriginal kids that did not get school, or if they did get to school, they experienced what I did: they experienced racism. Luckily enough I did not experience it to the point where I checked out of school, but there are so many other Aboriginal people my age, older and younger who had that experience and who then have had kids and who do not consider schools as safe spaces for them, who do not consider schools as places where their child will be seen and can learn. So we need to understand what those experiences are, and we need very much to hear about what their experiences are and incorporate that.

There was a whole lot of work, a social determination piece of work, that was done by the Department of Education over the last couple of years. There is a report that I understand is sitting with the minister to be released about what those conversations were about. They involve talking to Aboriginal students and families in camp fire conversations, hearing about what their experiences were in school and what they want to see happen. I am very keen to see what the outcome of that report is.

Aiv PUGLIELLI: Thank you.

The CHAIR: Renee, Michael and Joe, you have questions on notice. Do you want to ask questions?

Renee HEATH: I guess you can take this on notice, but I just want to say I have known you for a while, Missi, and I am so proud to hear you are at university and just kicking goals. I know you have worked so hard for that. I guess the question on notice would be: what supports should we be advocating for so you are not

coming in – I would imagine you would have all this stuff in the background going on, so what are the supports we can provide to support you to really do well at school? You can probably take that on notice, meaning you can answer it later if you want.

Missi JOYCE: I might have to think about it. That is a big question, yes.

Renee HEATH: Yes, that is absolutely fine. It is big question. And the same with you, Jasmine.

Jasmine MALLETT: Yes. I agree. It is.

Renee HEATH: It is a big one, so, yes, take it on notice. But well done.

The CHAIR: Thank you. Joe, do you want to ask a question?

Joe McCracken: I just want to congratulate you two young people in particular and to validate everything you have said today. You should be really proud of yourselves. The way that you have put it out there has been really such a mature conversation, and you been able to delve into some issues that a lot of people your age would find really confronting and difficult. I think you have done a really awesome job. Well done. I do not really have questions, because I really took the opportunity to listen. So I hope you feel that you have been listened to today from this experience.

The CHAIR: We will have more questions for you on notice from Joe – I am sure we will. Moira, do you want to ask a question?

Moira Deeming: Thank you so much for speaking up today. Some of the things in that report that I read were just absolutely shocking. Some of the things that teachers have said – I am so shocked and embarrassed, as a teacher myself, that that happened to any child. I just want to encourage you that all the teachers and principals and everyone who has come before us have been asking for training so that they can respond better. They want specific trauma training because obviously they are aware that they are having these difficult situations and they do not know what to do. I am sure that often it perhaps came across as uncaring when teachers were in shock or something like that.

One of the issues I had as a teacher when I had a kid with a specific issue was being careful around that child's privacy and how to look after that kid without breaching that kid's privacy. I was just wondering about a process about how we can actually let teachers know that they have got a child in care that has got a particular trauma without breaching that privacy. What would be a good system for that? If you have any recommendations. The second one is: I was really moved to hear that when you learned about yourself and your trauma and what was going on for you that was so helpful. I was thinking about maybe if you have any recommendations for how we can get trauma-informed training for teachers and for the traumatised children so that when they come into that education environment they are actually working as a team – they are able to have some tools to recognise their own triggers or what is going on for them so that they can work together as a team, so it is not so disjointed. You can take it on notice, but I would love to hear your input on that.

Missi JOYCE: Yes. I have to think about it.

Liana Buchanan: I think the real answers will come from you after you have had a chance to think about it, certainly in relation to that last question. We have made, as a commission, many findings and recommendations in past inquiries about the fact that children in care need access to therapeutic supports by definition. They have experienced a degree of trauma sometimes which is compounded when they come into care – for the rest of their lives in care. So there is a real gap in terms of those children and young people actually getting access to counselling and therapeutic support. As we have said, schools cannot completely fill all of those gaps, but then in terms of the school context there have been improvements in terms of mental health practitioners in schools and so on. But we know they are stretched; we know there are not enough. But exactly what you are describing – if a young person is in school and is able to access good therapeutic support, a good counsellor, through the school system who is then able to work also with the teachers and the adults that that child is in contact with, that is going to be your best outcome, absolutely. When I first heard and read Missi's account I was equally struck by that. Of course, children are working out for themselves what their triggers are and why they are responding in the way they are. The more we can support children to do that and

to recover from their experiences, the better. Frankly, it is their absolute right. It continues to astound me that as a society we do not provide that to every single child and young person in the care system.

The CHAIR: In that case I want to say thank you so much, Liana, Missi, Jasmine and Meena, for coming to give your submissions and your insights. Thanks to Ms Bath for asking the question in relation to your submission. On a rare positive aside, the ministers are listening and are responding, and that is very good. Hopefully they will respond back to you and we can use that and build from that for our recommendations. We will wait for that as well.

I thank you again for staying back for an extended time, because this is very important. I wanted to make sure we asked all the questions. There will be questions on notice coming forward to you. I do apologise to the committee for this being a bit long and going into your lunchtime. I also do apologise to the next two people, former councillors, who are here today. I hope they will join us for lunch. We will suspend this for half an hour for lunch and we will come back again. Thank you so much for your time.

Witnesses withdrew.