

14 November 2008
CSCD/08/344

Robert Fitzgerald AM
Presiding Commissioner
Productivity Commission
GPO Box 1428
Canberra City
ACT 2601

Acknowledging relatives who provide care

Dear Mr Fitzgerald,

Paid Parental Leave: Draft Inquiry Report

Thank you for the opportunity to comment on the draft inquiry report. In my initial written submission in June 2008, I expressed my support for the implementation of paid parental leave and emphasised the importance of being inclusive of a broad range of family types.

I strongly endorse the Commission's view that:

"Families also assume many forms. Families include conventional couples, single parents, adoptive parents, and same-sex partnerships, and as is now customary in family policy, the Commission recognises all of them have legitimate claims for access to a scheme."¹

I do not propose to comment in detail on all aspects of the report, but instead to focus on those families who I believe have not been adequately considered, or provided for, in the recommendations of the draft report.

In my original submission, I supported an inclusive concept of family, noting in particular the need to consider kinship carers, who are now being described as relative carers. I am aware the Commission also received other written submissions that identified these families as requiring inclusion in the report. Despite these submissions, and despite the fact that the Commission's draft report identifies "family circumstances" as an important issue to consider in terms of eligibility, relative carers are not discussed in the report. This has occurred even though at the start of the Commission's report² there is a reference to the eligibility of groups such as "grandparents/aunties/others who are prime carers". Understandably, I was disappointed to find that the 317 page draft report then fails to even consider these families, or include them in the recommendations made.

¹ page XXVI

² Page 1.18

I welcome the Commission's proposal that parental leave include adoptive parents, and be tailored to meet the specific needs of adoptive children. In particular, it is vital that adoptive parents be able to use the leave from the time of placement, regardless of the age of the child. In support of this approach, the Commission has acknowledged that "adopted children have special needs for care, whether they are below school age or not"³. The special needs arise from the trauma experienced by children who have been separated from their birth families, and the need to establish trust and bonding.

It is not clear to me why the Commission has recommended that: "So-called 'known child' adoptions, where the adoptive parents have a pre-existing relationship with the child, would be excluded from eligibility. 'Known child' adoptions currently account for about one in ten of all adoptions in Australia."⁴ This exclusion is particularly concerning given the concept of "known child" is likely to include those who are placed with relative carers. Further information is required to quantify this group.

There are many children who live with and are cared for by their relatives. Relative carers might include grandparents, aunts and uncles, siblings and cousins. These children experience trauma, including that arising from separation from their birth parents, the circumstances that have led to this, and need time to bond and adjust to living with their new carers.

As the submission from the Department of Families, Housing, Community Services and Indigenous Affairs (FACSlA) highlighted:

"In the case of children who enter new families due to the disruption of their original family, as occurs when children come to live with grandparents and other relative carers, often much later than birth, the primary attachment has failed and/or been disrupted, placing the child's ongoing emotional development at risk. The need for a period to facilitate attachment (or bonding) between an older child and its new caregivers is, for this reason, as important as it is for newborns."

A key benefit of the Commission's proposed parental leave scheme is to "generate child and maternal health and welfare benefits by increasing the time parents take away from work."⁵ There is an abundance of evidence (including that noted in the submission by FACSlA) that children in families formed through care by relatives would benefit from time to develop strong attachments to their new carers.

Furthermore, excluding those whose parenting responsibilities arise through relative care from the proposed parental leave provisions is inconsistent with the government's call for an integrated and national approach to protecting children. As the Hon Jenny Macklin MP, Minister for Families, Housing, Community Services and Indigenous Affairs, said in the foreword to *Australia's children: safe and well; A national framework for protecting Australia's children A discussion paper for consultation*:

"The Australian Government is determined to take a national leadership role that builds the partnership across government and the community that is essential to protect all Australian children."

³ Page 2.27

⁴ Footnote page 2.27

⁵ Page 4.1

In my role as Child Safety Commissioner in Victoria, I have had the privilege to meet with many relative carers, including grandparents, aunts and uncles. For many of these people, their role as relative carers was unexpected and unplanned, arising because birth parents were unable to care for their children, often precipitated by a crisis. It is difficult to provide precise data concerning the actual numbers of children in the care of relatives, given that the available data collections are usually restricted to those who have been placed formally with statutory involvement, and there are many children who live in informal care arrangements.

The Australian Bureau of Statistics (ABS) has experienced some difficulties in quantifying the number of such families, exacerbated by changes in sampling procedures. However, the most detailed research by the ABS on "grandparent families"⁶ indicated that in 2003, there were 22,500 such Australian families in which grandparents were the guardians of their 31,500 grandchildren aged 0-17 years. This analysis also revealed that 47% of these families were lone grandparent families, of whom the vast majority were lone grandmothers caring for grandchildren. Perhaps contrary to expectation, in 34% of grandparent families, either one or both grandparents were employed and the current global financial crisis may have extra implications for this group of families. As is also the case for other relative carers, grandparents may also face high initial costs associated with suddenly accommodating children (including clothes, bedding, infant equipment or school supplies). The ongoing costs of caring for children will not have been planned for and may impact upon the sustainability of the grandparent's retirement income, which may be especially difficult in the current financial environment.

Unexpectedly, grandparent families were also found to be more likely than other types of families to live in regional areas (45% compared to 33%), suggesting further analysis of the reasons for this may be helpful. The data also demonstrates a very sad reality that of the 28,700 children in grandparent families that had a natural parent living elsewhere, 26% saw their parent less than once a year or never. This means that in these grandparent families, the grandparent did not share the parenting role with the natural parents at all.

Failure to include children growing up in the care of relatives is also inconsistent with emerging recognition of such families in employment agreements. In the ACT, for the public service, primary caregivers are defined as "any person who demonstrates that they are the primary caregiver of a newborn or adopted child. This could be a grandmother, father, a same sex partner, or a close friend."⁷ Similarly, the West Australian Public Service Agreement 2008 states that unpaid grandparental leave refers to the primary care giver as "the employee who will assume the principal role for the care and attention of a grandchild".⁸

Providing relative carers with the same access to parental leave as adoptive families, would also be consistent with achieving other benefits identified by the Commission in its draft report including:

- assisting those with primary care responsibilities for children to maintain a connection to the paid workforce. This may be particularly important for

⁶ *Australian Social Trends, Australia*, November 2005 (ABS cat. no.4102.0) Grandparents raising their grandchildren

⁷ CMD Governance Division, Information Note, August 2006 s95

⁸ West Australian Public Service General Agreement 2008 s24

older carers who assume parenting responsibilities at a time when their ability to continue to contribute to superannuation will have a long term impact on their retirement.

Supporting other social goals, including "the normalcy of combining a caring role for children and working" is also critical. Families formed through care by relatives, as with all families, need support to balance their roles of caring for children with being in the paid workforce. Excluding them from the parental leave scheme only heightens the relative disadvantage many of these families experience and undeservedly serves to further marginalise them.

In the draft report, the Commission notes that the provision of parental leave may "stimulate further cultural shifts and attitudinal changes in the workplace and in the community more generally."⁹ Not excluding families formed through relative care may also serve to enhance community understanding of and support for these families who have taken on a caring role that benefits the whole community, socially and economically.

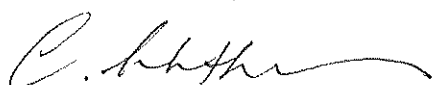
Conclusion

I firmly believe, consistent with the intent of the rest of the report, relative carers should be entitled to access parental leave because:

- As with adoptive families, the wellbeing of the children being cared for in these families would benefit from enabling their relative carers to have time to develop trust and bonding;
- Supporting the wellbeing of children placed with relative carers is particularly important when the extra burdens placed on their carers are taken into consideration.
- A key premise upon which the parental leave proposal is based, is that it is to be available and "should be structured like other normal leave arrangements, such as those for recreation, illness and long service, rather than being seen as a social welfare measure."¹⁰ If entitlement to such leave is based on one's connection to the paid workforce, then why should those employees who take on the responsibilities of parenting through non-traditional means be denied access to this entitlement?

I strongly recommend that the Commission in its final report include a discussion of families formed through relative care and recommend that the approach proposed for adoptive families be extended to these families. Furthermore, I look forward to presenting further on these issues at the public hearing into paid parental leave on 21 November 2008.

Yours sincerely



Bernie Geary OAM
Child Safety Commissioner

⁹ Page 6.1

¹⁰ Page 6.1