NSW GOVERNMENT

18

Technical report

Pathways of Care Longitudinal Study: Outcomes of Children and Young People in Out-of-Home Care

Examining Differences between Care and Protection Legal Order Status: Final and No Final Orders Cohorts

Pathways of Care Longitudinal Study: Outcomes of Children and Young People in Out-of-Home Care in NSW

Technical Report No. 18

Examining Differences between Care and Protection Legal Order Status: Final and No Final Orders Cohorts

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About the information in this report
All the analyses presented in this report are based on the DCJ administrative data to June 30 2016.

Pathways of Care Longitudinal Study Clearinghouse
All study publications including research reports, technical reports and evidence to action notes can be found on the study webpage www.facs.nsw.gov.au/resources/research/pathways-of-care

Study design by NSW Department of Communities and Justice (Insights, Analysis and Research); Australian Institute of Family Studies; Professor Judy Cashmore, University of Sydney; Professor Paul Delfabbro, University of Adelaide; Professor Ilan Katz, University of NSW; Dr Fred Wulczyn, Chapin Hall Center for Children University of Chicago.

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Preface

The Pathways of Care Longitudinal Study (POCLS) is funded and managed by the New South Wales Department of Communities and Justice (DCJ). It is the first large-scale prospective longitudinal study of children and young people in out-of-home care (OOHC) in Australia. Information on safety, permanency and wellbeing is being collected from various sources. The child developmental domains of interest are physical health, socio-emotional wellbeing and cognitive/learning ability.

The overall aim of this study is to collect detailed information about the life course development of children who enter OOHC for the first time and the factors that influence their development. The POCLS objectives are to:

- Describe the characteristics, child protection history, development and wellbeing of children and young people at the time they enter OOHC for the first time.
- Describe the services, interventions and pathways for children and young people in OOHC, post restoration, post adoption and on leaving care at 18 years.
- Describe children's and young people's experiences while growing up in OOHC, post restoration, post adoption and on leaving care at 18 years.
- Understand the factors that influence the outcomes for children and young people who grow up in OOHC, are restored home, are adopted or leave care at 18 years.
- Inform policy and practice to strengthen the OOHC service system in NSW to improve the outcomes for children and young people in OOHC.

The POCLS is the first study to link data on children's child protection backgrounds, OOHC placements, health, education and offending held by multiple government agencies; and match it to first-hand accounts from children, caregivers, caseworkers and teachers. The POCLS database will allow researchers to track children's trajectories and experiences from birth.

The population cohort is a census of all children and young people who entered OOHC for the first time in NSW over the 18 month period between May 2010 and October 2011 (n=4,126). A subset of those children and young people who went on to receive final Children's Court care and protection orders by 30 April 2013 (2,828) were eligible to participate in the study. For more information about the study please visit the study webpage www.facs.nsw.gov.au/resources/research/pathways-of-care.

The POCLS acknowledges and honours Aboriginal people as our First Peoples of NSW and is committed to working with the DCJ Aboriginal Outcomes team to ensure that Aboriginal children, young people, families and communities are supported and

empowered to improve their life outcomes. The POCLS data asset will be used to improve how services and supports are designed and delivered in partnership with Aboriginal people and communities.

DCJ recognises the importance of Indigenous Data Sovereignty (IDS) and Indigenous Data Governance (IDG) in the design, collection, analysis, dissemination and management of all data related to Aboriginal Australians. The POCLS is subject to ethics approval, including from the Aboriginal Health & Medical Research Council of NSW. DCJ is currently in the process of scoping the development of IDS and IDG principles that will apply to future Aboriginal data creation, development, stewardship, analysis, dissemination and infrastructure. The POCLS will continue to collaborate with Aboriginal Peoples and will apply the DCJ research governance principles once developed.

1 Background

The Children and Young Persons (Care and Protection) Act 1998 governs the child protection system in NSW. The Act specifies how children under the age of 18 years at risk of significant harm (ROSH), or being harmed, should be protected. This includes guidelines around reporting, assessments and the provision of services, including OOHC. The Act specifies care orders, including Interim Care Orders (S69) (Interim Orders) and Parental Responsibility Orders (S79A) (Final Orders). The Children's Court may make an Interim Order prior to determining whether the child or young person (hereafter referred to as child) is in need of care and protection. In seeking an Interim Order, DCJ needs to satisfy the Children's Court that it is not in the best interests of the safety, welfare and well-being of the child to remain with their parents or other persons having parental responsibility. Subsequently, the Children's Court may allocate, by Final Order, all or some aspects of parental responsibility (PR) for a child to another party[1] until permanent restoration, guardianship or adoption is arranged; or they age out at 18 years old. In some instances long term foster care may be the best care arrangement for the child.

The receipt of a Final Order is a significant marker for children as they may stay in OOHC until they turn 18. Although children may be restored to their birth parents after the Final Order has been issued, a question that is of great interest to child welfare policy makers and researchers is: from the time long term parental responsibility was transferred to the Minister, how do children fare? The overall aim of the POCLS is to examine the life course development of children who enter OOHC for the first time and the factors that influence their development before, during and after exiting OOHC.

[1] The final order may include full aspects of parental responsibility (PR) of the child to the State/Minister, shared aspects of PR or no aspects of PR (e.g., full aspects of PR to a relative and in supported care)

2 How is Final Order status defined in the POCLS?

The POCLS population sample was drawn from the DCJ (formerly FACS) Key Information Directory System (KiDS) and included all children entering OOHC for the first time between May 2010 and October 2011 (n=4,126)[2]. Children who received a Final Order by 30 April 2013 (n=2,828) are referred to as the 'Final Orders' cohort. Caregivers of children who went on to receive a Final Order by 30 April 2013 (n=2,828) were invited to participate in face-to-face interviews.[3] In-depth data on developmental outcomes and OOHC experience is collected through the interview to complement the administrative data.

The date, 30 April 2013, is an arbitrary cut-off for eligibility for the face-to-face interview. The population cohort included first time entrants to OOHC over an eighteen month period. The eligibility cut-off of 30 April 2013 allowed approximately a further eighteen months for a Final Order to be granted. However, it is important to note that the time to receive a Final Order is not the same for all children in the population cohort as children entered OOHC over a period of eighteen months (May 2010-Oct 2011) but the cut-off date for eligibility is the same for everyone. This results in the 'Final Orders' cohort being biased toward children who received a Final Order in less time. Analysis in this report shows the majority (82.8%), of those who received a Final Order did so within a year of entering OOHC.

The children who had not received a Final Order by 30 April 2013 (n=1,298) have been known as the 'No Final Orders' cohort. The 'No Final Orders' cohort were not invited to participate in face-to-face interviews and therefore developmental outcome data is not collected for this sample through the interview. Administrative data, including linked data to health, education and justice, continues to be collected for this sample, which provides data on service use and broad outcome indicators.

[2] Refer to the linked DCJ administrative dataset FACS_SUMMARY. The variable in the dataset to indicate children on Final Orders versus No Final Orders by 30 April 2013 is called eligibility, with 1=Eligible (Final Orders) and 0=Not eligible (No Final Orders).

[3] A subset of the Final Orders cohort, the interview cohort (n=1,789) agreed to provide contact details to a third party to participate in interviews.

2.1 The legal status may change over time

Children who are on an Interim Order and have not received a Final Order should receive casework from the child protection casework team focusing on safety assessments before being returned to their parents permanently or receiving a Final Order.

Some children who do not receive a Final Order on first entry to OOHC may be returned to their parents but may re-enter OOHC for a second time and receive Final Orders because at this second entry to OOHC it is considered not safe to return home. This second entry and receipt of a Final Order will mean they will receive casework from the OOHC team focusing on permanency and wellbeing.

Children who enter OOHC can exit OOHC via restoration, guardianship or adoption. Children can re-enter OOHC multiple times.

- The determination of the 'No Final Orders' and 'Final Orders' cohort status for the POCLS was at a point in time (30 April 2013) and the analysis is this paper compares these groups. Analysts need to be mindful that over time a child's legal status may change. How groups of children are selected for analysis, and used to report cohort outcomes or comparisons, will depend on the research question.[4]
- 'No Final Orders' cohort (n=1,298)
    - Children in the 'No Final Orders' cohort should receive casework from the child protection casework team focusing on safety assessments before being returned to their parents permanently or receiving a Final Order.
    - Analysis in this report shows that of the 901 children from the 'No Final Orders' cohort that had data on legal status[5] as at 30 June 2016, the majority (n=632, 70.1%) still had not received a Final Order. About 1 in 3 (29.9%) of the children in the 'No Final Orders' cohort had received a Final Order by 30 June 2016.
    - The POCLS record linkage data allows analysts to track high level outcomes for this cohort.

[4] The administrative data contains flags at each wave (a point in time) to show the child's exposure to OOHC, e.g., if the child is on a Final Order, exit status (to restoration, adoption, guardianship orders, aged out at 18 years), re-entered OOHC. Researchers can use any of these flags or the combination of them to create different groups of children they are interested in, e.g., No Final Order as at 30 April 2013 and re-entered care (see Appendix).

[5] In DCJ administrative data n=397 (9.6%) children in the 'No Final Orders' (not eligible for interview) cohort were missing legal status.

- ‘Final Orders’ cohort (n=2,828)
  - Children in the ‘Final Orders’ cohort receive casework from the OOHC team focusing on permanency and wellbeing. The time spent in OOHC will vary and children may stay in long-term OOHC or exit OOHC to restoration, to guardianship, to adoption, or age out of care at 18 years. Children in the ‘Final Orders’ cohort may exit OOHC and then re-enter OOHC a second or multiple times.
  - The POCLS record linkage data allows analysts to track high level outcomes for this cohort which is also linked to:
    - Longitudinal interview data collected from children and their caregiver for a subset of this cohort - the ‘interview cohort’ (n=1,789)
    - Cross-sectional on-line survey with teachers administered to the interview cohort
    - Cross-sectional on-line survey with caseworkers administered to the ‘Final Orders’ cohort.

2.2 Purpose of this report

This technical report examines the differences between these two groups of first time entrants and their pathways in the OOHC system. Specifically the report addresses:

- Who are the children in the ‘Final Orders’ and ‘No Final Orders’ cohorts?
- How long does it take for children to receive Final Orders? How many never do?
- What has happened to the children in both groups? What proportion of children in the ‘Final Orders’ cohort stay in OOHC until they turn 18? Do children in the ‘No Final Orders’ cohort stay for a short period in care and return to their birth parents?
- Is the ‘No Final Orders’ cohort a good comparison group to the ‘Final Orders’ cohort when examining child development in OOHC over time? Can the comparison be treated as a long-term OOHC versus short-term (restoration) comparison?

3 Who are the children in the Final Orders and No Final Orders cohorts?

The demographic characteristics for the POCLS cohorts have been reported in the POCLS Wave 1 Baseline Statistical Report and the POCLS data user guide (AIFS 2015, NSW DCJ 2020). This section compares the 'Final Orders' cohort and 'No Final Orders' cohort to examine if there are statistically significant differences between groups.

Table 1 shows that there were significant differences in gender by order status as at 30 April 2013 (χ^2=7.442, p=0.006). There was a significantly lower proportion of males (n=608, 46.8%) in the 'No Final Orders' cohort compared to the 'Final Orders' cohort (n=1,454, 51.4%).

There were significant differences in age at entry by order status as at 30 April 2013 (χ^2=570.69, p=0.000). There were more younger children (0-2 years) and fewer older children (12-17 years) in the 'Final Orders' cohort. About half (n=1,368, 48.4%) of children were less than 3 years of age in the 'Final Orders' cohort compared to a fifth (n=269, 20.7%) of children who had not received Final Orders. A smaller proportion of children (n=241, 8.5%) in the 'Final Orders' cohort were aged 12 or more compared to over a third (n=469, 36.1%) for children who had not received Final Orders.

There were no significant differences in cultural background by order status as at 30 April 2013 (χ2=4.61, p=0.203). There were similar proportions of CALD and Aboriginal children who received or did not receive a Final Order by the cut-off date. Only a very small number of children were identified as being both CALD and Aboriginal in both order cohorts.

Table 1 also shows the DCJ districts where children in both cohorts were living on entry to OOHC. There were significant differences in DCJ district by order status as at 30 April 2013 (χ^2=62.81, p=0.000). There was a larger proportion of children in the 'No Final Orders' cohort compared to children in the 'Final Orders' cohort in Murrumbidgee Far West and Western NSW, Mid North Coast and Northern NSW, and South Eastern, Northern and Sydney. There were smaller proportions of children who did not have a Final Order by 30 April 2013 in South Western Sydney and Western Sydney and Nepean Blue Mountains.

Table 1: Demographic characteristics of the POCLS population cohort by order status[6]

Child characteristics	No Final Orders n=1,298		Final Orders n=2,828	
	n	%	n	%
Gender				
Male*	608	46.8	1,454	51.4
Female*	690	53.2	1,374	48.6
Age at entry to OOHC				
0-2 years*	269	20.7	1,368	48.4
3-5 years	212	16.3	531	18.8
6-11 years	348	26.8	688	24.3
12-17 years*	469	36.1	241	8.5
Cultural Background				
Aboriginal	392	30.2	911	32.2
CALD	124	9.6	305	10.8
Aboriginal and CALD	5	0.4	15	0.5
Other Australian	777	59.9	1,597	56.5
District				
Hunter New England & Central Coast	288	22.2	686	24.3
Murrumbidgee, Far West & Western NSW*	241	18.6	426	15.1
Western Sydney & Nepean Blue Mountains*	164	12.6	486	17.2
Mid North Coast & Northern NSW*	176	13.6	283	10.0
South Western Sydney*	130	10.0	396	14.0
Illawarra Shoalhaven & Southern NSW	119	9.2	256	9.1
South Eastern, Northern & Sydney*	160	12.3	284	10.0
Statewide services	20	1.5	10	0.4
Total	1,298	100.0	2,828	100.0

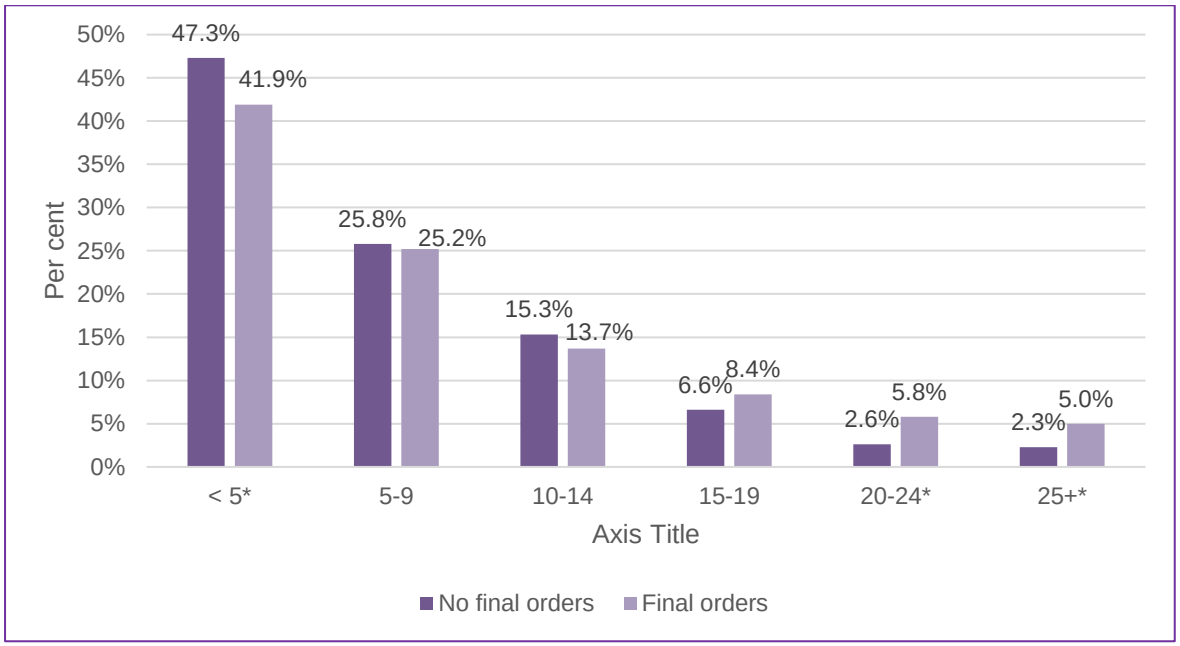
Source: DCJ administrative data. * Significant at $p<0.05$

[6] Wulczyn et al (2017), examined selection and non-response bias in the POCLS and also reports this data using an earlier version of the data. Their report does not provide results of statistical significance. Only descriptive statistics were presented.

3.1 Number of Risk of Significant Harm (ROSH) reports prior to entering OOHC

There were significant differences in the number of ROSH reports by order status as at 30 April 2013 (χ^2=45.64, p=0.000). A larger proportion of children who did not receive a Final Order by 30 April 2013 (n=614, 47.3%) had less than 5 ROSH reports compared to children in the 'Final Orders' cohort (n=1,185, 41.9%). A smaller proportion of children without a Final Order had 20-24 (n=34, 2.6%) and more than 25 (n=30, 2.3%) ROSH reports compared to children in the 'Final Orders' cohort (n=165, 5.8% and n=141, 5.0% respectively).

Figure 1: Proportion of children by number of ROSH reports prior to entering OOHC by order status[a]

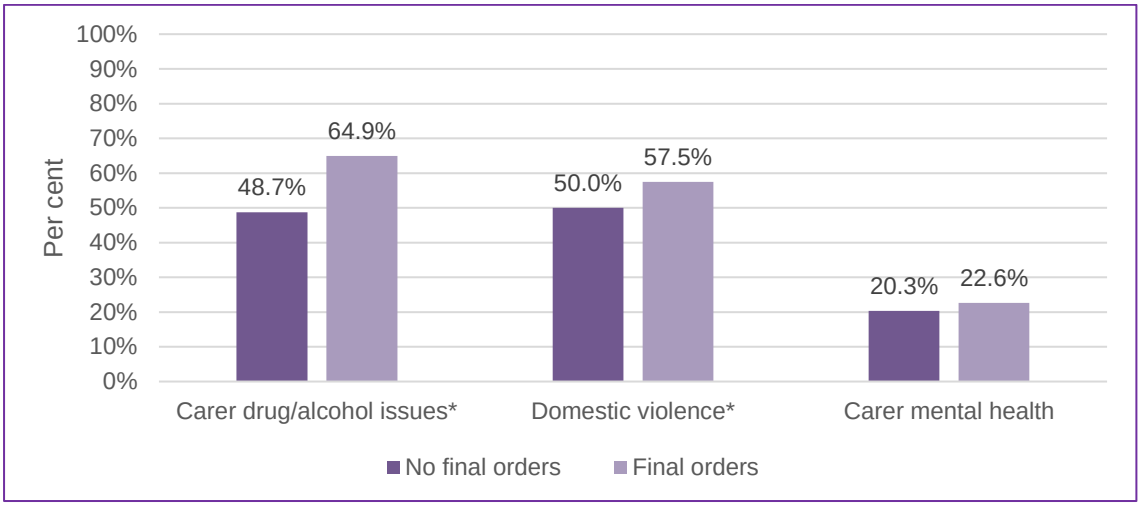


[a] Order status as at 30 April 2013
* Significant at p<0.05
Source: DCJ administrative data

3.2 ROSH reported parental issues by order status

There were significant differences in the proportions of children with and without a Final Order as at 30 April 2013 that had ROSH reports involving carer drug and alcohol issues (χ^2=97.52, p=0.000) and domestic violence (χ^2=20.21, p=0.000). A greater proportion of children with a Final Order had received these types of ROSH reports compared with children in the 'No Final Orders' cohort. There were no significant differences by order status regarding having a ROSH report with carer mental health issues.

Figure 2: Proportion of children who received ROSH reports for parental issues by order status[a]



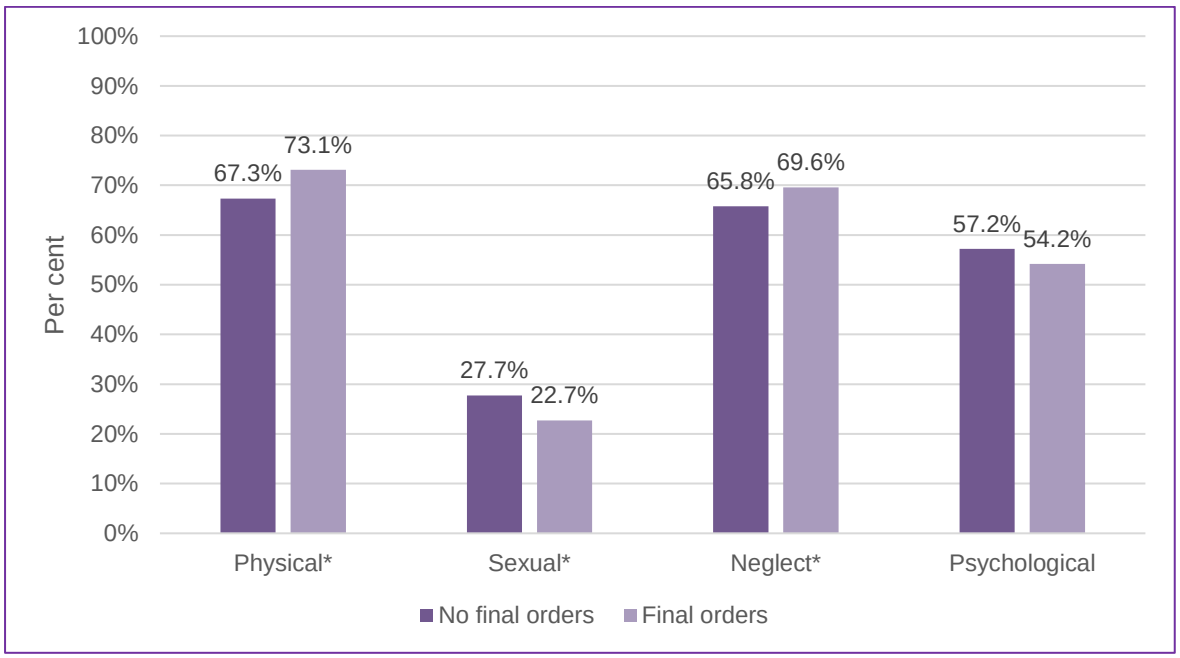
[a] Order status as at 30 April 2013
* Significant at p<0.05
Source: DCJ administrative data

3.3 ROSH reported maltreatment issues

Children with and without a Final Order as at 30 April 2013 exhibited some differences in their history of reported maltreatment. A significantly greater proportion of children in the 'Final Orders' cohort (n=2,066, 73.1%) had received a ROSH report for physical abuse compared to children in the 'No Final Orders' cohort (n=873, 67.3%; χ^2=14.59, p=0.000). A significantly greater proportion of children in the 'Final Orders' cohort (n=1,969, 69.6%) had received a ROSH report for neglect than children in the 'No Final Orders' cohort (n=854, 65.8%; χ^2=14.59, p=0.000). A significantly lower proportion of children in the 'Final Orders' cohort (n=642, 22.7%) had received a ROSH report for sexual abuse than children in the 'No Final Orders' cohort (n=359, 27.7%; χ^2=11.89, p=0.001).

There were no differences by cohort status regarding ROSH reports for psychological abuse, with over half in both groups having a history of ROSH report for psychological abuse.

Figure 3: Proportion of children who had ROSH reported maltreatment types by order status[a]



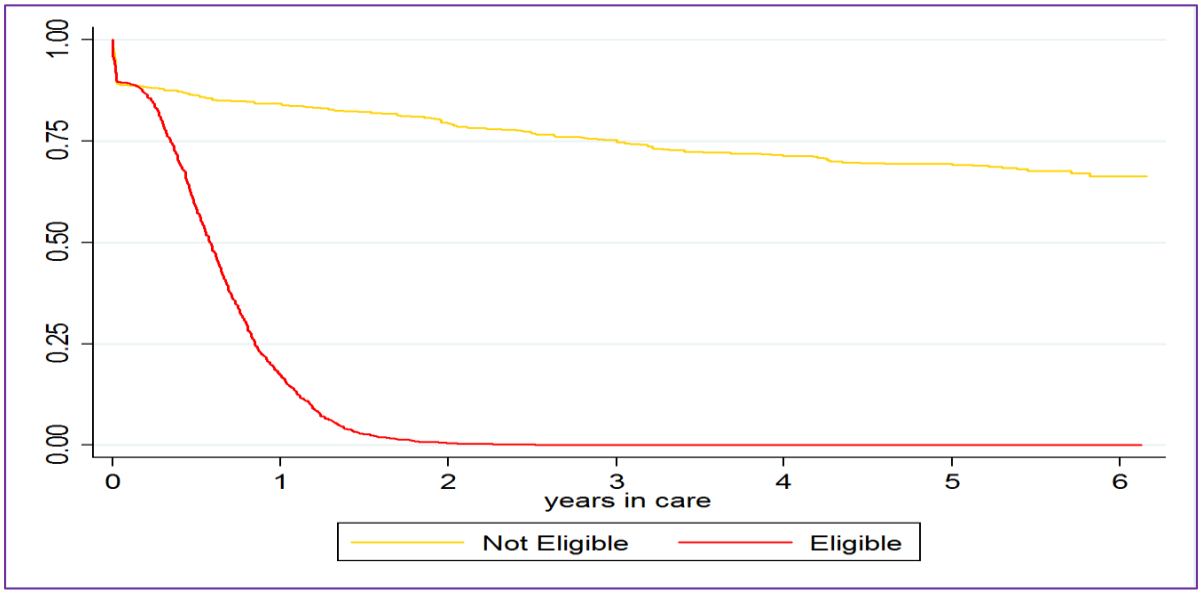
[a] Order status as at 30 April 2013
* Significant at p<0.05
Source: DCJ administrative data

4 How long does it take for children to receive Final Orders?

The time to receiving a Final Order differs significantly between the two cohorts[7] (χ^2 =1880.56, p<0.0000) (Figure 4). Children in the 'No Final Orders' cohort took significantly longer to receive a Final Order if they did receive one by 30 June 2016.

By definition, all those in the 'Final Orders' (i.e., eligible for interview) cohort received a Final Order by 30 April 2013 and the majority (n= 2,342, 82.8%) of those received a Final Order within a year of entering OOHC. Only 15.8% (n=148) of the 'No Final Orders' (i.e. not eligible for interview) cohort had received a Final Order within a year of entering OOHC.

Figure 4: Time from entry to care to receipt of Final Orders by order status[a]



[a] Order status as at 30 April 2013 for POCLS population cohort (i.e. first time entrants to OOHC)
Source: DCJ administrative data

[7] This duration analysis was conducted by using the last legal record available in the DCJ database as at 30 June 2016. These estimates are produced using the Kaplan-Meier survival model for the two cohorts, the model adjusts for censoring (non-observations of records past a certain point) in the calculation of survival rates. The duration to a Final Order was defined as the difference between the time the child started in care and the beginning of the first instance of a Final Order. A number of orders either began on or before the child entered care (e.g. prenatal orders) and these were arbitrarily assigned as taking 1 day. Children were censored if they either aged out of the system (i.e. turned 18) or if the time to receive a Final Order exceeded the time to the census date i.e. 30 June 2016.

4.1 Change in No Final Orders status

Of the 901 children from the 'No Final Orders' cohort that had data on legal status[8] as at 30 June 2016, the majority (n=632, 70.1%) still had No Final Order. About 1 in 3 (29.9%) of the children in the 'No Final Orders' cohort had received a Final Order by 30 June 2016.

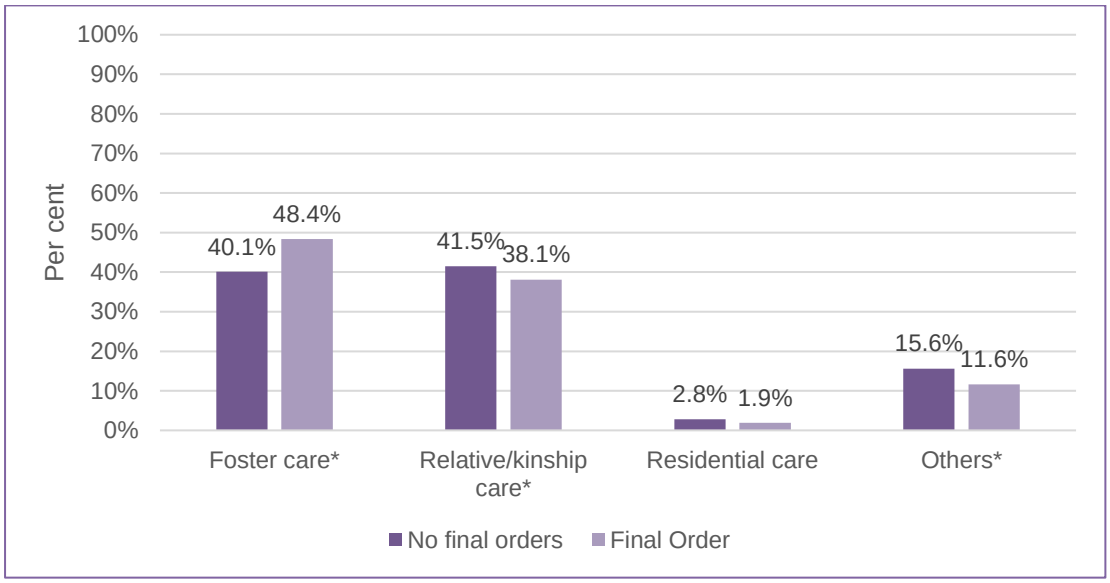
[8] In DCJ administrative data n=397 (9.6%) children in the not eligible cohort were missing legal status.

5 What happened to the children?

5.1 Placement type by order status

There were significant differences in the placement type[9] by order status as at 30 April 2013 (χ^2=30.474, p=0.000). A greater proportion of the 'Final Orders' cohort were in foster care and a smaller proportion were in relative/kinship care or other types of care compared to the 'No Final Orders' cohort. There were no differences in the proportions that were in residential care by order status.

Figure 5: Proportion of children in different placement types by order status[a]



[a] Order status as at 30 April 2013
* Significant at p<0.05
'Others' include placement with parents, supported accommodation and independent living.
Source: DCJ administrative data

5.2 Placement stability by order status

Placement stability is measured by the number of distinct placements during the observation period, i.e., from when a child entered OOHC to 30 June 2016. There were significant differences in the number of distinct placements that children had

[9] Refers to the predominant placement type for the first care period. This reflects the type of care of the longest placement the child or young person had in the first care period. In instances where a child's placements overlap or have a gap of less than 30 days between the end of one placement and the start of another, the placements of care joined to form a single OOHC care period. A care period may therefore consist of multiple placements.

experienced by order status as of 30 April 2013 (χ^2=1121.1, p=0.000). A significantly greater proportion of children in the 'No Final Orders' cohort had less than 2 placements (n=1,010, 77.8%) compared to the 'Final Orders' cohort (n=646, 22.8%). A significantly lower proportion of the 'No Final Orders' cohort also had 2-3 (n=208, 16.0%) and more than 4 placements (n=80, 6.2%) compared to the 'Final Orders' cohort (n=1,435, 50.7%, n=747, 26.4% respectively).

Table 2: Number of distinct placements since entering OOHC by order status as at 30 April 2013

Number of distinct placements	No Final Orders		Final Orders	
	n	%	n	%
<2*	1,010	77.8	646	22.8
2 or 3*	208	16.0	1,435	50.7
4+*	80	6.2	747	26.4
Total	1,298	100.0	2,828	100.0

* Significant at p<0.05
Source: DCJ administrative data

5.3 Length of time in OOHC

There were significant differences between children who had and had not received a Final Order by 30 April 2013 in the length of time they had spent in OOHC. These differences were found for the mean time in care up until the eligibility cut-off date (30 April 2013) and from 1 May 2013 until 30 June 2016.

The independent samples t-tests showed that children with No Final Order were in OOHC for significantly fewer days than children who had Final Orders (Table 4). Children in the 'No Final Orders' cohort spent an average of 286 days (i.e., about 9.5 months) in OOHC prior to 30 April 2013 compared to 729 days (i.e., 2 years) for children in the 'Final Orders' cohort. Children in the 'No Final Orders' cohort spent an average of 254 days (about 8.4 months) in OOHC from 1 May 2013 – 30 June 2016 compared to 754 days (2 years and 1 month) for children in the 'Final Orders' cohort.

Table 3: Length of stay in OOHC by order status as at 30 April 2013

	Length of time from first entry to 30/04/2013			Length of time from 1/05/2013 to 30/6/2016		
	Mean (days)	Median (days)	SD	Mean (days)	Median (days)	SD
No Final Orders N=1,298	286	86	342.04	254	0[10]	443.06
Final Orders N=2,828	729	755	235.95	754	1,157	481.69
	χ^2		P value	χ^2		P value
Kruskal-Wallis	1174.321		0.0001	768.55		0.0001

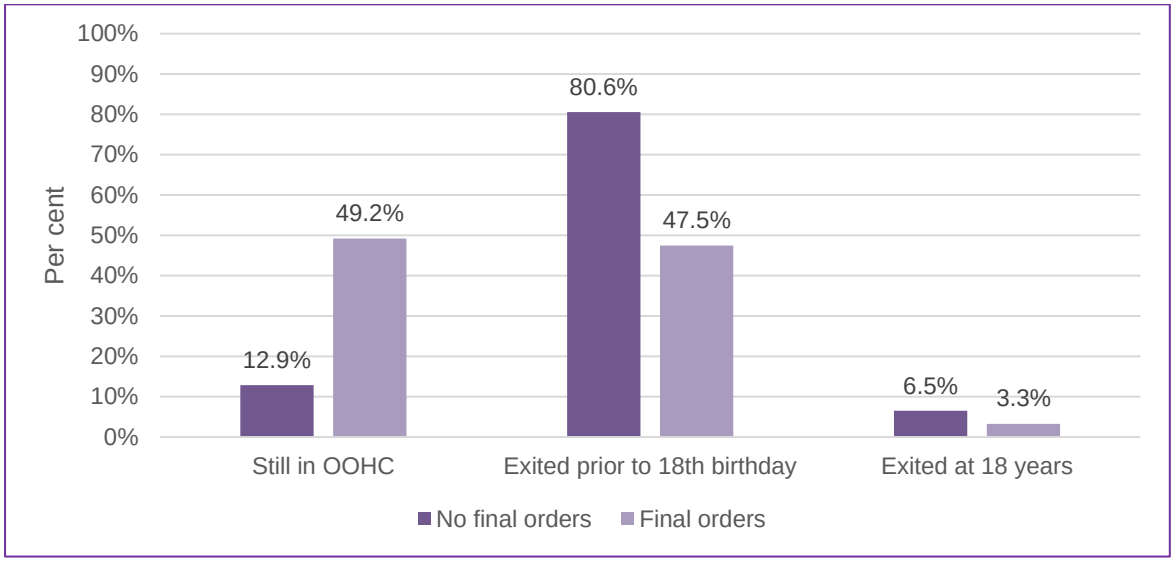
* Significant at p<0.000
Source: DCJ administrative data

5.4 OOHC exit status as at 30 June 2016 by order status

There were significant differences in the exit status as at 30 June 2016 by order status (χ^2=498.865, p=0.000). Figure 6 shows that most (n=1046, 80.6%) of the 'No Final Orders' cohort had exited OOHC prior to their 18th birthday compared to less than half (n=1,342, 47.5%) of the 'Final Orders' cohort. Almost half (49.2%) of the 'Final Orders' cohort were still in OOHC at 30 June 2016 compared to 12.9% of the 'No Final Orders' cohort. A significantly larger proportion of the 'No Final Orders' cohort (6.5%) exited OOHC at 18 years compared to the 'Final Orders' cohort (3.3%).

[10] Due to a considerable proportion of the sample having no time in care after this date (over 50%), the median time in care was observed to be zero days. This conforms with the observation that the data is skewed and that more general tests for comparison such as a Kurskal-Wallace test should be used.

Figure 6: Exit status as at 30 June 2016 by order status[a]



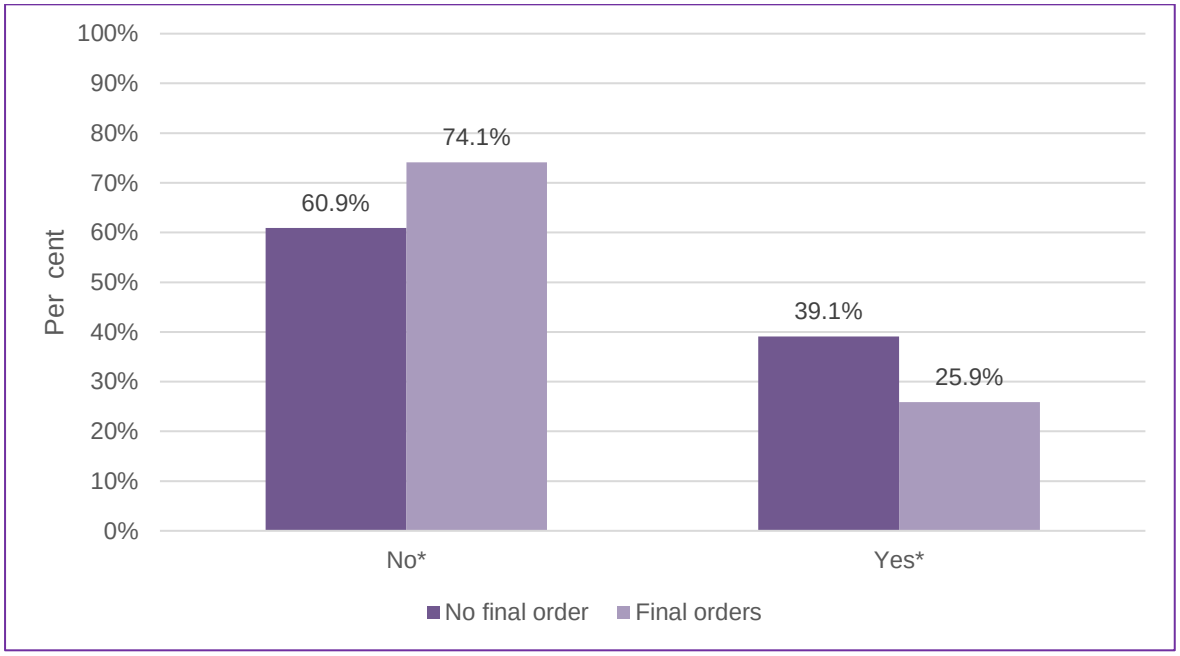
[a] Order status as at 30 April 2013
* Significant at p<0.05
Source: DCJ administrative data

5.5 Exits OOHC through restoration

There were significant differences in the proportion of children that were restored[11] to their birth family by order status (χ^2=73.08, p=0.000). A greater proportion of children in the 'No Final Orders' cohort were restored (n= 507, 39.1%) compared to the 'Final Orders' cohort (n=733, 25.9%) (Figure 7).

[11] As indicated by the exit reason in the DCJ administrative data.

Figure 7: Restoration to birth family by order status[a]

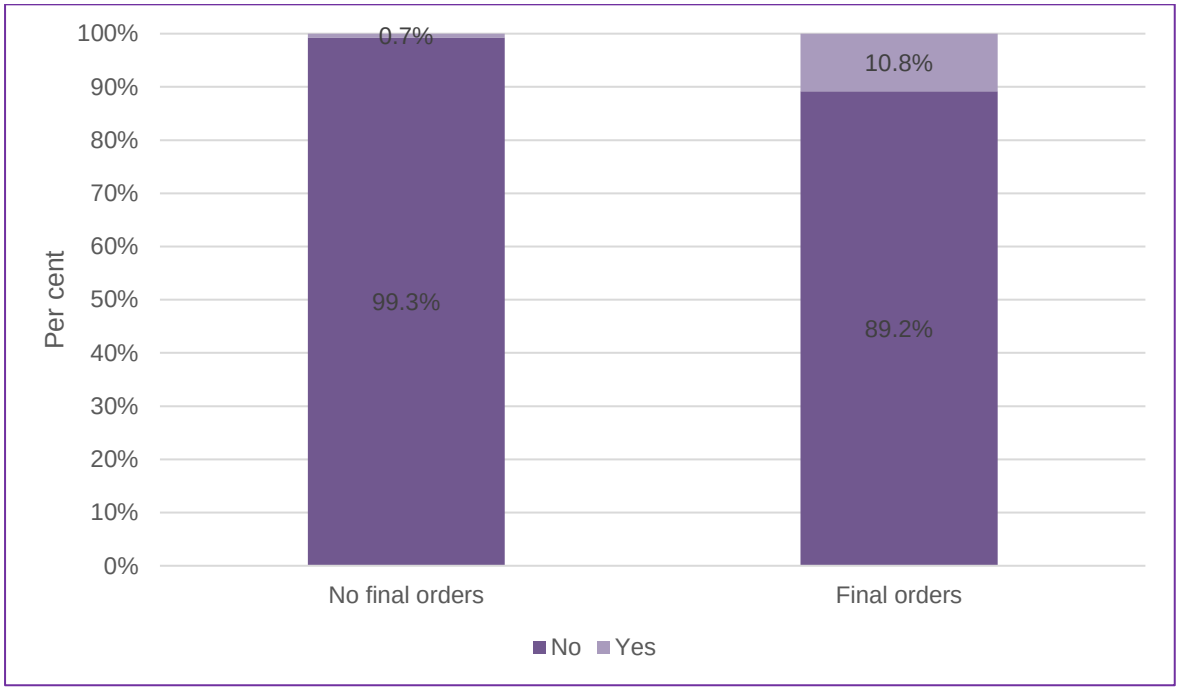


[a] Order status as at 30 April 2013
* Significant at p<0.05
Source: DCJ administrative data

5.6 Exits OOHC through guardianship orders

There were significant differences in the proportion of children that had received a guardianship order by their order status as at 30 April 2013 (χ^2=129.388, p=0.000). As at June 2016, a significantly greater proportion of children in the 'Final Orders' cohort (n=306, 10.8%) received a guardianship order compared to the 'No Final Orders' cohort (n=9, 0.7%).

Figure 8: Guardianship order received by order status[a]

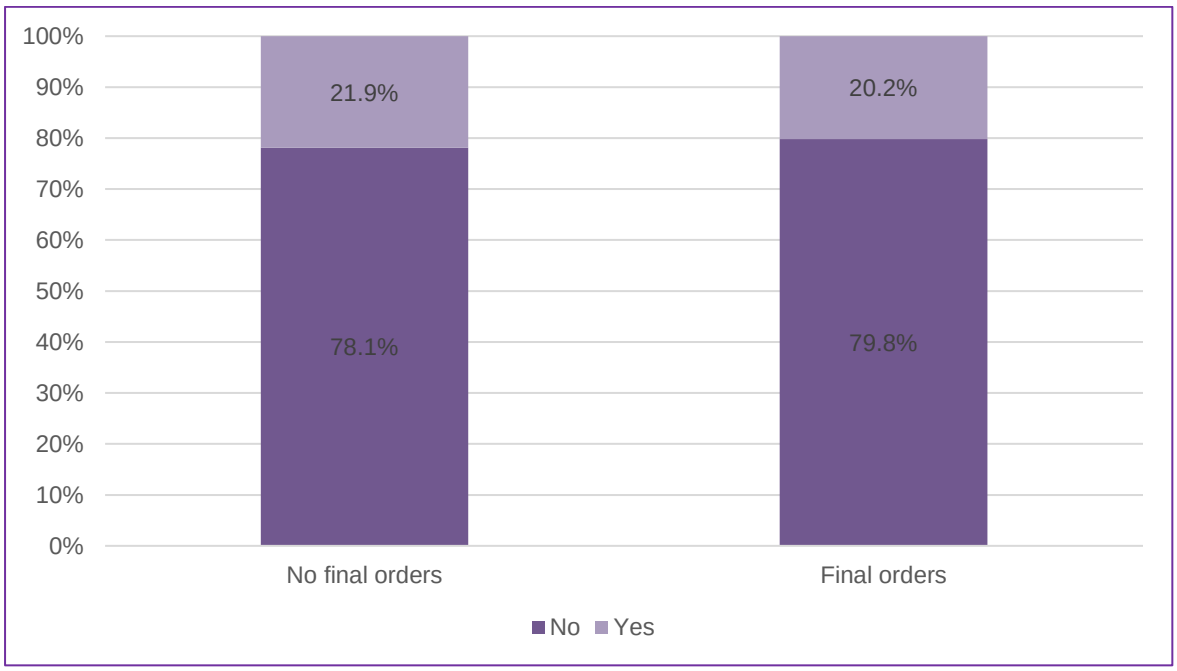


[a] Order status as at 30 April 2013
* Significant at p<0.05
Source: DCJ administrative data

5.7 Re-entries to OOHC for children that exited OOHC before their 18th birthday

There were no differences in the rate of re-entry to OOHC for the children who had exited OOHC prior to their 18th birthday by order status as of 30 April 2013 (χ^2=1.025, p=0.31). As shown in Figure 9, about a fifth (n= 229, 21.9%) of the children who had not received a Final Order by 30 April 2013 and exited OOHC prior to their 18th birthday had re-entered OOHC by 30 June 2016. A similar proportion is observed for children who are in the 'Final Orders' cohort (n=271, 20.2%).

Figure 9: Re-entry to OOHC by 30 June 2016 for children who had exited OOHC before their 18th birthday by order status[a]



[a] Order status as at 30 April 2013
Source: DCJ administrative data
This figure presents data for a subset of children that had exited OOHC before their 18th birthday. No Final Orders; n=1,046, Final Orders; n=1,342

Time to re-entry into OOHC for children who exited OOHC before their 18th birthday

There were significant differences in the time taken for children to re-enter care by order status (χ^2=25.796, p=0.000). Compared to children with a Final Order, significantly smaller proportions of children in the 'No Final Orders' cohort re-entered care within 3 months (n=35, 15.2%) or between 3-6 months (n=31, 13.5%) and a larger proportion (n=114, 49.6%) re-entered OOHC after a year. There were no differences by order status in the proportion that re-entered OOHC between 7-12 months (Figure 10).

Figure 10: Time to re-entry to OOHC by 30 June 2016 by order status[a]

* Significant at p<0.05
Source: DCJ administrative data

Re-entry from restoration and guardianship orders

There were no significant differences in the proportion of children that re-entered OOHC after being restored to their birth family by order status (χ^2=0.453, p=0.501). About a fifth of the children that were restored from both the 'Final Orders' (n=168, 22.9%) and 'No Final Orders' cohorts (n=108, 21.3%) re-entered OOHC post restoration.

As for re-entry from guardianship orders, distinct patterns cannot be drawn due to small numbers involved in the 'No Final Orders' cohort. Four of the 306 children (1.3%) in the 'Final Orders' cohort that received guardianship orders re-entered OOHC by 30th June 2016. None of the 9 children in the 'No Final Orders' cohort re-entered OOHC in that time period time.

5.8 Change in Final Order status

Of the 901 children from the 'No Final Orders' cohort that had data on legal status[12] as at 30 June 2016, the vast majority (n=632, 70.1%) still had No Final Order. About 1 in 3 (29.9%) of the children in the 'No Final Orders' cohort had received a Final Order by 30 June 2016.

[12] In DCJ administrative data n=397 (9.6%) children in the not eligible cohort were missing legal status.

6 Examples of analysis using Final v/s No Final Order cohorts

There has been some analysis completed comparing outcomes for children that had received a Final Order by 30 April 2013 and those that had not received a Final Order using linked education and justice data (Townsend et al 2019, Zhou et al 2019)[13]. This section briefly summarises the relevant findings on the 'Final Orders' versus 'No Final Orders' cohorts from those two analyses, with a focus on whether there are significant differences in the outcomes between children in both groups.

6.1 Australian Early Development Census (AEDC)[14]

Townsend et al's (2019) analysis examined educational outcomes for children in the POCLS population cohort. Children who had received a Final Order by 30 April 2013 and those who had not received a Final Order were compared (Townsend et al 2019).

The findings indicate that POCLS children who had received a Final Order and those who had not received a Final Order, had higher rates of developmental vulnerability than all children in Australia on all five domains[15]. There were no significant differences between the proportion of children that had a Final Order and those that did not for four of the five domains (social competence, emotional maturity, language and cognitive skills, and communication skills and general knowledge). A greater proportion of children who did not have a Final Order were developmentally vulnerable on the communication skills and general knowledge domain compared to children with a Final Order (χ^2 (1) = 6.052, p = .014).

[13] Both analyses utilised the linkage component of the POCLS data - linked data to Australian Early Development Census (AEDC), National Assessment Program – Literacy and Numeracy (NAPLAN) data and/or the Bureau of Crime Statistics and Research's (BOCSAR's) Reoffending Database (ROD).

[14] The AEDC is a standardised tool to assess children's development on entry to school. A total of 695 children in the POCLS population cohort had an AEDC result available (2009 n = 188, 2012 n = 206, 2015 n = 289).

[15] Data is presented for the 2015 AEDC only, as these children had all entered OOHC at least four years prior. Children who undertook the AEDC in 2009 had not yet entered OOHC, those who did it in 2012 had recently entered OOHC and those in 2015 had entered OOHC a few years prior.

6.2 National Assessment Program – Literacy and Numeracy (NAPLAN)

Of the 4,126 children in the POCLS population cohort, 1,691 had NAPLAN results available for at least one scholastic and calendar year. Of this group, just over half had a Final Order (n = 991, 58.6%) and the remainder did not receive a Final Order (n = 700, 41.4%) as at 30 April 2013.

There were no significant differences in NAPLAN participation rates between children on a Final Order and those who were not on a Final Order across all school years. For all testing years (Year 3, 5, 7 and 9), the proportion of children on Final Orders meeting the minimum standard for reading and numeracy was statistically similar to those with No Final Order, yet lower than for NSW students overall.

6.3 Offending[16]

The offending analysis by Zhou et al. (2020) examined offending rates for children in the POCLS population cohort who were aged between 10-17 years (n=1,008) at the time of the first entry into OOHC. The end point of the observation period (i.e., time period that data available on whether a young person in POCLS offended for the first-time) was 30 June 2015[17]. As young persons entered the study at different time points, the follow-up period for each person in the sample varied from 3 years 8 months to 5 years 2 months. The analysis included two variables; order status and a time-varying variable to indicate whether a young person was in OOHC throughout the follow up period. Children who had not received a Final Orders usually stayed in OOHC for a short period of time before they returned home. It was noted that some children changed between birth family and foster home and some received a Final Order after the 30 April 2013.

The findings show that Final Order status was not found to be significantly associated with first time offending. The authors noted the variable is not a good

[16] The POCLS DCJ administrative data includes child protection and OOHC placement histories for the 4,126 children in the POCLS population cohort up to 30 June 2016. The POCLS ROD data includes records of all contacts with the criminal justice system (including those proven and non-proven cases in court) for children aged 10 years and older at the time of the offence spanning the periods from 1 January 2003 to 30 June 2015. Data on complete offending history prior to entry to OOHC was available for those aged 10 to 17 years. If a young person was aged 17 years at first entry in May 2010, he or she would be aged 10 years in 2003 and his/her offending history prior to entry would be captured in the ROD data available.

[17] This is the last observed offence date in the ROD data. Any offences after this point would not be captured in the data.

indicator of the (dosage) effect of OOHC but the inclusion of the time-varying variable was essential in testing the effect of ‘OOHC treatment’ for that analysis.

7 Discussion

This report examined the differences and similarities between the 'Final Orders' and 'No Final Orders' cohorts as defined in the POCLS. The purpose was to better understand what the differences (if any) are between the two cohorts. Children in the 'No Final Orders' cohort did not participate in the interview and outcome data is limited to linked administrative data. A natural question to ask is whether the 'No Final Orders' cohort makes a good comparison group to the 'Final Orders' cohort when the linked administrative data is used to examine changes in outcomes over time.

This report demonstrates that the two cohorts are significantly different on a number of aspects - demographic, child protection and placement history, and their pathways through OOHC. Male children, younger children (0-2 years old) and children from certain areas (i.e., South Western Sydney and Western Sydney) were more likely to receive a Final Order by 30 April 2013 and be classified under the 'Final Orders' cohort. Compared to children in the 'No Final Orders' cohort, children in the 'Final Orders' cohort were more likely to have ROSH reports involving carer drug and alcohol issues, domestic violence, physical abuse and neglect prior to entering OOHC. After entering OOHC, children in the 'Final Orders' cohort were more likely to be placed with a foster carer, change placements, and stay in care for longer. As at 30 June 2016, half of the children in the 'Final Orders' cohort were still in care, 5-6 years after they first entered care. For those who exited from OOHC, children in the 'Final Orders' cohort were less likely to be restored, but more likely to exit via guardianship orders. Furthermore, some children who were in the 'No Final Orders' cohort received a Final Order later.

Given the differences in the characteristics (e.g. number of placements, placement type, length of time in care, age at entry) and their pathways in care between the children in the two cohorts, it is not surprising that previous POCLS analyses based on order status did not find any significant association between outcomes and the order status. No significant differences in educational outcomes and time to first offence between the 'Final Orders' and 'No Final Orders' cohorts were found (Townsend et al, 2019, Zhou et al, 2018). There are a couple of potential reasons for this. Firstly, the order status cut-off date (i.e., 30 April 2013) was defined in the POCLS to reflect practice that most court decisions are made within 18 months and to enable recruitment of children who were eligible for interview. The cut-off date does not have any significance in terms of how a child was developing at that particular point in time. Secondly, literature shows that the characteristics on which the cohorts differ (e.g. child age, child protection and placement history) are significantly associated with developmental and other outcomes (Walsh et al 2018,

Carnochan 2013, Pritchett et al 2013). Therefore the variation in the outcomes might be explained by these characteristics, rather than the order status itself.

It was appropriate to define the eligibility for interview by Final Order status for study recruitment purposes. It is a different consideration whether the 'Final Orders' cohort compared to 'No Final Orders' cohort is appropriate from a research/analytical perspective. The main issue with the current definition is that the underlying construct of the order status is unclear, that is, what does it capture? If the intention is to capture the "exposure effect" of a Final Order on outcomes, the comparison group needs to only include children who have never received a Final Order. This will only be possible when everyone in the POCLS population cohort reaches the age of 18 (i.e., when they could no longer receive a Final Order). Until then, the best we could say is the child has not had a Final Order at a given point in time. Baseline data on outcomes at the time of entry to OOHC would also be required to examine changes prior to and post the receipt of a Final Orders to determine the effect of a Final Order on outcomes. The POCLS does not have access to baseline data for outcomes on entry to OOHC.

If the intention is to examine the "dosage effect" of OOHC (i.e. amount of OOHC intervention), then length of time in OOHC is probably a better measure than the order status determined by an arbitrary cut-off date. This was demonstrated in the offending analysis by Zhou et al (2018). Researchers should consider suitable comparison groups depending on their research question. The administrative data for the population cohort (n=4,126) contains flags on exit status (in care or exit), re-entry, restoration, adoption and guardianship orders (see Appendix).[18] It also contains information on whether the child participated in interview by wave, and variables for age at entry, type of placement, cultural background to enable the examination/comparison of sub-populations within the POCLS.

[18] Currently by 30 June 2016 but will be updated with new administrative data in 2020.

8 References

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9 Appendix: Flags to select cohorts for analysis

The administrative data for the population cohort (n=4,126) contains flags/variables on exit status (in care or exit), re-entry, restoration, adoption and guardianship orders.[19] It also contains information on whether the child participated in interview by wave, and variables for age at entry, type of placement, cultural background to enable the examination/comparison of sub-populations within the POCLS.

Flag/variable description	Variable name
Age at entry/ age at exit by care period	Eg. AGE_ENT.1,2,3 AGE_EXIT.1,2,3 etc
Type of placement (predominant placement type by care period)	Eg. PLC_GRP_PR.1,2,3 etc
Cultural background	KD_ADMIN_STUDYCHILD_ATSI, KD_ADMIN_STUDYCHILD_CALD, KD_STUDYCHILD_CULTURAL_BACKGROUND
At each wave	
No Final Orders cohort – no Final Order	eligibility
No Final Orders cohort - re-entry	Eligibility=0 and n_ce>1
Final Order	
- Exit OOHC status exited care period before 30 June 2016	oohc_exit.1,2,3 etc.
- Restoration	IV_RESTORATION_FLAG
- Guardianship	IV_GUARDIAN_FLAG
- Adoption	IV_ADOPTION_FLAG
- Aged out at 18 years	exit_reason.1,2,3 etc
- Re-entry	–IF n_ce>1 or care_period.2,3 etc >0.

Also see the POCLS Technical Report Number 2: Design and Data User Guide

[19] Currently by 30 June 2016 but will be updated with new administrative data in 2020.

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