goodstart early learning

Submission - Inquiry into Children in Immigration Detention

May 2014

Goodstart Early Learning welcomes the opportunity to provide a submission to the Australian Human Rights Commission's Inquiry into the impact of immigration detention on the health, wellbeing and development of children. Goodstart is guided by International Conventions that state liberty is a fundamental human right and supports the view that mandatory immigration detention for children is inconsistent with Australia's human rights obligations and that detention of vulnerable groups including children is undesirable.

This submission particularly focuses on the terms of reference of the Inquiry pertaining to whether laws, policies and practices relating to children in immigration detention meets Australia's international human rights obligations, with a particular focus on:

- the provision of education and recreation; and
- the appropriateness of facilities in which children are detained.

Key points:

- Children and families living in immigration detention often have stressful and traumatising pre-migration, transition and re-settlement experiences.
- There is a convergence of evidence which categorically demonstrates the importance of supportive environments and nurturing relationships in the first 5 years of a child's life for protecting children from poor health, education and well-being outcomes.
- We have an ethical, moral and legislative responsibility to all children, including the most vulnerable children in our society, such as children in detention, to ensure they are protected from conditions that lead to poor outcomes. Goodstart notes the views of experts that current approaches to detention of children and families compounds existing trauma and does not maximise the long term outcomes of Australia's potential citizens.
- At present children in detention have limited access to early childhood services that can support their learning, development and well-being.
- Whilst some early learning programs are offered in immigration detention these are not subject to the same standards of quality assurance as regulated early learning services.
- Children and families seeking asylum are equally entitled to protection from harm at all stages in their asylum seeking journey and should be able to access services that can offer protective factors supporting better outcomes now and in the future.
- The existing universal service system, including early learning centres located close to detention facilities, working collaboratively with other specialised services could be better utilised to enable children and families to access child and family friendly environments that are not available within the detention facility, whilst supporting parents and reducing risks.
- Goodstart welcomes an opportunity to work collaboratively with Government and other not-for-profit organisations to create innovative, responsive service models that enable children and families seeking asylum better access to and participation in early childhood services.

About Goodstart Early Learning

Goodstart Early Learning (Goodstart) is Australia's largest provider of early childhood education and care, with 13,000 staff caring for 73,000 children from 61,000 families across 641 centres. Goodstart is a not-for-profit, for-purpose social enterprise founded by four of Australia's most respected charities to change the way early childhood programs are delivered in Australia and to ensure vulnerable children and families can benefit from quality early childhood education and care.

The founding members were compelled to this vision by the convergence of evidence from economists, early childhood researchers, and neuroscientists, convincingly demonstrating the value of investing early to achieve social and economic gains for individuals as well as society as a whole. Goodstart's view aligns with that posed by the National Scientific Council on the Developing Child (2007): Child development is a foundation for community and economic development because capable children become the foundation of a prosperous and sustainable society. Creating the right conditions for early childhood development is likely to be more effective and less costly than addressing problems at a later age.

Goodstart's vision is for Australia's children to have the best possible start in life. Its mission is to provide high–quality, accessible, affordable, community–connected early learning in its centres, as well as partner and openly collaborate with the sector to drive change for the benefit of all children. Consequently, Goodstart is committed to raising the quality of early learning for all of Australia's children, including those who are most vulnerable such as children seeking asylum in Australia.

Through the foundation of its capable and qualified people, the three strategic goals that drive Goodstart's work are:

1. Quality—raise the quality of early learning
2. Inclusion—enable *all* children's access to and inclusion in early childhood programs
3. Stability—ensure financial stability to generate a surplus to reinvest in quality and inclusion initiatives

Young children are holders of rights

Australia ratified the United Nations Conventions on the Rights of the Child in 1990. By agreeing to comply with the United Nations Convention on the Rights of the Child, the Australian Government and the states and territories recognise and endorse the principles and provisions of the Convention when thinking about how children will be affected when making laws and policies and when developing and delivering services directly affecting children.

Goodstart notes that when considering the needs of very young children the United Nations Committee on the Rights of the Child (2006) identifies that a very young child's health and psychosocial well-being are interdependent and that both may be put at risk when subjected to adverse living conditions, neglect, insensitive or abusive treatment and restricted opportunities to access a healthy and safe environment, education and play opportunities. Goodstart Early Learning considers that the current arrangements for the detention, transfer and provision of services to children seeking asylum do not adequately support children's learning, development and well-being outcomes.

Given the current policy settings, Goodstart Early Learning is particularly concerned about the minimal access to education and care services provided to children and young people in detention and the lack of regulatory requirements for the provision of these services. Given our area of expertise and the scope of this inquiry, this submission will focus on access to education and care services for children in detention.

Children are in immigration detention at a critical time of development and are at risk of poor outcomes

It is well documented by early childhood experts, neuroscientists and economists that the early years have profound consequences for early childhood and life outcomes. Consequently, trauma and negative early experiences, such as those encountered by children seeking asylum can have profound effects on children's life outcomes. These experiences are further compounded by the impact of detention (Save the Children, 2013).

The Australian Red Cross in its Inaugural Vulnerability Report (2013) states that limited opportunities for meaningful participation for people in immigration detention exacerbates mental distress. This point is also supported by [redacted], President AMA, Northern Territory Branch who says of children in immigration detention, "Stressors in early life are predisposed towards long term health care problems and the fact that 95 percent of these children are going to end up Australian citizens means that we are contributing to long term mental health and physical health problems of future Australian citizens."

If children have access to early childhood experiences that foster and promote their learning, development and well-being at this crucial stage, they have a chance of building the resilience needed to overcome these negative early experiences.

Access to quality early learning programs could support children and families living in detention

At present children in detention have limited access to early childhood services that can support their learning, development and well-being. Whilst some early learning services are offered in immigration detention these are not subject to the same standards of quality assurance as regulated early learning services. Goodstart believes that children in immigration detention should be able to access early learning environments that are subject to these standards. Such services working collaboratively with agencies that provide specialist, therapeutic support to children and families experiencing the trauma of migration and detention could help to:

- ameliorate risk factors
- contribute to better learning, development and well-being outcomes; and
- provide support to families whilst they await decision on their immigration status.

Further, the Australian Red Cross (2013), Save the Children (2013) and the Commonwealth and Immigration Ombudsman (2013) consistently advocate for more humane approaches to detention including investing in opportunities for children and their families to live in the community while they await determination of their immigration status. We therefore propose that an even more effective model, that would better serve the interests of the child and family, is the replacement of closed immigration detention with community based arrangements in addition to the wrap around services outlined above.

Goodstart discussed opportunities to develop responsive models that include access to and participation in early childhood services with the Department of Immigration between August 2011 and October 2012, however, promising discussion did not lead to action. Goodstart is also currently in discussion with Red Cross and Save the Children to develop supportive service models for children and families living in community detention.

In consideration of current policy settings there are opportunities to improve services for children and families living in detention. Some examples of responsive service models that early learning and care services could provide in partnership with existing specialist services are listed below:

- Consult with children and families to learn about the types of early childhood services that may meet their needs.
- Explore opportunities for children and families who are detained with children aged 4 years and under to access appropriately designed early learning opportunities in centres proximal to a detention facility.
- Offer facilitated playgroup and parenting programs in regulated early learning environments in collaboration with specialist agencies and with appropriately trained early childhood educators – to give children and families opportunities to benefit from play-based programs in environments that are specifically set up to optimise children's learning; provide parents with support in their parenting role; and to provide respite from the stressors of living in detention.
- Offer emergency childcare places for children in detention that are designed according to the best available evidence and in collaboration with specialist agencies when parents are required to attend appointments or where parents require support e.g. in the case of high ongoing stress and/or mental illness.

Summary

The Australian Human Rights Commission has sought submissions on the impact of immigration detention on the health, wellbeing and development of children. This submission particularly focuses on the terms of reference of the Inquiry pertaining to:

- the provision of education and recreation;
- the appropriateness of facilities in which children are detained.

In short, there is opportunity for early learning and care services to provide support to children and families in immigration detention through partnerships with government and other not-for-profit and specialist organisations. Goodstart Early Learning would be pleased to contribute further to discussions about how the provision of education and recreation for children in detention could be improved. Creating the right environments to support children in detention early in life will:

- meet Australia's moral and ethical obligations pertaining to the United Nations Conventions on the Rights of the Child; and
- help to mitigate costs, in both economic and human terms, likely to be present at a later stage.

References

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