

Standing Committee on Social Issues

## **Prevention**

# Interim Report on Child Protection Services

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## Terms of Reference

1. That the Standing Committee on Social Issues inquire into and report on the following aspects of the Department of Community Services:
  - (a) the adequacy of systems to receive, investigate and assess reports of children and young people at risk of harm,
  - (b) the ability of systems to receive and respond to requests for assistance concerning children, young people and families,
  - (c) the availability of appropriate out-of-home care placements for children and young people,
  - (d) outcomes for children and young people in out-of-home care.

In respect to matters (a)-(d) above, the Committee is to examine:

- (i) the training and morale of DoCS employees,
  - (ii) the adequacy of resources allocated for child and family services,
  - (iii) the role of research and consultation.
2. That the Committee table an interim report by 26 September 2002 and a final report by 5 December 2002.

These terms of reference were referred to the Committee by the Legislative Council on the motion of the Hon Dr Arthur Chesterfield-Evans on 10 April 2002 (Minutes of Proceedings No 18 pages 107-110).

## Committee Membership

Jan Burnswoods, MLC, **Australian Labor Party, Chair**

The Hon James Samios MLC, **Liberal Party, Deputy Chair**

*From 20 June 2002*

The Hon Dr Arthur Chesterfield-Evans, MLC, **Australian Democrats**

The Hon Amanda Fazio, MLC, **Australian Labor Party**

The Hon Ian West, MLC, **Australian Labor Party**

The late Hon Doug Moppett MLC, National Party, served as Deputy Chair of the Committee until 14 June 2002. Mr Samios was appointed in place of Mr Moppett.

# Table of Contents

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	Chair's Foreword	viii
	Executive Summary	ix
	Recommendations	x
<b>Chapter 1</b>	<b>Introduction</b>	<b>1</b>
	<b>The purpose of this report</b>	<b>1</b>
	<b>Scope of the inquiry</b>	<b>1</b>
	<b>Inquiry process</b>	<b>2</b>
	Submissions	2
	Hearings and consultations	2
	<b>Major events during the inquiry</b>	<b>3</b>
	<b>Overview of the interim report</b>	<b>4</b>
	<b>Future Plans</b>	<b>5</b>
<b>Chapter 2</b>	<b>Overview of key issues and evidence</b>	<b>6</b>
	<b>The social context of child protection</b>	<b>6</b>
	<b>The 1998 Act</b>	<b>6</b>
	<b>A vision for child protection</b>	<b>7</b>
	<b>Proclamation</b>	<b>7</b>
	<b>Mandatory Reporting</b>	<b>8</b>
	<b>Public perceptions and the culture of the Department</b>	<b>8</b>
	Management culture	10
	Staffing issues	10
	<b>Departmental structure</b>	<b>11</b>
	<b>Business Systems</b>	<b>11</b>
	Unallocated cases	12
	Data on demand	12
	<b>The Helpline</b>	<b>13</b>
	<b>Community Service Centres</b>	<b>14</b>
	<b>Out-of-home care</b>	<b>15</b>
	An increase in children and young people currently in care	15

	A way forward in out-of-home care	16
	<b>The Court System</b>	<b>17</b>
	New South Wales Children's Court	17
	Use of Apprehended Violence Orders	18
	Family Court	19
	<b>Special needs groups</b>	<b>19</b>
	Children and parents with disability	19
	Indigenous children and families	20
	Cultural and linguistic diversity	20
	Rural and remote areas	21
	<b>Research and evaluation</b>	<b>21</b>
	<b>Conclusion: Is it simply a matter of more resources?</b>	<b>22</b>
<b>Chapter 3</b>	<b>Prevention and child protection</b>	<b>24</b>
	<b>Shifting the debate</b>	<b>24</b>
	<b>Why <i>is</i> prevention and early intervention important?</b>	<b>25</b>
	Definitional issues	26
	<b>Current arrangements for prevention, early intervention and family support</b>	<b>26</b>
	<b>Realising the potential of the 1998 Act</b>	<b>27</b>
	<b>A co-ordinated approach to primary prevention</b>	<b>28</b>
	Enhancing primary prevention	29
	<b>A system for secondary prevention</b>	<b>30</b>
	Clarifying the role of DoCS	30
	Requests for assistance	31
	Unallocated cases	31
	Direct service provision	32
	Committee view: the role of DoCS in prevention	32
	Resourcing family support services	34
	Making family support more effective	36
	The need for clear outcomes and performance measurement	36
	Valuing connections at the local level	37
	<b>Conclusion</b>	<b>38</b>
<b>Chapter 4</b>	<b>Challenges facing child protection</b>	<b>40</b>
	<b>Issues for final report</b>	<b>40</b>
	Building an effective child protection system	41
	<b>Statement of Dissent</b>	<b>43</b>

## Chair's Foreword

I am pleased to present the Committee's interim report on child protection services.

This is a vitally important inquiry for the health and well being of children in this State. During this, and our related inquiry into early intervention for children with learning difficulties, we have recognised the need to rethink the way that the child protection system operates.

Prevention is the *only* way we will reduce the number of children at risk of abuse and neglect. This is not speculation or even wishful thinking. Over the past decade there has grown a much more sophisticated understanding of the importance of the early years in children's development and how once problems are established, they are very difficult to overcome. A more enlightened approach to child development is to put in place proven preventative programs that will reduce the likelihood of problems occurring in the first place.

This does not mean that we should gloss over the need for concerted reform within the Department of Community Services, or that we should stop trying to help children and families in need through an effective child protection system. But we need to shift the focus away from crisis and on to ways to encourage positive growth in children. We need a culture change, but not just within the beleaguered Department of Community Services: no single agency or professional group can or should assume full responsibility for child protection in this State.

I am delighted that once again the Social Issues Committee, representing as it does a range of views and parties, has been able to adopt unanimously four chapters of this report.

Our final report in December will look in more detail at the child protection system, including the challenges facing the Department of Community Services and the need for substantial reform in the out-of-home care system.

We have dedicated this report, and the Committee's first report into learning difficulties, to our former Deputy Chair, the late Hon Doug Moppett MLC. During his long involvement with the Committee, Doug participated in many inquiries that dealt with the rights of children. He was a firm advocate for children and has helped the Committee over the years to develop many practical suggestions for improving children's health and wellbeing. We miss him deeply.

I commend this report to the Government

**Jan Burnswoods MLC**  
**Chair**



## Executive Summary

This **interim report** on child protection is released together with our **first report** for the **inquiry into early intervention for children with learning difficulties**. A key theme cutting across both inquiries is the recognition that intervening early in the lives of children so that problems are avoided or minimised produces the best outcomes for children, families and communities. The simultaneous release of these two reports is intended to clearly demonstrate the need for a comprehensive and co-ordinated system of prevention and early intervention in New South Wales. This need is underscored by the rising number of reports of abuse coming into the system and the substantial growth in the number of children in out-of-home care.

This **interim report** identifies significant issues which must be addressed if New South Wales is to develop an effective child protection system. An overarching problem is the poor public image of the Department of Community Services and the pressing need for it to build a new relationship with the community, based on trust, collaboration, transparency and accountability. New resources will be critical to, but not the panacea for, an invigorated and effective child protection system: evidence before the inquiry has shown that both structural and cultural change will need to occur at the same time. We have also noted a number of significant events and decisions which have had an impact on the system since the commencement of the inquiry.

The range of issues raised by submissions and witnesses is spelt out in Chapter 2. Analysis of these issues, and recommendations to address them, will be developed in our **final report**.

In this **interim report** the Committee has concentrated on prevention. We have identified as an immediate priority the need to develop a better system to support families and promote the wellbeing and development of children, so as to prevent difficulties from occurring and escalating. This is the first and most important step that must be taken in addressing the challenges faced by the Department of Community Services. A well organised, robust and properly funded approach to prevention and early intervention is a necessary pre-condition to effective and lasting reform within the Department.

In Chapter 3 we explore in detail the important benefits that will flow from the development of adequately resourced systems of primary and secondary prevention. We call for a strengthened population-based system of children's services that supports all families and provides a strong foundation for child development. We also call for a comprehensive and systemic approach to secondary prevention, including family support services, to help families in need and prevent the escalation of these needs into crisis.

Unless action is taken to develop the preventative capacity of the child protection system, demand for child protection services and out-of-home care will continue to escalate. Children will continue to be denied the full range of life opportunities to which they are entitled, and from which we will all benefit.

A clear message from everyone concerned about child protection is the need for strong and sustained bipartisan commitment to rebuilding the system. The children and families who need it most are too important to risk.

## Recommendations

### **Recommendation 1** *Page 33*

The Government should develop and fund a comprehensive and systemic approach to prevention and early intervention to support families, reduce the risk of harm to children and limit the number of children moving into out-of-home care. The Committee has strongly recommended the establishment of a new Department of Child Development in our interim report on early intervention for children with learning difficulties. The Committee envisages that:

- Responsibility for primary prevention would rest with the new Department of Child Development
- Responsibility for secondary prevention would remain with the Department of Community Services.

Significant additional funding should be allocated to support both primary and secondary prevention strategies.

### **Recommendation 2** *Page 33*

To ensure that the Department of Community Services is effective in carrying out its role in secondary prevention:

- Effective systems to handle the receipt, assessment and referral of requests for assistance should be developed
- Sufficient capacity must be developed within Community Service Centres to ensure that unallocated cases are properly assessed and support or referral is provided as required
- The exact nature and role of departmental caseworkers in providing direct support should be clarified.

### **Recommendation 3** *Page 38*

In consultation with relevant stakeholders, the Department of Community Services should develop a co-ordinated framework for secondary prevention including family support services to address:

- The role and responsibilities of family support services within the broader child protection system
- The industry development and funding requirements of family support services
- The establishment of appropriate mechanisms for consultation and collaboration at the regional and local level
- Planning for the distribution of family support services to ensure that each area has the full range of integrated service options, particularly for families and children at risk
- The specific funding and service provision needs of identified groups of people with high and complex needs
- Ways to measure the effects and outcomes of family support.

### **Recommendation 4** *Page 38*

As a matter of urgency, the Government should review the adequacy of the current funding of family support services through the Community Services Grants Program.

# Chapter 1 Introduction

The inquiry into child protection services was referred by the Legislative Council to the Standing Committee on Social Issues on 10 April 2002. The terms of reference require the Committee to provide an interim report<sup>1</sup>, and a final report to the Parliament. The final report will be presented to the Parliament by 5 December 2002. This chapter provides a brief overview of the inquiry process to date, including details of submissions and witnesses to this inquiry, and the significant events that have occurred since the inquiry began.

## The purpose of this report

- 1.1 **This report** is released together with our **interim report** for the **inquiry into early intervention for children with learning difficulties**. During the evidence for the two inquiries, the Committee has been struck by the intersection of the issues: that children rarely experience problems in isolation; that abuse and neglect are major risk factors for children with learning difficulties; that the longer you leave problems the harder they are to fix; and that intervening early in the lives of children so that problems are avoided or minimised produces the best outcomes for children, families and communities.
- 1.2 The simultaneous release of these two reports is designed to clearly demonstrate the need for a comprehensive and co-ordinated system of prevention and early intervention in New South Wales. The dominance of child protection issues in this State and the escalation in spending on investigating reports of abuse have seriously undermined the focus on and funding to family support and child development. A system based on responding only after a crisis has occurred is the wrong system. Both reports argue that significant and sustained investment in childhood development and family support will have lasting social and economic benefits for society.
- 1.3 This interim report provides a brief overview of the key issues and evidence raised with the Committee and, in Chapter 3, a discussion of the crucial issue of prevention. The final report will address and make recommendations on the full terms of reference for this inquiry.

## Scope of the inquiry

- 1.4 The terms of reference for this inquiry are potentially very broad, with a short reporting timeframe, so the Committee decided that the inquiry should focus on systemic issues rather than individual cases. This is not to say that individual cases are not valuable to this inquiry. On the contrary, information provided to us on individual experiences of the child protection system has been extremely valuable in illustrating systemic issues. We have not referred directly to individual stories but instead hope that the discussions and recommendations for reform will resonate with the many people who took the time to tell us of their experiences.

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<sup>1</sup> On the resolution of the House, the Committee was granted an extension to the reporting date of the interim report until 16 October 2002, Minutes of Proceedings No. 33, item 2.

- 1.5 We are also conscious that the child protection system in New South Wales has developed over a very long period, and that there are many outstanding issues of concern relating to past practices. In particular, the Committee is aware of the concerns of many people with past experience of out-of-home care. While we acknowledge the significance of these issues, the Committee has decided that in view of the limited time available, the inquiry should concentrate largely on issues that relate to current rather than past practices in child protection and out-of-home care.

## **Inquiry process**

- 1.6 In gathering evidence for this inquiry, the Committee recognised the importance of gaining a broad perspective and thus has consulted with a wide variety of community groups and individuals. In order to facilitate this process, the Committee has called for submissions, taken oral evidence and conducted site visits to metropolitan, regional and rural areas.
- 1.7 We are extremely grateful to the people who have participated in this very important and timely inquiry.

### **Submissions**

- 1.8 The Committee has received 267 written submissions from individuals and a wide range of organisations, including the Department of Community Services (DoCS), the Public Service Association (PSA), Association of Child Welfare Agencies (ACWA), Family Support Services, child protection interagency committees, as well as representatives of the legal, health and education professions and academics. The Committee also received a significant number of submissions from past and current Department of Community Services employees.
- 1.9 In view of the sensitive nature of this inquiry, the Committee instituted special procedures for the handling of submissions including the secure storage of confidential submissions, and the circulation of confidential submissions to Committee members without identifying material.

### **Hearings and consultations**

- 1.10 The Committee has taken public as well as *in camera* evidence for this inquiry. To date, the Committee has spoken to over 120 people.
- 1.11 Witnesses providing public evidence included the Minister for Community Services, the Hon Carmel Tebbutt MLC, the Director-General of the Department, Dr Neil Shepherd and the previous Director-General, Ms Carmel Niland. The Committee also heard from representatives from oversight and peak non-government organisations such as the Community Services Commission (CSC), the Commission for Children and Young People, the Foster Care Association and the Family Support Services Association of NSW. Also providing evidence have been the NSW Police Service, the NSW Teachers Federation, Gabrielle Kibble (Chair of the Joint Working Party on the NSW Department of Community Services), representatives from the Women's Refuge movement, and the

Aboriginal Child, Family and Community Care State Secretariat, as well as a variety of other child welfare service providers, academics and individuals.

- 1.12** Many organisations and individuals provided *in camera* evidence, including past and present DoCS workers, members of the legal profession and young people with experiences of the child protection and out-of-home care systems.
- 1.13** As mentioned above it has been the intention of the Committee to consult as widely as possible with the community. While much of this evidence was provided on a confidential basis, many of the participants agreed that their evidence could be used in the report, with identifying material removed. To date, the Committee has visited a number of metropolitan and regional areas. The aim of these visits was to consult with a diverse selection of interest groups. The Committee spoke to current and past DoCS employees, non-government family support services, Aboriginal services and representatives of ethnic service providers. These meetings provided the Committee with important insights into the child protection system, particularly as it operates in regional New South Wales.
- 1.14** A full list of public witnesses and public submissions will be provided in the final report.

## Major events during the inquiry

- 1.15** Throughout the inquiry there have been a number of significant events and decisions which have had an impact on child protection services and on the progress of the inquiry. Major events include:
- The Ombudsman's Report entitled *DoCS – Critical Issues: Concerns arising from investigations into the Department of Community Services* was published in April 2002. The report is extremely critical of current DoCS systems, particularly its responses to increased reports of child abuse, transfer of information within the Department, the client information system and record keeping practices.
  - A forum for non-government agencies titled *Finding a way forward for children at risk: Getting the most out of the Parliamentary Inquiry into DoCS* was held on 30 May 2002. The forum was attended by more than 120 services and provided a valuable contribution to the inquiry as to ways to improve services and responses to vulnerable children and young people and their families in New South Wales.
  - The formation of the DoCS/PSA Joint Working Party (Kibble Committee) to review demand data, DoCS information systems and allocation of work to Community Service Centres (CSCs), was announced on 30 April 2002. The Report of the Kibble Committee was submitted to the Minister for Community Services in July 2002. The Report made a number of recommendations including the immediate need for additional resources, organisational realignment, the development of demand management strategies, a review of business rules operating at the Helpline and CSCs, and changes to recruitment and training. The Kibble Committee has been extended until December 2002 to provide information on the implementation of an integrated demand management strategy.

- The State Budget of 4 June 2002 provided for an additional 43 staff in DoCS, 30 of whom were caseworkers to support the Permanency Planning legislation, with 10 allocated to child protection and 20 to out-of-home care. The remaining 13 were support staff.<sup>2</sup>
- The then Minister for Community Services, the Hon Faye Lo Po' MP, announced on 26 June 2002 a package of reforms for the Department based on the work of the Kibble Committee, including 100 new child protection caseworkers plus 37 support staff. This brought the total new staff to 180, 130 of whom were caseworkers.<sup>3</sup>
- The Premier announced the appointment of a new Minister, the Hon Carmel Tebbutt MLC, and a new Director-General, Dr Neil Shepherd, for the Department of Community Services on 11 July 2002.
- The establishment of an independent inquiry by the Department to look into the 'file tampering' allegations raised by the *Four Corners* program on 15 July 2002. Professor Michael Reid is undertaking the examination.
- In mid August 2002 Community Services Minister Carmel Tebbutt provided the Department's submission to the inquiry and announced that the Department would undertake a series of initiatives to improve performance, including the separation of the Department's key functions into three main divisions: Prevention and Early Intervention, Child Protection and Out-of-Home Care.

## Overview of the interim report

- 1.16** Chapter 2 provides a brief overview of key issues and evidence raised in relation to the terms of reference for this inquiry, including the culture of the Department, structural issues in DoCS, resourcing of the Department, DoCS systems including the Client Information System, the Helpline, work practices in CSCs including record keeping and file management, mandatory reporting, relationships with the non-government sector, and out-of-home care. These issues will be dealt with further in the final report, and the chapter therefore does not contain recommendations.
- 1.17** Chapter 3 provides a more detailed discussion on the importance of prevention within the child protection system and the need for a co-ordinated and comprehensive system of prevention and early intervention. The chapter considers the importance of primary prevention strategies and family support services and provides some **recommendations** on ways to improve the current delivery of prevention and early intervention services, including increased resources for prevention activities, the development of performance indicators and evaluation for prevention programs, and the need for long term planning.

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<sup>2</sup> Shepherd, Answers to Questions on Notice, 12 September 2002

<sup>3</sup> Shepherd, Answers to Questions on Notice, 12 September 2002

## Future Plans

- 1.18** The Committee will provide a final report to the Parliament on Thursday 5 December 2002, as directed by the terms of reference. The Committee will be taking further evidence at public hearings in November. Details of the hearings will be provided on our website, [www.parliament.nsw.gov.au](http://www.parliament.nsw.gov.au)

## Chapter 2 Overview of key issues and evidence

This chapter provides a brief overview of the broad range of issues raised with the Committee in evidence and submissions. We do not make recommendations on these issues at this stage of the inquiry, although possible directions for reform are identified where appropriate.

### The social context of child protection

- 2.1 The difficulties faced by the Department of Community Services are taking place in the context of rapidly rising demand for child protection interventions. Changes in attitudes towards child abuse have led to an increasing number of reports of abuse coming into the system and there has been substantial growth in the number of children living in out-of-home care.
- 2.2 These trends are occurring in a broader environment that is making the task of raising children more difficult. New patterns of work and family life, increasing social inequalities and entrenched patterns of social exclusion, are all placing added pressures on families.
- 2.3 Correspondingly, families at risk of coming into contact with the child protection system tend to have a increasing complexity of need, as reflected in domestic violence, substance misuse, poverty, homelessness and isolation. There is also a growing number of children with parents who have a disability or mental illness and who need support in their parenting role.<sup>4</sup>
- 2.4 Yet despite a growing awareness of the importance of early childhood experiences in maximising children's development and lifelong opportunities, the service structure has not responded adequately to these more complex patterns of social life, in order to more effectively support families and children. These issues are explored in greater detail in our **interim report on early intervention into learning difficulties**. The role of prevention and early intervention in supporting families is considered in significant depth in Chapter 3 of this report.

### The 1998 Act

- 2.5 There was overwhelming support conveyed in evidence and submissions for the *Children and Young Persons (Care and Protection) Act 1998* (The Act) as providing a strong legislative framework on which to build an effective child protection system. The Act specifies that the care and protection of children is a shared responsibility and is based on the needs of the child in the context of their family, culture and community.<sup>5</sup> The evidence also unanimously supported the *Interagency Guidelines for Child Protection (2000)* as the basis for both policy and child protection practice. As outlined in the following chapter, however,

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<sup>4</sup> Dorothy Scott (2002), quoted in Submission 269, Commission for Children and Young People

<sup>5</sup> Submission 269, Commission for Children and Young People



the full potential of the Act has not yet been realised, due to structural and systemic problems and delays in proclamation of its out-of-home care provisions.

- 2.6 A number of witnesses suggested changes should be made to the Act, including minor changes to mandatory reporting and to definitions of harm.

## A vision for child protection

- 2.7 Despite the intent of the 1998 Act, many submissions argued the need for a clear vision for child protection services in New South Wales, suggesting that for over 20 years successive governments have failed to articulate clear goals for the Department and the child welfare sector. According to UnitingCare Burnside, an effective system requires:

a clearly articulated, shared vision about children and families that seeks to support and enhance rather than demonise and judge.<sup>6</sup>

- 2.8 The sector is eager for the Department to undertake a rigorous policy development process, based on wide consultation and with strong leadership, in order to provide unambiguous goals and direction for the whole system. This could be based, many suggest, on the Act. In particular, there is a need to articulate the most appropriate outcomes for child protection. As the Commission for Children and Young People has argued:

[A] priority for the immediate future is the formulation of a cross agency, cross discipline, agreed NSW policy for child protection where outcomes are based upon the development of the child within their family, cultural and community context. The policy should be located within a broad public health and community development approach to promoting children's development and child, family and community well-being.<sup>7</sup>

## Proclamation

- 2.9 One of the most pressing issues raised by witnesses is the need to proclaim and implement the outstanding sections of the Act that relate to the Children's Guardian and her responsibilities in monitoring and regulating the out-of-home care system. These sections provide for regular review of the case plans of all children in care, monitoring of voluntary out-of-home care, the separation of parental responsibility from service provision, and the accreditation of out-of-home care agencies.

- 2.10 Many people suggested that the failure after 4 years to proclaim these key aspects of the Act has contributed to a mistrust of the Department and is having a negative impact on co-ordination and service delivery in the out-of-home care sector. More importantly, until the Act is fully proclaimed, the significant safeguards that it offers children and young people unable to live with their families remain dormant.

<sup>6</sup> Submission 169, UnitingCare Burnside, p.3

<sup>7</sup> Submission 269, Commission for Children and Young People, p.14

- 2.11** At the time of giving evidence to the inquiry, the Minister for Community Services, Carmel Tebbutt MLC, had not established a timetable for proclamation. She assured the Committee she is committed to ensuring that care plans are developed for all children and young people in out-of-home care, that these are appropriately monitored, and that proper standards exist for service providers. However, she indicated that further consultation and investigation of the resource impact of proclamation on both the Department and non-government sector was required.
- 2.12** The Committee strongly encourages the Department to complete these tasks as a matter of priority, and to put in place a new timetable for proclamation and implementation of the outstanding sections of the Act.

## **Mandatory Reporting**

- 2.13** There is significant support for the principle of mandatory reporting of children at risk of harm. Mandatory reporting has a central role in identifying children at risk and connecting them to services. The principal issue is whether a broadening of mandatory reporting in the new Act has led to an increase in unnecessary reports which have significantly added to the Department's workload.<sup>8</sup> A number of witnesses including the Department argued for some minor changes to the legislation around mandatory reporting. Others suggested the need for improvements in interpretation of legislative requirements, more informed reporting and better guidelines on mandatory reporting procedures.<sup>9</sup>
- 2.14** Mandatory reporting does have its detractors. In his submission to the inquiry, Dr Frank Ainsworth suggests that it is an unnecessary tool for determining risk, as did Barnardos Chief Executive Officer, Louise Voigt when she appeared before the Committee.<sup>10</sup>
- 2.15** We anticipate that further information about the impact of the extension of mandatory reporting that took place under the 1998 Act will be provided by the Kibble Committee.

## **Public perceptions and the culture of the Department**

- 2.16** At the heart of this inquiry lies a widespread sense of distrust and lack of confidence in the Department of Community Services. The standing of the Department and its management have eroded over a considerable period of time, most recently as a result of the failure to fully implement the 1998 Act, the findings of the Ombudsman's Report released in April and the airing of the *Four Corners* program in July. These perceptions, which are shared by the range of child protection stakeholders, the broader public and many staff, reflect the Department's longstanding tendency to resist public scrutiny and to deal with criticism defensively.

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<sup>8</sup> The processes for dealing with reports is dealt with below in relation to Community Service Centres and the Helpline.

<sup>9</sup> Spence evidence, 20 May 2002

<sup>10</sup> Submission 7, Dr Frank Ainsworth; Voigt evidence, 18 July 2002

**2.17** The urgent need to develop a new relationship with the community that is based on trust, collaboration, transparency and accountability was acknowledged by both the new Minister and Director-General when they appeared before the Committee shortly after being appointed to their roles. As the Minister said:

The Department of Community Services certainly cannot do its work unless the agency has credibility with the community and also with other service delivery agencies, both government and non-government ... I want to emphasise to this Committee again, being open and transparent in the way we do our work, and improving the Department's relationship with its various partners, is vital to establishing and retaining that credibility. Particularly in an area such as child protection, there can be no other approach.<sup>11</sup>

**2.18** The Committee welcomes this new approach, but notes that building community confidence will take considerable time, not least because it requires cultural change within the Department. Preliminary suggestions of the Committee about ways to develop a more effective relationship include:

- The collection and regular public release of clear and definitive data about workload, departmental performance and outcomes
- Systematic evaluation of the outcomes of new initiatives and reforms
- A preparedness to acknowledge mistakes and to use them to inform future decisions
- A willingness to engage with and respond properly to the recommendations of external review bodies such as the Ombudsman and the Child Death Review Team
- Transparent internal review and complaint handling procedures coupled with more effective engagement with external oversight and review processes
- Joint planning and consultation with key stakeholders and individual clients
- A collaborative approach across all levels of the Department
- Strategies for capacity building both within the Department and the non-government sector
- Adequate resourcing of all aspects of the child protection continuum including early intervention, child protection and out-of-home care services
- Developing an organisational culture of learning and commitment to principles of continuous improvement.

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<sup>11</sup> Tebbutt evidence, 19 August 2002

### Management culture

- 2.19** A further ‘cultural’ problem that the Department must deal with is the loss of corporate memory that has resulted from staff turnover, regular restructures and an emphasis on top-down management. The outcome has been that effective child protection practices have been less able to feed into policy and decision-making over time. In the Committee’s view, DoCS need to rebuild a management culture that actively includes and values professional child protection skills and experience.

### Staffing issues

- 2.20** Evidence to this inquiry has been very supportive of the level of commitment and dedication of most DoCS caseworkers. However, the need to build staff morale is a key challenge for the Department. Management practices, rising levels of demand, inadequate resources and limited success with clients due to workload have all been cited as factors that reduce morale. One witness explained it this way

[Y]ou are left with workers who are trying to do everything in terms of data entry, keeping their records up to date, getting out, responding, investigating and so on.<sup>12</sup>

- 2.21** As well as contributing to the Department’s loss of corporate knowledge, staff turnover has bled the Department of professional skills and experience in child protection service delivery. At the same time, the Department has difficulty recruiting suitably trained and qualified people to caseworker positions. We are aware that the Department is paying particular attention to the need to ensure that the caseworker role is properly supported. Key areas for reform suggested in our evidence and in past reviews of the Department include:

- Developing effective systems for clinical support and supervision of caseworkers
- Investing in legal, administrative and other forms of support in order to free up caseworker time and allow them to concentrate on their core duties
- Clarifying the role and function of caseworkers in relation to early intervention and out-of-home care
- Establishing effective systems for staff relief and backfilling of vacant positions
- Developing systems to monitor staff workload and provide a rational process for allocating caseworkers to Community Service Centres based on regional demand
- Developing robust systems to influence Budget enhancements for staffing.

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<sup>12</sup> Cashmore evidence, 20 May 2002

## Departmental structure

**2.22** A longstanding concern is that resources within DoCS are continually diverted into the crisis end of child protection. While some people believe that another Departmental restructure would be disruptive and unnecessary, many supported the idea first proposed by the Community Services Commission that the Department be divided to reflect the three separate streams outlined in the 1998 Act: early intervention, child protection and out-of-home care. As Commissioner Robert Fitzgerald told the Committee:

Irrespective of governments, directors-general or ministers, the same thing occurred; unless you get structural separation all reforms fail within a three-year period, largely because the child protection area continues to eat into it.<sup>13</sup>

**2.23** One of the major reasons for the need for separate streams was outlined by ACWA Executive Officer Nigel Spence:

As long as those three areas are muddled together, child protection investigation will always dominate and the ability to provide meaningful family intervention and support is going to be lost to the child protection end.<sup>14</sup>

**2.24** The Department's submission advised that it would divide its functions into the three streams proposed by the Commission and will separate funding and accountability requirements for each stream.<sup>15</sup> While this move has been welcomed by the sector it has been suggested that structural change alone cannot fix current difficulties.

**2.25** It is too early to comment on the efficacy of the Department's new approach. Issues to be clarified in relation to the new structure include:

- How the proposed quarantining of resources will operate within Community Service Centres
- What the funding arrangements will be for each stream
- How connections between the three inter-related streams will be ensured
- How non-government organisations will be integrated into the three streams.<sup>16</sup>

## Business Systems

**2.26** Following the release of the Ombudsman's Report, significant attention has been focussed on the business systems of the Department. It is a matter of record, and has been

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<sup>13</sup> Fitzgerald evidence, 20 May 2002

<sup>14</sup> Spence evidence, 20 May 2002

<sup>15</sup> Submission 248, Department of Community Services, p.50

<sup>16</sup> Cashmore evidence, 20 May 2002

acknowledged by the Department, that the existing Client Information System (CIS) must be replaced, that record keeping practices have been ineffective and that proper data collection systems to track demand or measure the performance of the Department do not exist. In addition, there is a need for systems to effectively track all children in out-of-home care. As the Commission for Children and Young People has noted, effective business systems to monitor workloads, support staff and develop performance could contribute significantly to the effectiveness of DoCS:

In the Commission's view, getting these systems right will bring greater short term benefits than simply increasing staff numbers in DoCS.<sup>17</sup>

- 2.27** Proposed reforms to address these issues include the development of a new Client Information System and Record Management System, as well as online operational policy and practice guidelines.<sup>18</sup>

### **Unallocated cases**

- 2.28** Unallocated cases are a matter of particular concern. While we have had differing reports on the proportion on level 1 and level 2 cases<sup>19</sup> that are not allocated for casework, there is uniform agreement that the proportion is too high. This highlights the need for better systems for workload management and appropriate resources to support the Department's work.

### **Data on demand**

- 2.29** The issue of data collection on demand for services is particularly significant. Conflicting statistics on the number of reports to the Helpline have contributed substantially to stakeholder and community frustration with the Department. The Kibble Committee has undertaken a preliminary survey of demand. However, it is not yet possible to provide an accurate understanding of the level and nature of demand, despite this being critical to the Department's operations. The Kibble Report states:

All existing counts have implications for demand for services. However, even when taken together they do not sum to a single measure of demand, not least because they measure quite different things.<sup>20</sup>

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<sup>17</sup> Submission 269, Commission for Children and Young People, p.20

<sup>18</sup> Submission 248, Department of Community Services, p.54

<sup>19</sup> The DoCS Initial Risk Assessment process categorises child protection reports into 4 response levels. A level 1 response requires a response within 24 hours and may necessitate an immediate response if risk levels are very high. Level 2 requires a rapid response within 72 hours. Level 3 requires a response within 5-10 days and level 4 requires a response at some stage after 10 days: Submission 248, Department of Community Services, p.11. Level 3 and 4 responses are discussed in the following chapter.

<sup>20</sup> Joint Working Party on NSW Department of Community Services, *Demand for DoCS Services and Management of the Intake Process: Final Report*, 21 June 2002, p.17

- 2.30** In acknowledgement of these problems, Dr Shepherd has extended the Kibble Committee until December 2002.
- 2.31** The Committee is strongly of the view that the issue of data on demand for services must be urgently addressed. There is a need to develop a transparent and accountable framework for data. The work of the Kibble Committee is therefore particularly significant.

## The Helpline

- 2.32** The Helpline began operating in December 2000 as the single entry point for all reports of children at risk of harm or homelessness, and as the primary entry point for requests for assistance. The main objective of the Helpline was to provide consistency of intake and assessment procedures. It was also intended to free up Community Service Centre staff and to improve data collection.
- 2.33** There was some support for the principles of the Helpline, but the majority of submissions to the inquiry mentioned many difficulties associated with this system. The primary concerns among those who wished to make a report included lengthy call waiting times, limited or no feedback about the outcome of reports, and the lack of speedy responses such that many reporters also called their local CSC to alert them to urgent reports. The staff of CSCs, on the other hand, cited inadequate initial assessments and poor quality of information, necessitating repeat assessments and 'double handling'. Helpline staff expressed concerns about training and support as well as the significant pressures associated with the call centre model that they work within.
- 2.34** All of these concerns point to a basic tension that exists in the Helpline, between the necessity to cope with a high volume of calls and to provide a quality service to CSCs, reporters, children and families. They also suggest that the Helpline is not yet effective as a centralised intake system.
- 2.35** In recent evidence, the Director-General told the Committee that a new total of 130 Helpline staff will greatly improve the functioning of the Helpline.<sup>21</sup> However, the breadth of issues cited above indicate the need to think carefully about whether the Helpline provides a viable intake model in the longer term. A modified system that combines the standardised process and data collection mechanisms afforded by the Risk Assessment Framework with a localised intake through CSCs may be a more effective approach. This could be supplemented by a centralised out of hours service that could also take calls from reporters concerned about anonymity in regional areas. Such a model would also address the significant concern raised by many staff of other government and non-government agencies, that their relationship with their local DoCS office had eroded since the establishment of the Helpline, resulting in poorer outcomes for children and families.

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<sup>21</sup> Shepherd evidence, 19 August 2002

## Community Service Centres

**2.36** Many of the issues noted above in relation to staff morale, the Helpline and business systems are played out on a daily basis in CSCs. As the front line and public face of the Department, the vehicles through which it does its core business, it is critical that CSCs do their job – and are seen to be doing their job - well. Yet as we have noted elsewhere in this report, other agencies are frustrated by untimely and inadequate responses from CSCs.

**2.37** The primary issue raised by CSC staff is workload. The additional resources allocated for more front line staff appear to have been insufficient, and the ‘freeing up’ of staff time that was expected from the Helpline has not been forthcoming. The Committee was told that inefficient systems, high levels of administrative work, as well as approval procedures and time-intensive processes such as those associated with appearing in court, all take caseworkers away from the field and perpetuate the crisis orientation of the system. As the Committee was told by a number of caseworkers:

[T]here is no linkage, official policy linkage between how much work you have and how much resource you need to do it.<sup>22</sup>

We are normally trying to struggle with quality versus quantity, and there is an expectation of quality, which we all want to provide, but the quantity of work out there is immense.<sup>23</sup>

When I signed on to DoCS I signed on as a district officer, and a district officer’s job was to be out there in the community as well as investigating child abuse as well as doing call work, but it was about community work, it was about creating a system where child abuse was likely to be reduced because you had contact with these people. Now we are caseworkers – that is the term we are given – and we have been virtually taken out of the field.<sup>24</sup>

**2.38** Other symptoms of these workload problems include high levels of unallocated cases, stress leave and staff turnover. CSCs appear to cope differently with these difficulties: the Committee heard of offices that had ‘shut down’ in their relationships with local agencies; other DoCS workers told us that the only way their centre survives is by maintaining a close relationship with other service providers.

**2.39** In the Committee’s view, addressing the range of issues documented throughout this report will have a profoundly positive effect on both the daily operations and morale of CSCs and their staff. The allocation for extra caseworkers since the inquiry commenced will also help, but may still not be sufficient. In light of the evidence cited above, we suggest that there is a need to further consider the role of the caseworker and the optimal balance between investigation and community work. We also stress the need to rebuild and nurture relationships between CSC staff and other agencies in order to ensure better outcomes for children and families. Finally, we encourage the Department to set about

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<sup>22</sup> Caseworker, August 2002

<sup>23</sup> Caseworker, July 2002

<sup>24</sup> Caseworker, July 2002



these tasks in close consultation with casework staff, who are best placed to advise on effective strategies.

## Out-of-home care

**2.40** Out-of-home care refers to the provision of accommodation, care and support (casework) to children and young people unable to live with their families. Placements range from kinship care and foster care to more intensive residential care. It also includes older adolescents living independently with some support. Children and young people enter out-of-home care via either voluntary arrangements or child protection interventions.<sup>25</sup> Out-of-home care is a large component of the Department's work, as well as that of the non-government sector. There is also a small but growing number of for-profit providers in New South Wales.<sup>26</sup>

### An increase in children and young people currently in care

**2.41** The Department's submission states that there have been major increases in out-of-home care levels in New South Wales in recent years, and that these are significantly higher than in other States. The number of children in care in New South Wales under care and protection orders rose from 5,486 on 30 June 1997 to 7,786 on 30 June 2001.<sup>27</sup> In addition, another 1365 children and young people were in voluntary care.<sup>28</sup> On the basis of these figures, the Australian Institute of Health and Welfare showed that New South Wales had more than double the number of children in care than the next nearest State, Victoria (3,882 children at 30 June 2001). The same analysis shows that children stay in out-of-home care markedly longer in New South Wales: approximately 20 percent of children were in care for 5 years or more and 23 percent for less than 6 months in New South Wales, compared with 12 percent and 29 of children in Victoria over the same periods.<sup>29</sup>

**2.42** There is significant research evidence that children and young people in care experience poor life outcomes, as reflected in high levels of placement breakdown, lower levels of education, prevalence in the juvenile justice system, and greater risks of homelessness, mental illness, substance misuse and criminal activity.<sup>30</sup>

<sup>25</sup> Submission 248, Department of Community Services, p.23. Out-of-home care was previously widely referred to as substitute care but the former is now the term generally accepted by the Department and the sector.

<sup>26</sup> Submission 248, Department of Community Services, p.23

<sup>27</sup> Submission 248, Department of Community Services, p.24

<sup>28</sup> Department of Community Services, *Annual Report, 2000-2001*, p.28 and Submission 248, DoCS, p.24

<sup>29</sup> Australian Institute of Health and Welfare, *Child Protection Australia, 2000-01*, cited in Submission 248, Department of Community Services, pp.28-9

<sup>30</sup> Submission 189, Association of Child Welfare Agencies, p.13

- 2.43** These alarming findings point to the need for more effective early intervention strategies to prevent children from entering care, as well as measures to enhance the stability of placements to promote the restoration of children to their families, and to provide effective after-care support. These needs have been acknowledged by the Department, as has the necessity to develop new models for children and young people with high needs, along with assessment and outcome measures for the out-of-home care system.
- 2.44** At the same time, there have been longstanding concerns about the quality of DoCS case management of children in out-of-home care, as evident in poor or no care plans for many children. The Committee has been advised that this is a major factor impeding proclamation of the relevant sections of the 1998 Act.

### **A way forward in out-of-home care**

- 2.45** Clearly, the Department's structural separation of out-of-home care, early intervention and child protection is intended to lay a foundation for a new approach to out-of-home care, as is the commitment to quarantining 40 percent of caseworker resources in every DoCS Area to out-of-home care. These measures will also help to address the significant under-resourcing of DoCS out-of-home care casework which is contributing to the poor experiences and outcomes of children and young people in care.
- 2.46** The Committee welcomes these important steps, but we also note that DoCS' budget for out-of-home care is perhaps low in proportion to the non-government sector: while the major proportion of out-of-home care work is done by DoCS, the Department was allocated \$41 million for out-of-home care service delivery in 2002/2003, compared with the \$43 million allocated for non-government organisations.<sup>31</sup>
- 2.47** Moreover, the findings of the Community Services Commission's Substitute Care Inquiry indicate the need for systemic reform to the out-of-home care system:

[T]he substitute care system in NSW lacks the capacity to focus on the needs of, and ensure adequate outcomes for, children and young people in care ... The systemic picture emerging ... is of a substitute care system that, despite being the subject of intense policy activity and new initiatives, remains fraught with difficulties and tensions and is unable to consistently deliver adequate results ... The Inquiry's key observation is that there is a very real need for significant, sustainable change to the structure and function of the substitute care system in NSW.<sup>32</sup>

- 2.48** To date, the findings of the Commission's inquiry remain unaddressed. However, appearing before this Committee in August, the Director-General noted 'substantial agreement' between the Department and the Commission on the inquiry's findings. He also made a commitment to develop a proposal for a way forward for the out-of-home care system by December 2002.<sup>33</sup>

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<sup>31</sup> Submission 248, Department of Community Services, p.33

<sup>32</sup> Community Services Commission, *Substitute Care Inquiry: Final Report*, November 2000, p.2

<sup>33</sup> Shepherd evidence, 19 August 2002

**2.49** The Committee recognises the importance of addressing the issues raised in the Commission's inquiry. There are a range of critical issues, identified both by the Commission and in submissions and evidence to this inquiry, which the Department should consider:

- The need for a clear **strategic policy framework** to guide the organisation and delivery of out-of-home care services, and to articulate the outcomes of out-of-home care
- The imperative to define the respective roles of DoCS and **non-government providers** in out-of-home care, to rebuild a positive and collaborative relationship with the non-government sector, and to provide a long-term, sustainable infrastructure for providers
- The necessity for information systems for tracking children in out-of-home care
- Strategies to address the currently inadequate numbers of **foster care** placements, and to substantially improve assessment, training and support for foster carers
- Appropriate supports for **kinship carers**, who largely remain unknown to and unassisted by the system
- The urgent need for strategies for supporting **indigenous children, families and communities** which effectively realise the Aboriginal placement principles of the 1998 Act, especially given the disproportionately high numbers of Aboriginal children and young people in the out-of-home care system
- The desirability of more **culturally appropriate** and respectful approaches to children, families and communities of non-English speaking backgrounds, including, as far as possible, placement within their own communities
- The necessity to develop approaches and strategies tailored to the needs and choices of **adolescent children**, who may prefer and achieve better outcomes in placements other than foster care. In particular, there is a need for a clear policy position on **residential care**, for which many stakeholders see a legitimate role, despite New South Wales having moved away from this form of support
- The need to recognise and properly consider the role of **youth refuges** and other services funded under the Supported Accommodation Assistance Program (SAAP) in supporting young people, and to resource them appropriately.

## The Court System

### New South Wales Children's Court

**2.50** The Children's Court is centrally involved in the child protection system. It is the legal gateway through which children and young people move into out-of-home care. Participation in the care proceedings of the Children's Court is a critical part of DoCS' core

business, and it has a significant effect on the workload of DoCS caseworkers. Affidavits and other documentation must be prepared to support an application. A technical understanding of legal principle and process is required to ensure the evidence presented in support of care orders meets the requirements of the Court.

**2.51** During consultations, stakeholders were at times critical of the quality of DoCS' role in Children's Court matters. A significant concern is that caseworkers do not have access to sufficient legal advice to enable them to prepare for and manage Children's Court matters.

**2.52** There is a need to clarify the role and responsibilities of DoCS caseworkers within the Children's Court. We note that the specialist skills required for casework are quite different from those required to manage a court case. The provision of specialist legal support to review and revise affidavits and other documentation, and to advise and assist with the management of Court proceedings, could ensure that caseworkers' time and skills base is used more productively. Possible ways to provide this support include:

- Expanding DoCS Legal Services so that it has the capacity to undertake this role
- Employing staff with legal or paralegal qualifications to work in CSCs or Regional offices
- Providing a budget to CSCs to purchase legal services from private practitioners.

**2.53** Other issues for the Department to address include assessing the level of training and information provided to caseworkers to ensure that they properly understand the requirements of the Children's Court, and ensuring the record keeping practices within CSCs are efficient and in alignment with the requirements of the Court.

**2.54** There may also be value in examining the extent to which Children's Court procedures could be made less demanding.

### **Use of Apprehended Violence Orders**

**2.55** Before removing a child or young person who is believed to be at risk, the Act requires the Department to consider whether an Apprehended Violence Order (AVO) would provide the child or young person with sufficient protection.<sup>34</sup> In most cases this would involve the child's mother taking out an AVO against a male.

**2.56** AVOs are a less intrusive intervention than removal because they allow a child to remain in their home environment. However, some submissions indicated a concern that DoCS does not provide support in AVO proceedings, placing significant responsibility for child protection on the mother, who may herself be in a highly vulnerable position. In addition, AVOs are normally granted to protect the applicant, and therefore only provide indirect protection to the child.

**2.57** A possible direction for reform could be to amend the Act to enable the Children's Court to grant AVOs and to make it explicit that the Department could seek an AVO in lieu of a

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<sup>34</sup> *Children and Young Persons (Care and Protection) Act 1998* s.43

care order. The need to ensure the safety and wellbeing of a child or young person would then become the explicit focus of the AVO. A further advantage of this approach is that the Children's Court could also use its power to make supervision orders to monitor the effects of the AVO.

### Family Court

- 2.58** The relationship between the State-based child protection system and the Commonwealth family law system requires improvement. Some participants have raised a concern that DoCS will not pursue child protection matters that are also the subject of Family Court proceedings in the mistaken belief that the federal jurisdiction of the Family Court overrides the State-based Children's Court. As a result, children in need of care and protection orders may be left unprotected.<sup>35</sup>
- 2.59** It is generally agreed that there is an immediate need for DoCS to develop an effective working protocol with the Family Court. The new Minister has indicated that the creation of such a protocol is a clear priority. A further suggestion is that the Department establish a pilot project with the Family Court, based on the recent Project Magellan initiative in Victoria, to trial a joint investigation model for Family Court cases that involve child abuse allegations.

### Special needs groups

- 2.60** All of the issues explored in this chapter are pertinent to the full range of vulnerable children, young people, families and communities in New South Wales. However, the evidence gathered by the Committee has also highlighted particular issues to be considered in relation to a number of key special needs groups. These are considered below.

#### Children and parents with disability

- 2.61** Children with disability are often separated from the mainstream child protection system, reflecting their comparatively poor participation and inclusion in the community more generally. Children with disability tend to fall into service gaps created by the existence of separate disability and child protection systems, both of which look to the other to take responsibility for children with disability in out-of-home care.<sup>36</sup>
- 2.62** Families of children with disability often lack the range of family and other preventative supports that they need. In addition, current models of out-of-home care for children with disability are inadequate; there is a need for greater investment in family-based models of care. These issues will be discussed in greater detail in the **final report of our inquiry into disability services** to be tabled in November.

<sup>35</sup> Submission 233, Women's Legal Resources Centre

<sup>36</sup> Submission 149, Family Advocacy

- 2.63** Similarly, there is an imperative to develop effective and sufficiently resourced models of family support for parents with disability, whose children are over-represented in the child protection system.<sup>37</sup>

### **Indigenous children and families**

- 2.64** As noted earlier in this chapter, indigenous children and families are disproportionately represented in the out-of-home care system, and in the child protection system more generally. The Aboriginal placement principles of the 1998 Act are not yet fully realised, with around 13 percent of children in out-of-home care still not being placed with an Aboriginal carer or relative, suggesting the need for strategies to fully effect this aspect of the legislation.<sup>38</sup> Of great concern is the observation made to the Committee during regional consultations that the shortage of Aboriginal placements, in tandem with sensitivities about Stolen Generation issues, leads DoCS to leave children in situations of risk and harm for longer than should be the case.<sup>39</sup> That some Aboriginal agencies are successful in recruiting carers indicates that effective approaches could be used more widely.<sup>40</sup> There is a significant reliance on kinship care within indigenous communities and a particular need to support these carers.
- 2.65** A systematic, culturally sensitive prevention and early intervention strategy, which is owned and controlled by Aboriginal communities, is also greatly needed in order to break the enormously damaging cycle of risk that exists among this group.
- 2.66** The Committee has been advised in evidence of the massive responsibilities placed on Aboriginal caseworkers, who are often not sufficiently supported to live with the tensions of working for 'the welfare' and being a member of an indigenous community. This suggests the need for more adequate supports for these staff, as well as special recruitment strategies.

### **Cultural and linguistic diversity**

- 2.67** The Committee was advised by both caseworkers and representatives of non-English speaking background communities that abuse in many communities remains hidden from the system, indicating the need for more effective communication and outreach strategies on the part of the Department. Culturally and linguistically appropriate information is widely lacking, and the Helpline is not a multi-lingual service.
- 2.68** We were told of the general need for culturally appropriate service provision in the full range of child protection services. These would recognise and respond to the full diversity of child-rearing practices in our society, valuing the rich resources that different cultures

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<sup>37</sup> Submission 158, Dr David McConnell, University of Sydney

<sup>38</sup> Submission 122, Coalition of Aboriginal Legal Services NSW

<sup>39</sup> Regional consultation, July 2002

<sup>40</sup> Rennie and Freeburn evidence, 18 July 2002

offer children and young people. This could be achieved through appropriate training provided in partnership with communities.

- 2.69** In relation to out-of-home care, representatives called for an ethnic based framework for out-of-home care, and stressed the importance of maintaining children's connections to their culture, including the placement of children in their own communities as far as possible.
- 2.70** Finally, as with Aboriginal Departmental staff, there is a need for more bilingual staff, and for those who do exist to be given greater support, so that their community-based skills are valued and more effectively utilised. Establishing a pool of bilingual workers who could work on request with different services to provide culturally appropriate services was also suggested as a strategy with great potential to benefit families, children and communities.<sup>41</sup>

### **Rural and remote areas**

- 2.71** The Committee visited a number of regional and rural areas during this inquiry. In speaking with both departmental staff and representatives of non-government and other agencies, we heard that rural and regional areas face particular issues associated with isolated families, greater social disadvantage and service sparsity, all of which contribute to greater demand for child protection measures. Models for service provision, whether prevention and early intervention or out-of-home care, need to be responsive to the characteristics of rural communities. At the same time, child protection staff – both government and non-government – are more visible and enjoy less anonymity than their metropolitan counterparts. In the Committee's view, it is important that the additional challenges and stresses that can accompany regional service provision are acknowledged, and that like all other services, they are adequately resourced.

### **Research and evaluation**

- 2.72** The evidence to this inquiry has indicated that there has been a serious devaluing of research within the Department over the last ten years. According to Ms Gillian Calvert, Commissioner for Children and Young People, DoCS is slow to use the information generated from research to inform and modify its practice; it is not a 'learning organisation'.<sup>42</sup> In her evidence, Ms Calvert told the Committee there is no child protection research agenda on a State or national level, and that research, evaluation and monitoring needs to be built into the core funding of the agency so 'we can be better informed about what works and what does not'.<sup>43</sup>
- 2.73** Dr Judy Cashmore, one of the leading academics in this field, also told the Committee that there is very little research being done by the Department that is available on the specific issue of effectiveness of the work being done by DoCS caseworkers. Dr Cashmore

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<sup>41</sup> Submission 232, Ethnic Child Care, Family and Community Services Co-Operative

<sup>42</sup> Submission 269, p.11

<sup>43</sup> Calvert evidence, 21 May 2002

explained that excessive workloads, poor record keeping systems and lack of time to plan and evaluate their work have created extraordinarily difficult circumstances for workers:

We ... do not have good research in this area to know what is going on ... That is one of the things that we lost in terms of some of the library resources and the research unit that used to exist within the Department some time ago ...<sup>44</sup>

**2.74** As one submission pointed out:

DoCS, as the leading statutory body on child protection issues, should be taking the lead role in research and best practice.<sup>45</sup>

**2.75** The Committee notes that DoCS is currently developing a new Agenda and Priorities for research over the next 1 – 5 years to ensure that research ‘supports and guides longer-term goals’.<sup>46</sup> We thus support the Department in its efforts to build an evidence base into the child protection system.

### **Conclusion: Is it simply a matter of more resources?**

**2.76** Will more resources solve DoCS’ problems? This was an issue addressed by many submissions and witnesses to this inquiry.

**2.77** The Department’s submission to the inquiry states:

Adequate allocation of resources for DoCS will always be contentious. There can never be enough resources to deal with every report to the Department to the full satisfaction of all parties. Nor can we provide the non-government sector with all the funds they desire to undertake work to the standard they would like.

On the positive side there have been substantial increases in caseworker resources in recent years and another 100 were announced in August 2002. Further submissions will be made to Treasury in the near future to address gaps in other critical resource areas including funding for key systems and for staff with significant expertise in our core business areas for prevention and early intervention, child protection and out-of-home care.

Our task is to reconfigure DoCS into an agency that uses the resources at its disposal in the most efficient and effective way possible in pursuit of the best outcomes for children and young people.<sup>47</sup>

**2.78** This position reflects the view of many participants in this inquiry that new resources are critical to, but will not be the panacea for, an invigorated and effective child protection system. Cultural and structural change, and better use of information systems, need to

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<sup>44</sup> Cashmore evidence, 20 May 2002,

<sup>45</sup> Submission 178

<sup>46</sup> Submission 248, Department of Community Services, p.48

<sup>47</sup> Submission 248, Department of Community Services, p. 45



occur at the same time. In the Committee's view, resources and effective systems are two sides of the one coin which the Department has struggled with for some time.

- 2.79** The Committee was told repeatedly that successive governments have failed to grasp the imperatives and complexities of child protection, and to fund the system appropriately. As a result, the Department has struggled to do its job effectively and has descended deeper into crisis.
- 2.80** At the same time, senior management have until recently failed to make an adequate case to Treasury for more funding, in part because of a failure to establish robust systems for data collection on which budget enhancements could be based. The result has been a cycle that perpetuated the Department's under-resourcing and its poor standing in the eyes of the community, Cabinet and Treasury. The recent appointment of the new Minister and Director-General, some would argue, were clearly intended to break this cycle and to establish a more effective and credible regime.
- 2.81** It is only in the context of better systems and improved public standing that the Department can address a further challenge, to convince Cabinet and Treasury that child protection systems are worth investing in, not just to prevent families – and indeed the Department – from descending into crisis, but because we all benefit from children, young people, families and communities who are safe and enjoy true wellbeing. These themes are explored further in the following chapter on prevention and early intervention in child protection.

## Chapter 3 Prevention and child protection

We often have lots of families where we notice something is happening and ... if you start making notifications, nothing gets done until the case gets allocated, and the case does not get allocated until the situation is really severe, whereas if we can bring some sort of support mechanism on or something in earlier, it would not become a notification issue.<sup>48</sup>

There is enormous potential for prevention and early intervention to significantly reduce the demand for child protection and out-of-home care services. The first and most important step in tackling the problems relating to child protection services is for government to realise this potential.

### Shifting the debate

- 3.1** This report is released together with our interim report for the **inquiry into early intervention for children with learning difficulties**. The simultaneous release of these two reports is designed to clearly demonstrate the need for a comprehensive, co-ordinated and more effective system of prevention and early intervention supports in New South Wales.
- 3.2** The media focus on individual cases of child abuse has contributed to the atmosphere of crisis within the community on issues of child protection. This has helped to produce crisis-driven responses from successive governments, and seriously undermined the focus on and funding for family support and child development. While we clearly need an effective system to investigate and address reports of abuse, the evidence strongly suggests that if you intervene early in the lives of children so that problems are avoided or minimised you produce the best outcomes for children, families and communities.
- 3.3** The responsibility to shift the debate so as to focus on supporting families is a shared one. Most of all, as so many witnesses told our inquiries, this requires a sustained and bipartisan approach to dealing with the issues concerning the wellbeing of children and young people. The health and welfare of children and young people is too important to risk in unproductive and acrimonious debate.
- 3.4** The previous chapter surveyed the wide range of concerns raised about the child protection system and outlined some of the very significant challenges that DoCS must address in order to operate more effectively. This chapter addresses the fundamental and most significant step that is required. Which is, to take significant action to stem demand for child protection interventions and out-of-home care. We outline the need for greater emphasis on population based primary prevention strategies as well as the need for a comprehensive secondary prevention strategy to support families who are at risk of entering the child protection system.

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<sup>48</sup> Preschool worker, regional consultation, July 2002

## Why *is* prevention and early intervention important?

3.5 Overseas research and experience demonstrate that the more you spend on good quality universal services, the less you need to spend on child protection intervention.<sup>49</sup> It is widely accepted that a sustained and broad-based approach to prevention is the only way to limit or reverse increasing levels of child abuse and to reduce the number of children at risk of developing anti-social behaviours in adult life.

3.6 There has been compelling evidence to this inquiry as well as to our inquiry into early intervention for children with learning difficulties that investment in the early years not only benefits child development and creates healthy families, but is cost effective for governments.<sup>50</sup> The most frequently cited evidence is the US RAND Corporation's estimate that \$7 is saved to the community for every \$1 invested in early childhood development. As Ms Gillian Calvert, Commissioner for Children and Young People, told the inquiry:

Investing in child development is the best way to achieve maximal social and economic development for our community.<sup>51</sup>

3.7 The benefit of effective prevention extends to other domains such as health, education and the criminal justice system. Research suggests that problematic behaviours in adolescents and adults such as criminal activity and drug misuse are continuations of problems experienced in childhood. The clear research findings about the importance of investing in prevention are borne out in the daily experiences of people who work in the child protection system. As Detective Superintendent John Heslop, NSW Police, told the inquiry:

I think if we spend the money up front, then we are going to save a lot of money down the track. If I look at my command centre at Redfern where we have investigators looking at serial offenders ... they are drug or alcohol dependent, they are homeless, they have got criminal backgrounds, involve themselves in anti-social behaviour or suicidal behaviour, almost every one, and the one common denominator is the abuse.<sup>52</sup>

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<sup>49</sup> The World Bank, *From Early Child Development to Human Development: Investing in our Children's Future*, The World Bank, Washington, 2002; McCain, M. and Mustard, F., *The Early Years Study: Three Years Later*, The Founders' Network of the Canadian Institute for Advanced Research, Toronto, 2002; Karoly, L., Greenwood, P., Everingham, S., Hoube, J., Kilburn, M., Rydell, C., Sanders, M. and Chiesa, J., *Investing in Our Children: What We Know and Don't Know About the Cost Benefits of Early Childhood Interventions*, RAND Corporation, Santa Monica, 1998; Cashmore evidence, 20 May 2002

<sup>50</sup> For more information see Standing Committee on Social Issues, *Early Intervention into Learning Difficulties, First Report*, October 2002

<sup>51</sup> Calvert evidence, 21 May 2002

<sup>52</sup> Heslop evidence, 11 September 2002

### Definitional issues

- 3.8** While the terms prevention, early intervention and family support are often used interchangeably, we have distinguished in this report between different types of prevention. Preventative services often referred to as **primary prevention** or **universal** programs are population based and focus on the provision of support *before* problems arise. Primary prevention programs aim to promote children's wellbeing and development and have a particular focus on the early years of life. Children's services such as Child and Family Health Centres, preschool and childcare are important aspects of primary prevention, along with parent education and support programs and specific strategies such as home visiting under *Families First*.
- 3.9** **Secondary prevention** programs target families and children who need more selective and intensive support due to their particular needs or circumstances. These may include support programs for parents with needs arising out of disability or mental illness. Family support services are a key part of secondary prevention in New South Wales.
- 3.10** **Tertiary prevention** programs occur where there is evidence of abuse and they are aimed at preventing the recurrence of abuse. It is at this stage that there is need for statutory intervention by DoCS and other child protection specialists.
- 3.11** In New South Wales, while many agencies are responsible for the care and protection of children, the core business of the **Department of Community Services** is prevention and early intervention, child protection and out-of-home care. In relation to **child protection**, DoCS has a statutory responsibility for responding to reports of abuse and requests for assistance in New South Wales. This means DoCS must address the immediate safety issues in the information received, determine the level of risk to the child and make decisions about what action should be taken.<sup>53</sup> In this report, where we mention **child protection** we are referring to this statutory responsibility.
- 3.12** **Family support services**, which are largely provided by the non-government sector, are particularly important in providing secondary services. The family support network provides a range of services including individual and family support, community development services, youth and adolescent services, as well as intensive services for high needs families. Models of intervention provided by family support include strength-based interventions, narrative based counselling, therapeutic and support groups and 'good old fashioned "being there"'.<sup>54</sup>

### Current arrangements for prevention, early intervention and family support

- 3.13** The Department of Community Services plays a major role in funding prevention and early intervention. The Department provides \$87.8 million annually to some 1,400 early childhood services through the Children's Service Program, and recently established a

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<sup>53</sup> Submission 248, Department of Community Services

<sup>54</sup> Submission 161, Family Support Services Association of NSW, p.3

Parenting Centre to provide information and advice on parenting skills.<sup>55</sup> Funding for more intense forms of support including family support services is provided under the Community Services Grants Program (CSGP), and SAAP for intensive family support, foster placement and residential placement for homeless adolescents. The Helpline, introduced in 2000, was designed to give DoCS a centralised point of entry for requests for assistance.

- 3.14** *Families First*, co-ordinated by The Cabinet Office, is designed to help families raise healthy children between the ages of 0 and 8 years. The *Families First* strategy is currently being implemented in all areas of New South Wales and has been allocated \$118 million over 4 years. *Families First* services include professional home visiting, volunteers supporting families and supported playgroups. Other government departments that provide prevention and early intervention programs include the Department of Education and Training which provides, in conjunction with *Families First*, Schools as Community Centres, and the Department of Health which provides children's health services and the Triple P parenting information and support program. The Department of Ageing Disability and Home Care funds a range of services for children with disability and co-ordinates support through the Early Childhood Intervention Co-ordination Program.

### Realising the potential of the 1998 Act

- 3.15** In New South Wales the *Children and Young Persons (Care and Protection) Act 1998* (the Act) provides the basis for the development and delivery of a whole of government system of child and family support. As NCOSS explains:

The Act encompasses a broad spectrum of services designed to promote the well-being and safety of children and young people through the provision of universal prevention and early intervention services and to protect those children deemed to be at risk of harm through more intensive family based or out of home care services.<sup>56</sup>

- 3.16** The Act has created an expectation that there will be a whole of government approach to the care and protection of children through the support of families. There is overwhelming support for the Act from witnesses and submissions to this inquiry. This support is based, at least in part, on the potential of the Act to shift the focus of child protection from forensic investigation to non-coercive support, and its emphasis on shared responsibility for the care and protection of children. The NSW Interagency Guidelines for Child Protection Intervention reflect the new Act. In part they state:

Child protection is a responsibility of the whole community and one specifically shared by those government and non-government agencies which provide any

<sup>55</sup> Budget Estimates 2002-03, *Budget Paper No 3*, Volume 1, pp.5-6; Submission 248, Department of Community Services, p.2

<sup>56</sup> Submission 234, NCOSS, p.3

form of care for children, young people and their families or which come into contact with them in the course of their work.<sup>57</sup>

- 3.17** **There is substantial agreement in evidence and submissions that the government has failed to realise the potential of the Act.** There is not enough funding for prevention and early intervention and a co-ordinated structure for support to families has not been established. According to the Community Services Commission there are inadequate processes and infrastructure in place to promote and respond to the Act's early intervention and prevention objectives:

There is a need for a coherent approach to the development and delivery of prevention and early intervention services, to ensure a co-ordinated service delivery framework.<sup>58</sup>

- 3.18** There is significant concern that a proper funding base to support the prevention and early intervention activities of both the Department and the non-government sector has not been developed. In the sections below, the Committee considers aspects of prevention and early intervention service delivery including *Families First*, family support services and the role of the Department in prevention and early intervention.

## **A co-ordinated approach to primary prevention**

- 3.19** The urgent need for a co-ordinated and effectively resourced approach to primary prevention was raised in evidence to both this inquiry and our inquiry into early intervention for children with learning difficulties. Responsibility for primary prevention services is dissipated across several departments and is not part of the core accountabilities of any department. At a bureaucratic level there is very little recognition that the promotion of healthy child development is an integral aspect of child protection:

Maternal and child health, formal and informal childcare, parenting advice, primary schools, the police and community safety programs, school psychology and pastoral care services, sports and youth clubs and the whole array of positive local community activities that characterise most neighbourhoods are all aspects of society's positive effort to nurture children and assist parents in their central task of raising the next generation. Yet they are not sufficiently recognised as such. Separate government departments and service providers rarely cooperate or communicate, and the policy debate that surrounds child protection is allowed to distort the real goal, which is the healthy development of every child within a community that supports and enhances the capacity of parents to raise their children in the best possible way.<sup>59</sup>

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<sup>57</sup> Commission for Children and Young People, *NSW Interagency Guidelines for Child Protection Intervention*, 2000, p.2

<sup>58</sup> Submission 241, Community Services Commission, p.3

<sup>59</sup> Edgar, D., *The Patchwork Nation: Re-Thinking Government – Rebuilding Community*, Harper Collins, Australia, 2001, p. 146

- 3.20** In New South Wales, the *Families First* initiative is a key strategy designed to achieve more effective and co-ordinated primary prevention.<sup>60</sup> Feedback on *Families First* has been positive, although not uncritical. Most inquiry participants believe that the program is a significant step in enhancing the co-ordination of early intervention services for families with children 0 to 8 years. As one family support worker told the Committee:

It is the catalyst as such for co-ordinating the meetings and us all coming together. It's funded an early childhood worker at the baby health clinic ... (and) it's just fantastic and wonderful because we're able to work together and go out into the community, make home visits and support families with both of us.<sup>61</sup>

- 3.21** This support has been tempered by a very clear concern that *Families First* is under-resourced to provide the comprehensive primary prevention programs initially anticipated. Participants at consultations were uniform in their view that *Families First* will not work unless it is properly resourced. In regional areas there were suggestions that services funded under *Families First* were already moving towards a crisis orientation due to ever increasing demand:

*Families First* must stay preventative and it must be funded.<sup>62</sup>

- 3.22** Issues were also raised about the target group of *Families First*. Because it is primarily focussed on children under 8 years, it has been suggested that limited resources are being directed to families with adolescents, and families with higher support needs.<sup>63</sup>

### Enhancing primary prevention

- 3.23** An effective and population-based system of children's services that supports families and provides a strong foundation for child development is a necessary measure to reduce demand for protective intervention. As outlined above, the benefits of such an approach, while significant to the operations of DoCS, extend well beyond the child protection system. Evidence to both our inquiries has shown that all families with young children are facing significant challenges and that early childhood services structures have not adapted to meet the new and emerging needs of families.

- 3.24** We consider that the problems faced by DoCS will not be resolved until significant action is taken to substantially boost the effectiveness of primary prevention services. There is a need to build a more effective and properly resourced structure that supports families and promotes children's wellbeing and development. In our **first report on early intervention for children with learning difficulties** we propose a strategy to develop a co-ordinated

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<sup>60</sup> *Families First* is currently operating in 11 out of 16 areas in New South Wales and will be rolled out in the remaining 5 (Illawarra, Riverina Murray, Cumberland/Prospect, South East Sydney and Northern Sydney) by the end of 2002. The strategy's initial evaluation report is due mid 2003.

<sup>61</sup> Regional consultation, July 2002

<sup>62</sup> DoCS caseworker, regional consultation, July 2002

<sup>63</sup> Submission 241, Community Services Commission; Submission 234, NCOSS

system of child development services with a focus on early childhood. Key elements of the strategy include:

- Establishing a **new Ministerial portfolio and Department of Child Development** to provide leadership and cross-departmental co-ordination of early childhood services and policy. Key roles of the agency would include the operation of *Families First*, the development of cross-agency outcomes measures and accountabilities for child development, co-ordination of early childhood services and policy, and funding of population-based services such as preschool and childcare. The key focus of the agency would be on enhancing the social, psychological and developmental wellbeing of all children in New South Wales.
- Ensuring that sufficient resources are provided to preventative services such as *Families First* through the new agency to provide population-based support to children and families.

**3.25** We do not consider that responsibility to develop a multi-agency population-based preventative approach should lie with DoCS. The Department is involved in all levels of prevention, but its core early intervention responsibilities lie with families and children who need targeted or intensive forms of support. Broad based preventative programs should be brought into a new Department that is held accountable for a broad range of child development outcomes rather than those outcomes that centre on child protection.

### **A system for secondary prevention**

**3.26** It is equally important to develop a comprehensive and systemic approach to secondary prevention. A properly funded secondary support strategy to help families who are in need and prevent the escalation of these needs into crisis is a missing component of the current child protection system.

#### **Clarifying the role of DoCS**

**3.27** The Act makes it clear that DoCS has a lead role in the provision of early intervention supports for families and children who need additional support. Although the highest level of public scrutiny is given to the Department's child protection and out-of-home care roles, secondary prevention is part of its core business. The Department funds non-government organisations to provide secondary prevention services and is also supposed to have a direct service delivery role in prevention. However, the exact nature and scope of the Department's preventative role is unclear.

**3.28** A clear area of Departmental responsibility is to act as an intake point for secondary prevention services. The Department's intake role in prevention includes:

- receiving and responding to requests for assistance, and
- ensuring that the needs of children and families who are the subject of child protection reports, but are not at immediate risk, are assessed and where appropriate linked to supports.



### Requests for assistance

- 3.29** The Act allows a child or young person to request assistance from the Department for a broad range of reasons. A parent may also seek access through the Department to services that will enable a child to remain with their family.<sup>64</sup> Where support is required, the options available to the Department include providing advice, referring the person to another agency or providing direct support to the person who made the request.
- 3.30** Participants have indicated that effective systems to manage requests for assistance have not yet been developed within the Department. It was originally intended that the Helpline would manage all requests for assistance, but serious concerns have been raised about the processes for receipt, assessment and referral of requests for assistance through the Helpline. Requests for assistance have comprised only 1.5 percent of the total number of calls to the Helpline<sup>65</sup> and there has been a drop in referrals to other agencies since the Helpline commenced operation.<sup>66</sup>
- 3.31** Witnesses have suggested that there is an urgent need for DoCS to develop better procedures to stream requests for assistance from child protection reports and establish systems for direct referral from the Helpline to other agencies such as family support services.<sup>67</sup> In response to these concerns, the Director-General told the Committee that the Department is now reviewing ways to improve processes for managing requests for.

### Unallocated cases

- 3.32** Many child protection reports received by the Department indicate that some level of support is required, but do not indicate an immediate level of risk. Under departmental risk management procedures, these cases are categorised as level 3 or level 4 reports<sup>68</sup> and are assigned a lower priority than reports of immediate risk. Due to the workloads in CSCs, level 3 or level 4 reports may not be allocated to a caseworker and may be closed without further investigation. Many of these unallocated cases are missed opportunities for early intervention. The issue of unallocated cases is closely linked to problems in handling requests for assistance. It is also linked to more general issues around workload in CSCs, which will be dealt with in the final report. At this stage, we note that a resource base is required within CSCs to ensure that unallocated cases are assessed and where appropriate, people are linked to supports.

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<sup>64</sup> *Children and Young Persons (Care and Protection) Act 1998*, ss.20, 21

<sup>65</sup> Department of Community Services, *Annual Report 2000-2001*

<sup>66</sup> Submission 161, Family Support Services Association of NSW; Submission 248, Department of Community Services

<sup>67</sup> Submission 241, Community Services Commission

<sup>68</sup> Unallocated level 1 and level 2 reports are discussed in Chapter 2.

**Direct service provision**

**3.33** The extent to which DoCS workers should engage directly in casework to support families who are not subject to a notification, or for whom a notification has been made but a child protection response is not required, is undefined. As one submission explained

The principle function of the Department's Caseworker is unclear. Are caseworkers primarily responsible for the assessment of risk and case co-ordination – managing appropriate community based or governmental services in the actual therapeutic intervention?<sup>69</sup>

**3.34** DoCS caseworkers currently have very little capacity to work in a sustained and supportive way with families due to their high child protection workload. For a considerable time now, there has been a constant flow of resources within the Department from family support to child protection interventions. Reversing this trend presents a key management challenge for the Department. In effect, this trend has meant that departmental caseworkers rarely provide prevention services to families and children.

**3.35** Some people have questioned whether there is a philosophical conflict between the forensic child protection role of the Department and the more relational role required to carry out effective and sustained family support. It has been suggested that DoCS is still viewed as 'the welfare' and that some families may find it difficult to ask the Department for assistance. This is a particular issue for Aboriginal families and is one of many legacies of the Stolen Generation.

**Committee view: the role of DoCS in prevention**

**3.36** The Department is currently undergoing structural change that is intended to ensure that resources for prevention are not diverted into child protection interventions. In recognition of the significant need to refocus resources into primary prevention, the Committee has strongly recommended the establishment of a new Department of Child Development in our interim report on early intervention for children with learning difficulties.

**3.37** In the Committee's view there would need to be a thorough examination of the relationship between the proposed new Department and the Department of Community Services in relation to their respective roles in primary and secondary prevention. While DoCS should not be responsible for primary prevention, as a key stakeholder it should have input into primary prevention strategies. Until further details of the DoCS structural separation are made clear, including details of how it will work within individual CSCs, it is not possible to fully define the direct support role of DoCS caseworkers. However, to ensure that the secondary prevention role of DoCS is more effective we consider that the following is required:

- Effective systems to handle the receipt, assessment and referral of requests for assistance must be established

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<sup>69</sup> Submission 127, p.7

- Sufficient capacity within CSCs to ensure that unallocated cases are properly assessed and support or referral is provided as required must be developed
- The exact nature and role of departmental caseworkers in providing direct support should be clarified.

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### **Recommendation 1**

The Government should develop and fund a comprehensive and systemic approach to prevention and early intervention to support families, reduce the risk of harm to children and limit the number of children moving into out-of-home care. The Committee has strongly recommended the establishment of a new Department of Child Development in our interim report on early intervention for children with learning difficulties. The Committee envisages that:

- Responsibility for primary prevention would rest with the new Department of Child Development
- Responsibility for secondary prevention would remain with the Department of Community Services.

Significant additional funding should be allocated to support both primary and secondary prevention strategies.

### **Recommendation 2**

To ensure that the Department of Community Services is effective in carrying out its role in secondary prevention:

- Effective systems to handle the receipt, assessment and referral of requests for assistance should be developed
- Sufficient capacity must be developed within Community Service Centres to ensure that unallocated cases are properly assessed and support or referral is provided as required
- The exact nature and role of departmental caseworkers in providing direct support should be clarified.

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### **3.38**

To a great extent, the role of departmental workers in providing direct support to families will depend on the policy direction taken in relation to the non-government sector and to family support services in particular. As the Department's submission makes clear, family support services are currently the main provider of secondary prevention supports:

DoCS funds Family Support Services and therefore provides a limited amount of direct support to families and young people.<sup>70</sup>

- 3.39** It is largely through funding of non-government services that the Department carries out its core responsibility for secondary prevention. We consider that this funding role will always remain important within the child protection system. As outlined below however, non-government family support services do not currently have sufficient capacity to provide a comprehensive system of secondary supports. We note that unless sufficient capacity is rapidly built into this sector, then by necessity DoCS must either take on a significant direct service delivery role in family support or face an increasing child protection and out-of-home care workload.

### **Resourcing family support services**

- 3.40** Evidence to this inquiry suggests that non-government support services are seriously under-resourced. Community Services Commissioner Mr Robert Fitzgerald stated that there has been a failure to provide additional resources to family support services which is at odds with the intent of the 1998 Act.

In the early intervention family support area the Act was proclaimed without any additional resources and with no agreements with any non-government organisations as to how to deal with that.<sup>71</sup>

- 3.41** The Committee was advised that over the last three budgets there has been no growth funding for prevention and general support services other than that provided to *Families First*,<sup>72</sup> which is intended to be part of a broader primary prevention framework. Some witnesses suggested that there has not been an increase in funding to the family support sector for over a decade,<sup>73</sup> and the majority of non-government organisations providing family support, counselling, parenting groups and respite care are stretched to capacity. As a regional family support service explained:

As a direct result of the legislation in C & YP (C & P) Act a broad range of providers of support services to children and families became front line players. This occurred without any additional resourcing.<sup>74</sup>

- 3.42** According to NCOSS, funding for family support has not kept pace with population growth, nor with the complexity of client need and the increased costs associated with service delivery such as wages, insurance, travel and rental costs and IT expenses. Resources are needed both to maintain current services and to allow for capacity building in areas of high need and increased demand.

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<sup>70</sup> Submission 248, Department of Community Services, p.20

<sup>71</sup> Fitzgerald evidence, 20 May 2002, p.28

<sup>72</sup> Submission 241, Community Services Commission, p.12

<sup>73</sup> Support service, Regional consultation, July 2002

<sup>74</sup> Submission 75, p.2

**3.43** The Committee notes that when compared to expenditure on child protection and out-of-home care, family support services are poorly resourced. In the 2002-03 DoCS Budget, family and individual support services were allocated \$27.3 million.<sup>75</sup> By comparison, \$131.3 million was allocated for statutory child protection services and \$185.8 million for out-of-home care and adoption services.<sup>76</sup>

**3.44** We appreciate that family support services also receive some funding from other sources such as *Families First* and Strengthening Communities grants, as well as through some Commonwealth programs, such that the total level of funding for family support is higher than the budget allocation. However, funding for these services appears to be disproportionately low in comparison to funding for the crisis-based interventions that they are designed to avert.

**3.45** A particular concern is that there has not been an increase in funding to services providing intensive support for families with complex needs. A representative of a major non-government organisation explained the dilemma that this presents.

We cannot meet the needs of prevention plus the hard-end complex cases, so we are moving out of the complex end of the spectrum because we are not funded or resourced to do that, and that is going to leave another gap ... another service DoCS will not have.<sup>77</sup>

**3.46** Areas where there are specific service gaps include:

- Indigenous support services. Aboriginal families are over-represented in the child protection system and in out-of-home care. The need to develop culturally appropriate family support services for indigenous groups is well recognised. As one DoCS worker with 18 years experience told the Committee:

I think one of the ways to deal with this issue is not just saying 'Look at care'; it is, 'Let's look at supporting the Koori community in the way that they need the support.' And that is not happening ...<sup>78</sup>

- Rural areas. Families living in rural areas face particular difficulties in accessing support services which are often a considerable distance away. The needs of isolated families are also less likely to be identified by support services.
- Support for people from NESB. People from culturally and linguistically diverse communities face particular challenges accessing support across a broad range of human services and are a 'hidden problem' within the child protection system. As

<sup>75</sup> Total funding of \$45.4 million for the family and individual support program included \$18.1 million for *Families First*: Budget Estimates 2002-03, *Budget Paper No 3*, Volume 1, p.5-6

<sup>76</sup> Budget Estimates 2002-03, *Budget Paper No. 3*, Volume 1, pp.5-7

<sup>77</sup> Regional consultation, July 2002

<sup>78</sup> Regional consultation, July 2002

the Department's submission notes, there is 'a persistence of significant racial and ethnic disparities in health and developmental outcomes.'<sup>79</sup>

- Parents with intellectual or psychiatric disabilities. According to Dr David McConnell, ARC Post Doctoral Research Fellow at Sydney University, one in three cases brought before the Children's Court by DoCS feature a parent with disability. A reason for this, Dr McConnell argues is the

Inadequacy of early intervention and family support options available for parents with disabilities.<sup>80</sup>

**3.47** During our consultations, the need for better support for parents with mental health issues was raised as significant issue. The Mental Health Co-ordinating Council (MHCC) suggests that there needs to be improved targeting of families with a parent with a mental illness and linking with community and social supports.<sup>81</sup>

### **Making family support more effective**

**3.48** The Committee considers it essential to ensure that the non-government sector is properly supported to carry out its vital early intervention role within the child protection system. We agree with the arguments of many witnesses and submissions that a proper strategic investment plan is required to increase the capacity of non-government agencies to provide preventative support to families and children who are at risk.<sup>82</sup>

**3.49** There is a need to develop a proper co-ordinated framework for family support services that addresses the role, responsibilities and funding requirements of family support services. Areas that require particular attention include:

- Developing a better research base and performance indicators to establish the effectiveness of various family support strategies and a shared understanding of the outcomes that are desired from family support services.
- Improving the relationship between family support services and the Department, particularly at the local level including the establishment of mechanisms for consultation and collaboration.

### **The need for clear outcomes and performance measurement**

**3.50** The need for a more systematic approach to research and evaluation across the system was discussed briefly in Chapter 2. We consider that there is a critical need to develop

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<sup>79</sup> Submission 248, Department of Community Services, p.5

<sup>80</sup> Submission 158, p.3

<sup>81</sup> Submission 97, Mental Health Co-ordinating Council

<sup>82</sup> Submission 241, Community Services Commission

comprehensive performance measurements<sup>83</sup> of the effects of secondary prevention strategies. This is necessary to identify which strategies are the most effective and to develop a better funding model for family support. As one commentator notes, there is little data on preventative family support programs:

There are problems with data availability in these areas, but when counting something can make it important, not counting it can render it invisible.<sup>84</sup>

Counting family support requires more clarity about what exactly it is, and the role it plays in protecting children. In performance measurement terms, a 'program logic' for family support is required, specifying its inputs, processes, outputs and outcomes.<sup>85</sup>

**3.51** UnitingCare Burnside's Ms Jane Woodruff has noted the services and programs need to be evidence and research-based:

I am really tired of somebody having a good idea, and therefore we fund it. Then we do not evaluate it, so we have absolutely no idea whether it has made any difference to anyone ... So please, evidence and research-based programs and services.<sup>86</sup>

**3.52** Some work has commenced in this area, for example the Family Support Services Association of New South Wales surveyed staff in 1999 on the degree of change in the client family since the initial referral. The Association is now in the process of developing an 'Outcomes Tool' to measure the effect of support strategies.<sup>87</sup>

**3.53** The Committee considers that a greater focus on prevention and early intervention should be supported by a rigorous approach to research and evaluation and the development of effective outcome measures.

### **Valuing connections at the local level**

**3.54** In our visits to regional and metropolitan areas, we were struck by the variation in the levels of contact between government and family support and other child welfare service providers. In some cases, the relationships were working well and significantly contributing to the sharing of knowledge and information about families, to discussions on referrals between DoCS and family support services, and to shared training. In other

<sup>83</sup> Performance measurement is about defining and quantifying inputs (resources), processes (the way a service is delivered), outputs (the service itself) and outcomes (impact or results) in order to monitor the effectiveness and effectivity of these services and account for public expenditure.

<sup>84</sup> Tilbury, C., 'Constructing child protection through performance measurement, paper presented at the Association of Child Welfare Agencies Conference, 4 September 2002, Sydney, p.7

<sup>85</sup> Tilbury, C., op cit., 2002, p.8

<sup>86</sup> Woodruff evidence, 18 July 2002

<sup>87</sup> Submission 161, Family Support Services Association of NSW

places, the relationship was non-existent, with some DoCS workers telling us that the constant negative focus on the Department in the media and community was having a major impact on the way they were relating to their own communities and support services. Similarly, some services told us that DoCS caseworkers did not respect their contributions and they felt they were not 'equal partners' in the care and protection of the children and young people in their communities.

- 3.55** While these are important issues for our final report, we believe that maintaining successful regional and local networks is a major factor in making prevention and early intervention services work. We note that continuous collaborative planning at the local level is necessary to allow for effective referral, for a cooperative and multi-disciplinary approach to casework, for efficient use and sharing of resources and for early identification of gaps in the system.

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### **Recommendation 3**

In consultation with relevant stakeholders, the Department of Community Services should develop a co-ordinated framework for secondary prevention including family support services to address:

- The role and responsibilities of family support services within the broader child protection system
- The industry development and funding requirements of family support services
- The establishment of appropriate mechanisms for consultation and collaboration at the regional and local level
- Planning for the distribution of family support services to ensure that each area has the full range of integrated service options, particularly for families and children at risk
- The specific funding and service provision needs of identified groups of people with high and complex needs
- Ways to measure the effects and outcomes of family support.

### **Recommendation 4**

As a matter of urgency, the Government should review the adequacy of the current funding of family support services through the Community Services Grants Program.

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## **Conclusion**

- 3.56** The strong imperative for greater attention to prevention and early intervention in the child protection system was recognised in the Director-General's recent restructure of the



Department into three divisions: prevention and early intervention, child protection and out-of-home care.

- 3.57** In the Committee's view this must be taken a step further through a whole of government approach that minimises the number of children who require child protection interventions. This requires a commitment both to population-based primary prevention strategies and to a systemic and properly focussed secondary prevention strategy.
- 3.58** Primary and secondary preventative services form the foundations of a hierarchy of supports that maximise the development and wellbeing of children and families. Primary prevention programs should be the responsibility of a new Department of Child Development.

## Chapter 4 Challenges facing child protection

### Issues for final report

4.1 This interim report has documented the broad agreement amongst witnesses and submissions as to the range of challenges which must be addressed if New South Wales is to develop an effective child protection system. A significant number of the issues raised relate to the performance of the Department of Community Services. These problems place children at serious risk of harm and include:

- A systemic overemphasis on crisis interventions at the expense of early intervention and prevention strategies
- The current absence of a clear vision and policy framework for child protection services in New South Wales
- The as yet unproclaimed sections of the *Children and Young Persons (Care and Protection) Act 1998* that provide important safeguards for children in out-of-home care
- The poor public image of the Department and pressing need to build a new relationship with the community, based on trust, collaboration, transparency and accountability
- The need for effective business systems including a transparent and accountable framework for data and mechanisms to effectively track all children in out-of-home care
- The many practical difficulties associated with the Helpline including long waiting times, poor feedback to reporters and delayed responses to child protection reports
- The weakening of local relationships between Community Service Centres and other government and non-government agencies that has occurred since the establishment of the Helpline
- The need to rebuild staff morale and ensure that caseworkers receive appropriate levels of support and supervision
- Widespread reports of inadequate responses from Community Service Centres to child protection matters including the high number of unallocated cases
- The need for systemic reform to the out-of-home care system to address the substantial increase in children and young people in out-of-home care in New South Wales, the poor outcomes of children in care, and the lack of appropriate support for foster and kinship carers

- Difficulties that the Department faces in dealing with the court system, including the relationship with the Children's Court and the Family Court and problems arising through the use of Apprehended Violence Orders in child protection matters
- The need to develop more appropriate support for special needs groups including children and parents with disability, indigenous children and families, culturally and linguistically diverse communities and rural and remote communities
- The need to build an effective research and evidence base into the child protection system.

4.2 Recommendations to address these issues will be developed in our final report.

### **Building an effective child protection system**

4.3 New South Wales already has a strong legislative framework and interagency guidelines that provide the basis for an effective child protection system. Despite this solid basis, our current system is overloaded by the demand for services. According to long-time child protection advocate and researcher, Dorothy Scott, a successful approach to child protection requires:

- A whole of government approach built around an agreed framework of policy outcomes
- A balanced system of primary, secondary and tertiary intervention strategies across sectors of the whole system
- A range of service and program types within each level of intervention to cater for the diverse needs of children, young people, their families and communities.<sup>88</sup>

4.4 The Committee has identified as an immediate priority, the need to develop a better system to support families and promote the wellbeing and development of children, so as to prevent difficulties from occurring and escalating.

4.5 This is the first and most important step that must be taken to address the challenges faced by the Department of Community Services. A well organised, robust and properly funded approach to prevention and early intervention is a necessary pre-condition to effective and lasting reform within the Department.

4.6 Our **first report on early intervention for children with learning difficulties** recommends the establishment of a Department of Child Development as a means of achieving a broad-based preventative system of early childhood services that will improve children's outcomes in a whole range of domains, including child protection. We consider that primary prevention programs should be the responsibility of this new Department

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<sup>88</sup> Scott, D. 'Child Protection: A Public Health Model', Grand Rounds, Royal Children's Hospital, 12 June 2002

- 4.7** In addition, we have highlighted the importance of developing a comprehensive secondary prevention framework to assist families and children who have particular needs. Secondary supports are an essential but presently inadequate component of the New South Wales child protection system. We consider that the Department of Community Services should have primary responsibility for secondary prevention programs.
- 4.8** Unless action is taken to develop the preventative capacity of the child protection system, demand for child protection services and out-of-home care will continue to escalate, and children will continue to be denied the full range of life opportunities to which they are entitled, and from which we will all benefit.

# Statement of Dissent

## LEGISLATIVE COUNCIL

### COALITION DISSENTING REPORT ON INTERIM REPORT ON CHILD PROTECTION SERVICES

#### Introduction

This dissenting report expresses the Coalition's concerns at the interim report on Child Protection Services.

It is noted that the Labor majority on the committee supported by one Independent gave the Coalition one and a half hours from 3.00 pm to 4.30 pm on 16 October 2002 to prepare the critical dissenting report.

Such actions by the committee typify the approach of this committee to what is a critical report and emphasise the way the committee has minimised the current problems within DoCS suggesting that they are largely being addressed by certain senior management changes.

#### Re Executive Summary

The Coalition notes its dissent in relation to the interim report on Child Protection Services. Whilst the Coalition agrees that early intervention is a key factor in achieving the best outcomes for children, families and communities it is noted that the Committee has deliberately merged two reports, being an interim report on Child Protection along with a first report on Early Intervention for Children with Learning Difficulties as a deliberate attempt to minimise the focus on major child protection issues in NSW.

The report's statement that "an overarching problem is the poor public image of the Department of Community Services" reflects the Department of Community Services own predilection for spin and imagery rather than addressing the substantive issues.

The Coalition's view is that the overarching problem involving the Department of Community Services is its failure to have effective child protection systems operating. As a result non-Government organizations which should be partners with the Department of Community Services and individuals in the community are frustrated by the lack of delivery of professional services by the Department of Community Services.

Individual Department of Community Services officers and the Public Service Association have also indicated a high level of frustration with the failure of systems within the Department and the culture of denial. The committee's report largely whitewashes the failures and is insufficiently critical of DoCS.

The Executive Summary reflects the reports approach of understating the calamitous level of dysfunction within the Department of Community Services. It purports to represent that there have been "a number of significant events and decisions which have had an impact on the system since the commencement of the inquiry" and by implication suggests the system has improved. It has not.

Its further statement that there is a "need for strong and sustained bi-partisan commitment to rebuilding the system" fails to acknowledge that bi-partisanship existed for the implementation of the 1998 Children and Young Persons Care and Protection Legislation.

The Coalition only moved away from bi-partisanship after the Government failed to implement all relevant provisions of the legislation it had undertaken to the people of NSW it would introduce and hence, even at the date of this report, the out of home care provisions specifically relating to the establishment and functioning of the Children's Guardian remain to be proclaimed.

## Commentary on Chapters

### Re Chapter 1

Whilst acknowledging that the Department of Community Services has been problematic for many years, it has been vastly exacerbated in recent years as the number of child at risk reports has increased 33,000 in 1995 to 163,000 in 1002/2003.

The hearings and consultation failed to hear evidence from the prior Minister, The Hon Faye LoPo' MP, who had presided over DoCS for almost four years. Furthermore, whilst it took evidence from the previous Director-General, Carmel Niland, it offers no critical assessment of her stated views in the earlier parts of the inquiry (where she largely denied that DoCS was in crisis) compared to the more placatory words of the new Director-General, Dr Neil Shepherd and the new Minister the Hon Carmel Tebbutt MLC.

In being uncritical of her evidence the report would appear to be validating a perception of simply getting a new Minister and a new Director-General somehow had improved the systemic failings of the Department of Community Services.

The report also notes at Paragraph 1.10 that evidence was taken in camera as well as to the inquiry.

The report fails to even summarise some of the highly critical comments that were taken in camera from the Department of Community Services officers who were so scared of giving evidence openly that special arrangements had to be made via the Public Service Association for their very concerned views to be given to the committee.

The failure by this report to even summarise the concerns and the level of anxiety of DoCS officers about the Department of Community Services current practices and resourcing undermines this report. No critical assessment was made of why DoCS officers have this fear and how the culture of intimidation can be revised.

The very fact that the Department of Community Services frontline officers were so fearful of giving evidence because of possible ramifications for their employment underlines a totally unacceptable culture within any helping agency, let alone the agency vested with the task of protecting and caring for our children.

The Opposition acknowledges that without the brave evidence given by the Department of Community Services officers and without the support and assistance of the Public Service Association many of the issues within DoCS would never have received the level of substantive presentation to the committee that was necessary.

Having obtained that substantive presentation it is totally unacceptable for that evidence not to be presented in some summarised and anonymous form (this evidence was also omitted from the transcript of evidence placed on the committee's website).

It is also noted that despite very serious accusations being made through national TV programs, including *60 Minutes* and *Four Corners*, the committee has purported to rely on the so-called "independent inquiry by the Department". This committee, if serious about its deliberations on the problems within DoCS, should have been prepared to look into and report on those allegations.

The committee failed to even interview some of the principal complainants in those national TV programs and that failure undermined the credibility of recommendations contained within this report.

## Chapter 2

At Paragraph 2.1 the committee states that, “changes into attitude towards child abuse have led to an increasing number of reports coming into the system”. No evidence is offered for that statement and no consideration is given to :

- Failures by the Department to support families prior to the families reaching a crisis stage.
- Effect the introduction of mandatory reporting (since the date of introduction of mandatory reporting on 18 December 2000 across a broader group of professionals) the number of child abuse reports has more than doubled.
- The individual professional reasons why teachers and others working with children may feel it necessary to report all possible child at risk situations notwithstanding that their professional judgement may be set to the lowest hurdle for reasons of exposure to professional discipline/criticism and or \$22,000 fines.
- The failure to support non-Government organizations whose principal task is to support families in crisis.
- The incapacity of individual DoCS officers to refer families for support because of the lack of appropriate resources and support by the Department.
- The impact of the introduction of Helpline and the failure to sift out, through local relationships, the reporting of children who should never have been reported as being at risk or the multiple reporting of the same children from different sources.

Paragraph 2.6 the committee noted that a number of witnesses suggested changes should be made to the Act including changes to mandatory reporting and to definitions of harm. However the report then failed to address the substantive issues of mandatory reporting and the problems that have arisen as a result of broad scale lack of professional discretion in determining which cases should be reported and which should not be reported.

It also failed to consider the Public Service Association’s suggestions that a great deal of time was now taken up in making assessments under the new legislation which were requiring far more staff time than previously applied.

These issues are highly significant as a shifting of time to paper work rather than face to face case work, both in the initial stages of taking the report and later when working with children, would appear to be extremely significant.

In relation to Paragraphs 2.7 and 2.8 it was noted that there had been a number of submissions looking for a clear articulated vision of child protection services in NSW.

The report failed to state that a number of non-Government organizations were critical of the Department of Community Services and the Department’s failure to act as a substantive partner in the child protection system. The Coalition is of the view that the Department needs to work more closely with the non-Government agencies that undertake so many of the services for children and to deliver in a partnership which is substantive and not simply lip service.\

In relation to proclamation of the Children’s Guardian Provisions of the 1998 Act, Paragraph 2.11 offers no criticism of the Minister for Community Services for the Government’s failure to establish a timetable for proclamation of these provisions.

The Act has been in place for four years and the number of children in out of home care has increased from approximately 5,500 to approximately 9,000 in that time.

The committee exercised no critical assessment of the difference between the level of preparedness of the Department of Community Services and non-Government organizations and indeed seems to accept the Minister's statement that further consultation and investigation of the resource impact proclamation on both the Department and non-Government sector was required.

The Labor Government has had more than sufficient time to properly resource and prepares its own Department of Community Services and it is totally unacceptable that children in the care of the Department do not have the benefit of the supervision of the Children's Guardian. In fact the Children's Guardian in giving evidence before the inquiry, whilst indicating that she would like to have her powers proclaimed, could not give any indication of when she might get them.

In the meantime her office is consuming \$2.1 million a year to achieve nothing for children in out of home care.

Furthermore, children have continued to die in care apparently without appropriate care plans being prepared for them four years after the 1998 legislation the committee should not be accepting further undertakings from the Government without specific timetables for introduction of the Children's Guardian provisions.

The committee failed in Paragraphs 2.13, 2.14 and 2.15 to have any critical analysis of mandatory reporting and its impact on the current crisis within the Department of Community Services.

Simply stating that it "anticipated" the further information about the impact of the extension of mandatory reporting would be provided by the Kibble Committee is totally unsatisfactory as the Kibble Committee is an in camera committee not taking evidence in public and not in anyway accountable.

It indicates an unwillingness by the committee to be critical of any policy introduced under the Carr Labor Government.

The issue of public perceptions and the culture of the Department have been and are barely addressed by the committee. Rather it seeks to rely on platitudant statements by the new Minister and new Director-General, each only in their job for a couple of months, stating that they are committed to open and transparencies in the way that the Department undertakes its business.

However there was no critical analysis of what actions would be implemented by the Government to deliver on its so-called transparency and openness.

No evidence was taken from any staff employees or non-Government organizations that confirmed any change at all in the Department's culture of secrecy and the committee should not accept these bland assurances from the new Director-General and the new Minister.

No recommendations were sought or adopted from either the Community Services Commissioner or Ombudsman who have both been highly critical of the Department's culture of secrecy and their failure to make available files during various inquiries that they have undertaken into the Department of Community Services. No critical assessment was undertaken of the alleged interference by the office of the prior Minister for Community Services in the publication of the Child Death Review Team statistics as alleged by Pam Greer during one of the national television exposes of the failures within DoCS. No evidence was taken from Pam Greer to establish her assertions or to investigate and to draw conclusions about how transparency could be guaranteed.

No effort was made by the committee to investigate allegations made by the previous Head of the Department of Community Services, Family and Child Division, Carol Petola. Assertions that she made on *Four Corners* to the effect that deliberate management decisions were taken to negate the release of certain information to the public were never investigated by the committee.

In relation to management culture (Paragraph 2.19) the only identified problem was the loss of "corporate memory that has resulted from staff turn over, regular restructures and emphasis on top down".



No scrutiny on the culture of secrecy at senior levels of DoCS management or the culture of blaming individual officers for systemic failures was considered.

In relation to staffing issues (Paragraphs 2.20 and 2.21) there was no critical analysis of the lack of appropriate numbers of staff in positions in Community Services offices across the state.

Further there was not close scrutiny or critique of management practices that required staff to spend inordinate amounts of time on paperwork.

The Coalition alleges that individual DoCS officers generally work extremely well in extremely difficult and demanding circumstances. It is also acknowledged that the Public Service Association has appropriately raised its views on behalf of individual officers who are often scapegoated by senior management for systemic failures.

Staffing issues cannot be appropriately considered unless the effect is considered on individual officers of the Department's inappropriate management structures, lack of appropriate staffing levels, lack of appropriate professional training prior to entry into service, lack of appropriate in-service professional training and lack of support for the Department of Community Services officers.

Whilst the committee did hear the criticisms of Commissioner Robert Fitzgerald of the current Departmental structure it has accepted without any specific timetable the Government's proposal to separate the child protection and out of home care aspects. The Government should be required to provide a timetable for its reforms along with specific details of funding proposals which will ensure that appropriate support is given to children out of home care who in many instances simply do not have any support or intervention from a DoCS officer for years at a time.

The Opposition does support an appropriate structure for focus on early intervention and family support separated from child protection functions and out of home care functions.

Whilst the report does acknowledge that the current data collection systems of the Department are inadequate it has not looked closely at the proposals by the Government to address these issues.

As the Government has shown a marked reluctance to address these issues, notwithstanding the fact that the Ombudsman has referred to record keeping as more by good luck than good management, the committee should be requiring a specific timetable and direction from the State Government as to how it will address the data systems within the Department.

The commentary in relation to Helpline understates the continuing role of Helpline as a major problem within the Department of Community Services.

## Summary

The report has failed to substantively address many of the issues confronting child protection and out of home care such that the current Labor Government will be under no pressure to bring about immediate improvements in the current system.