



The Hon Pru Goward MP

Minister for Family and Community Services

Minister for Social Housing

Minister for the Prevention of Domestic Violence and Sexual Assault

18 SEP 2017

EAP17/8654

Mr David Blunt
Clerk of the Parliaments and Clerk of the Legislative Council
Parliament House
Macquarie Street
SYDNEY NSW 2000



Dear Mr Blunt

Please find enclosed a copy of the New South Wales Government response to the recommendations put forward in the report of the Legislative Council General Purpose Standing Committee No.2 titled *Child Protection*, dated 16 March 2017.

Yours sincerely

Pru Goward MP
Minister for Family and Community Services

Received at 12 noon
Monday 18 September
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**NSW Government Response to Report 46
of the Legislative Council Portfolio
Committee No. 2 – Health and Community
Services – *Child protection***

September 2017

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Child protection in NSW

The NSW Government welcomes the report of the Legislative Council Portfolio Committee No. 2 – Health and Community Services on its inquiry into child protection.

Child protection is an inherently complex area of work with responsibility spanning across several government agencies, the non-government sector, communities and families. Whilst the responsibility is shared across a range of stakeholders, the Department of Family and Community Services (FACS) is the key agency with statutory powers and responsibilities for the safety and wellbeing of children in NSW. The safety of children and young people is paramount in situations where they are experiencing abuse. Despite the challenges associated with child protection and increasing numbers of children and young people reported at risk of significant harm, FACS has improved its capacity to respond to the growing demand. Notable achievements include:

- Caseworkers completed face-to-face assessments for 24,490 children and young people in 2015-16, almost twice the number assessed in 2010-11.
- The caseworker vacancy rate almost halved from 9 per cent in 2010-11 to 5 per cent in 2015-16, through significant investment and targeted recruitment across NSW.
- In the two years to 30 June 2016, 4,471 children who may have otherwise remained in care were in a safe and permanent home, more than twice the number in safe and permanent homes in the two years to 30 June 2014.

The NSW Government is pleased the Committee received mostly positive feedback about the direction of government reforms underway to improve the NSW child protection system, supported by substantial increases in funding. *Their Futures Matter: A new approach (Their Futures Matter)* sets out a vision and long-term strategy for improving outcomes for children and families in a cohesive and accountable system based on their needs. *Their Futures Matter* is supported by \$190 million over four years.

The 2017-18 NSW Budget further demonstrates the NSW Government's commitment to build stronger families and communities through a responsible child protection system, ensuring children at risk are cared for in safe permanent and loving homes. The Budget allocates an additional \$148 million over four years to support high needs children in out-of-home care (OOHC) and \$63 million over four years for additional caseworkers and casework support workers. The Government is investing \$1.9 billion in 2017-18 to protect and support our most vulnerable children, young people and families.

Many of the areas identified by the Committee as requiring attention are being addressed by government reforms to early intervention and prevention services, OOHC, and through collaborative work with the non-government sector. FACS is considering whether the *Children and Young Persons (Care and Protection) Act 1998* (the Care Act) requires amendment to support further reform and a discussion paper will be released later this year to canvass possible amendments. A summary of key reforms relevant to the inquiry is provided below. It is in this context that the NSW Government provides a response to each of the Committee's 28 recommendations.

Their Futures Matter: A new approach

Their Futures Matter responds to the findings of the independent review of OOHC in NSW, led by David Tune AO PSM. Under this reform the NSW Government is adopting an investment approach to direct and prioritise whole of government investment for vulnerable children and families in NSW. *Their Futures Matter* takes a whole of government approach to ensure that effort and funding across Government is focused on interventions that will

improve the long-term outcomes for children and families at the earliest opportunity. The reform will include:

- Needs-based supports delivered through wrap around support packages designed to meet the needs of cohorts of vulnerable children and families.
- One connected system through a single commissioning entity that focuses on achieving better outcomes for vulnerable children and families.
- A smart system that is sustainable and based on data and evidence.

Within three years, all children in or at risk of entering OOHC and their families will receive a coordinated package of supports based on their needs. It is a landmark reform - NSW will be the first Australian jurisdiction to achieve service delivery using an investment approach.

Reform implementation will use a whole of system approach to service design and delivery to ensure funding and support is focused on evidence based services built on strong client data and evaluation. The recently established dedicated commissioning entity will bring together data from across all areas of government, allocate and track funding across the system and have a single view of services and supports for vulnerable children and families across portfolios, government departments and the sector. The commissioning entity will commission services that are coordinated, holistic and driven by the needs of children and families. This evidence based approach to commissioning services relies on the NSW Government being able to redirect funding and services as required when new data and evidence of what works to change outcomes becomes available.

As noted above, *Their Futures Matter* is supported by an additional \$190 million over four years. \$90.5 million of this funding is directed towards expansion of evidence based intensive programs targeting family preservation and restoration. Addressing the overrepresentation of Aboriginal children in care and improving their outcomes is an area of focus, with 50 per cent of new intensive family preservation places dedicated to Aboriginal children and families.

Permanency Support Program

Their Futures Matter recognises the OOHC system should address the needs of children and young people with supports that are tied to clear outcomes measures, rather than designed around programs, placements and service models. To help realise this, the Permanency Support Program (PSP) prioritises three outcomes for children and young people in or at risk of entering OOHC: safety, permanency and wellbeing.

Recontracting and recommissioning of OOHC through the PSP represents a transformative change in the way services and supports are provided. It is premised on vulnerable children and families receiving tailored supports early - to either prevent their entry into or decrease their length of stay in OOHC through preservation, restoration, guardianship or open adoption. Over time it is anticipated that there will be less demand for OOHC and therefore more funding available to be invested in preventative and early intervention services.

Targeted Earlier Intervention

FACS is working with clients, service providers, other government departments and related organisations to redesign the early intervention service system. The Government has committed \$134 million to the Targeted Earlier Intervention (TEI) program reform for 2017-18, which will consolidate the following six existing TEI programs into a single cohesive service system: Aboriginal Child, Youth and Family Strategy; Child, Youth and Family Support; Community Builders; Families NSW; Getting it Together; and Triple P (Positive Parenting Program). Throughout this process extensive consultation has taken place

through district forums, state-wide surveys and an expert forum. This included specific consultation with Aboriginal stakeholders, clients and service users.

With a focus on earlier intervention, the TEI program reform provides targeted services at the point where they can have the most impact - early in life and early in need. The vision for the TEI program is that:

- Families, children and young people's needs are met early to prevent the escalation of need.
- Families are able to access support earlier in the lives of their children and young people, and are empowered to live independent, meaningful lives.
- Risk factors that lead to child abuse and neglect and domestic family violence are addressed earlier.
- Aboriginal children, young people and families have access to effective and culturally safe support and services.

The reform is about improving the client's experience so that families and communities with the greatest needs can access services that maximise positive outcomes. These improvements include:

- Improving flexibility so services are targeted to individual client needs.
- Better understanding what works so that effort can be prioritised.
- Enabling local responses to reflect local strengths and challenges.

The TEI program reform was developed through an extensive consultation process, which sought feedback from service providers and users on what was working well in targeted early intervention models, and how the system in NSW could be improved. The consultation process heard from: 1,100 participants at 26 consultation sessions across NSW; over 1,800 client responses to surveys, focus groups and interviews; over 500 written submissions from organisations and individuals; and 11 Aboriginal stakeholder consultations attended by 150 participants. Stakeholders' views have directly informed the next round of three-year contracts for TEI services, effective from July 2017.

The TEI program reform is due to be completed by June 2020.

ChildStory

ChildStory is a new information technology platform that will place each child or young person supported by the child protection system in NSW at the centre of their story with a network of family, carers, caseworkers and other service providers around them.

ChildStory was co-designed with frontline staff, clients and non-government partners and will allow everyone involved in a child or young person's life to easily contribute to the child or young person's online records. Importantly, the child or young person, depending on their age, will have direct access to their own records. If they have a FACS caseworker, they will also have a convenient way to contact their caseworker and be more involved in the development of their own case plan.

Caseworkers will have access to better tools so they can spend more time working with children, young people and families and less time in the office. Service provider organisations will be able to work more closely with FACS by sharing information and coordinating care for children and young people.

Response to recommendations

Early intervention and prevention services

Recommendation 1. That the NSW Government ensures that future funding contracts for evidence-based prevention and early intervention services are provided for a minimum of five years, provided that the contracts incorporate specific termination provisions that may be activated if key performance indicators, incorporated into the contract, are not achieved.

Noted

It is noted that the draft report of the Productivity Commission's inquiry into Australia's human services, *Introducing Competition and Informed User Choice into Human Services: Reforms to Human Services*, includes the draft recommendation that governments increase default contract lengths for family and community services to seven years. The final report will be delivered to the Australian Government in October 2017. The NSW Government will take account of the final recommendations of the Productivity Commission in considering changes to contractual arrangements for early intervention and prevention services.

The NSW Government is promoting a consistent approach to program evaluation with the aim of improving programs and providing more rigorous evidence of program outcomes. The NSW Government is committed to increasing transparency of expenditure on programs and providing a better understanding of their outcomes. One of the reforms to achieve this is the *NSW Government Program Evaluation Guidelines*, which recognise program evaluation as a key tool to support evidence based policy and decision making in government. The guidelines set out:

- Different types of evaluations and how they might best be used.
- A strategic approach to evaluation that prioritises evaluations, and scales evaluations based on the characteristics of different types of programs.
- Key principles of good evaluation practice.
- How findings generated by evaluation can be used for learning and better decision making.

Recommendation 2. That the NSW Government provides a specific one off injection of additional funding for evidence based prevention and early intervention services, including targeted client services and programs that operate in regional, rural and remote areas.

Supported – increased funding already provided in Budget

As part of Their Futures Matter the NSW Government committed \$190 million over four years in the 2016-17 Budget including \$90.5 million to implement two new evidence based intensive family preservation and restoration models aimed at keeping families together, with half of these places to be offered to Aboriginal children and their families. The models are being implemented in priority locations across NSW, including several regional and remote locations. These locations include Nowra, Shellharbour, Wagga Wagga, Blacktown, Tamworth, Edgeworth, Wyong, Penrith, St Marys, Macarthur/Ingleburn, Fairfield, Central Sydney, Dubbo and Coffs Harbour.

The NSW Government has not previously offered this type of service to children and families in NSW, enabling them to receive practical and therapeutic support to heal from trauma, recover from addiction and mental ill health, and build a stronger family unit.

Their Futures Matter takes a whole of government approach to ensure that effort and funding across Government is focused on interventions that will improve the long-term outcomes for clients at the earliest opportunity. Targeted cohort support packages will also be designed to meet the current and future service needs of vulnerable children and their families, and will include interventions that prevent escalation to crisis services.

Their Futures Matter also includes the 'Aboriginal Evidence Building in Partnership' project that will target resources towards Aboriginal children and families at risk of child abuse and neglect. This will include regional, rural and remote areas and will focus on increasing the evidence base of Aboriginal designed, culturally-specific programs that are showing promising results for Aboriginal children, young people and families experiencing vulnerability. Over four years, the initiatives will seek to deliver, monitor and measure results specifically with Aboriginal families to build an evidence base in a field where there is very little existing evidence of success.

As part of the whole of government coordination for domestic and family violence and sexual assault the 2017-18 Budget represents the second year of the Government's investment of over \$350 million (across four years) in specialist domestic violence initiatives including prevention and early intervention programs.

The NSW Government acknowledges the difficulties accessing services in some regional, rural and remote areas. In addition to the above initiatives targeting regional, rural and remote areas, FACS districts have recently undertaken detailed local service system mapping and co-design with local service providers, to inform the development of TEI services to better respond to local needs.

Recommendation 3. That the NSW Government establish a cross-sector body to direct the injection of additional funding for evidence based prevention and early intervention services, as provided for in recommendation 2, with this body to be comprised of key stakeholders including the NSW Children's Guardian, the NSW Ombudsman, the President of the Children's Court of NSW, senior representatives from the NSW Police Force, Health and Education, as well as independents with relevant commercial experience.

Noted

The Minister for FACS is responsible for leading the NSW Government's cross agency response to vulnerable children and families in NSW.

A cross agency implementation unit has been established to implement Their Futures Matter, which is the NSW Government's cross agency response to vulnerable children and families in NSW. This implementation unit reports to a separate cross agency Implementation Board, comprised of senior representatives from the Department of Premier and Cabinet, NSW Treasury, NSW Health, the Department of Education, the Department of FACS and the Department of Justice.

The Board provides whole of government governance to drive cross-government decision making and delivery, and promote leadership and accountability for the reform delivery. As the reform progresses the Board will also direct identified funds and services across the NSW Government for children and families experiencing vulnerability. To establish another body with a similar mandate would duplicate its function.

FACS is also undertaking significant work to embed commissioning into the way its services are designed and delivered, including services for children, young people and families. This will include greater structural separation between commissioning and service delivery functions within the Department. The focus of this work is to provide more effective and responsive services to clients by being outcomes focused, having stronger engagement with clients and communities to better understand their needs, maximising collaborative relationships with key stakeholders to support the delivery of coordinated and joined up services, and using data and evidence to drive decision making and to support continuous improvement.

The NSW Government will continue to actively engage with regulatory bodies, non-government organisations (NGOs) and the Children's Court of NSW as key stakeholders in the design and delivery of supports and services for children and families experiencing vulnerability.

Risk of harm reporting and investigations

Recommendation 4. That the NSW Government commission an independent review of the Department of Family and Community Services' screening and assessment tools and processes, to identify how they can be improved to enhance objectivity within child protection assessments.

Supported

The NSW Government is committed to continuous improvement. Their Futures Matter will include a review of child protection intake, assessment and referral processes. This review will be led from within the cross agency implementation unit, which is independent of service delivery agencies. Key areas of focus of the review will include:

- Better identifying clients most at risk to enable early and effective responses.
- Reducing inefficiencies and duplication in intake, assessment, triage and referral processes.
- Increasing pathways and opportunities for early intervention.
- Enhancing access and contact points ensuring the system is easy for mandatory reporters and the community to navigate.
- Enabling better responses for children and families below the statutory risk threshold.

The Their Futures Matter cross agency Implementation Board will have oversight of the scope and timeframes for the review.

Recommendation 5. That the NSW Government benchmark funding levels for men's behaviour change programs (MBCPs) in other state and territory jurisdictions, to ensure an adequate level of funding is allocated to these programs in New South Wales.

Supported

The NSW Government agrees that benchmarking with other states and territories that have established MBCPs has the potential to provide valuable information such as understanding service levels, demand and expenditure on MBCPs in other jurisdictions. However, benchmarking should include consideration of the variances in standards, content and duration of these programs across jurisdictions.

The NSW Government is leading a range of initiatives to reduce domestic and family violence reoffending in NSW. In 2015, the NSW Government made reducing domestic violence re-offending one of its highest priorities, establishing it as a Premier's Priority. The Premier's Priority is to reduce reoffending within 12 months by 25 per cent. The significant program of work in support of the Premier's Priority includes more than 20 interventions focussed on three key areas: intervening earlier, increasing convictions and changing offender behaviour.

The *NSW Domestic and Family Violence Blueprint for Reform 2016-2021* (the *Blueprint*) sets out actions to reform the domestic violence system in NSW over five years that will prevent violence, intervene early with communities experiencing vulnerability and deliver evidence based quality services to make victims safe and support their recovery. To support the delivery of the *Blueprint*, the 2017-18 Budget continues the NSW Government's investment of more than \$350 million over four years for specialist domestic violence services.

Specific commitments in 2017–18 include:

- \$5.1 million to continue the rollout of high risk domestic violence offender teams to target recidivist offenders and investigate complex domestic and family violence incidents. These teams will increase the detection of domestic violence reoffending; better manage and monitor high risk offenders; improve victim safety; and reduce rates of reoffending.
- \$10 million for behaviour change interventions for high risk offenders.
- \$4.9 million for NGO-led community based perpetrator interventions to support people to change their behaviour.
- \$840,000 for GPS tracking of offenders to improve safety for women and children and reduce reoffending and re-victimisation.

The NSW Government is delivering on actions under the Premier's Priority to reduce domestic violence reoffending and the *Blueprint* by expanding MBCPs in NSW. There are currently nine community based, accredited MBCPs in NSW. Of these nine MBCPs, two are delivered through a partnership between Corrective Services NSW and an NGO. These accredited MBCPs are delivered in 18 locations across Sydney and regional NSW and all meet the *NSW Minimum Standards for Men's Behaviour Change Programs* (the *Minimum Standards*). The *Minimum Standards* were developed by the NSW Government following an extensive literature review regarding program standards for domestic violence behaviour change programs and consultation with stakeholders in 2010. The objective of the *Minimum Standards* is to ensure that all programs in NSW reflect good practice and are safe and effective in changing the behaviour of perpetrators of domestic violence. There is a strong requirement that all programs are evidence based.

As part of expanding the evidence base for MBCPs, the NSW Government has commissioned an independent evaluation of the four community based MBCPs being piloted in Campbelltown, Tuggerah, Coffs Harbour, and Lismore/Tweed Heads. The evaluation will be undertaken over a two-year period through 2017-19 and will contribute to building the evidence base about the impact and effectiveness of men's behaviour change practice and programs. The outcome of this evaluation will inform future commissioning activities.

Recommendation 6. That the Department of Family and Community Services develop, in consultation with the NSW Ombudsman and stakeholders, a framework that focuses on the needs of vulnerable young people, to ensure they are not overlooked within the child protection system.

Noted

The NSW Government will consider whether there is a need for an additional framework, or amendments to the existing frameworks, to ensure a whole of government focus on vulnerable young people. Some of the existing initiatives are outlined below.

Under Their Futures Matter, the NSW Government will use an investment approach to identify and target funding and resources for children, young people and families experiencing vulnerability. This will include the consideration of the needs and outcomes of vulnerable young people across their lifetimes. Their Futures Matter will also use the NSW Human Services Outcomes Framework to track the progress of clients, including young people experiencing vulnerability, in seven key outcome domains important to wellbeing: safety, home, health, education, economic, social and community and empowerment.

The PSP shifts FACS from a placement based service system to a child and family centred service system that focuses on individual needs and helping families to change. It will build quality outcomes into the service system, including through FACS NGO partners' contracts.

FACS has also commenced a trial of a Quality Assurance Framework (QAF) for children and young people in statutory OOHC. The QAF will provide OOHC caseworkers access to reliable and comprehensive information about the safety, permanency and wellbeing of children and young people in statutory OOHC. This information will be collected from various sources including FACS, NGOs, Ministry of Health, Department of Education, carers and young people. The QAF will also provide a central point where information and data will be held.

FACS is partnering with the Australian Centre for Evidence and Implementation to develop a revised practice framework to improve the quality of child protection practice in NSW. The revised practice framework is due for release in October 2017 and will provide an integrated approach to the values, standards, tools and rules that currently guide the NSW statutory child protection system; and articulate FACS endorsed principles, standards and approaches.

Another FACS initiative, the YOU Campaign, embeds young people's voices within FACS and provides valuable and accessible information to all young people aged 15-25. The YOU campaign consists of resources (booklet and website), a youth consultative group and events to engage caseworkers, young people and carers, promoting the available support options for young people. Youth representatives of You C Change is a group of 31 youth representatives aged 15-24 who are or have been in OOHC. The youth representatives meet regularly to build personal skills, work on group and individual projects and consult on specific FACS projects and initiatives. The youth representatives have been consulted on YOU content and design, housing options, ChildStory design and cultural identity.

The NSW Advocate for Children and Young People (the Advocate), responsible for promoting the safety, welfare and wellbeing of children and young people, is required to focus on systemic issues affecting children and young people; particularly the interests and needs of vulnerable and disadvantaged children and young people. One of the Advocate's functions is to prepare a three-year strategic plan for children and young people in consultation with the Minister.

The *NSW Strategic Plan for Children and Young People 2016-2019* (the *Plan*), launched in July 2016, includes a cross-cutting focus on children experiencing vulnerabilities. The voices of the most disadvantaged children and young people in NSW were integral to shaping the *Plan*. Addressing disadvantage is one of the guiding principles of the *Plan*. Many of its themes focus on children and young people at greater risk of experiencing poor outcomes and facing barriers to reaching their potential.

The *NSW Youth Health Framework 2017-24* will provide a platform for NSW Health to respond to the health and wellbeing of young people aged 12-24 years. It identifies the need for targeted health responses for young people and sets out actions for early intervention and coordinated healthcare for those at higher risk of poor health outcomes. Target groups include young people who are in OOHC, homeless or at risk of homelessness, experiencing family, domestic or peer violence, or are in contact with the juvenile justice system.

The court process

Recommendation 7. That the NSW Government amend the *Children and Young Persons (Care and Protection) Act 1998* to include a specific provision requiring the Department of Family and Community Services to clearly provide strength-based evidence when presenting its case in care and protection proceedings.

Noted

The NSW Government considers that the existing Care Act provisions are adequate to ensure that all relevant evidence is presented to the Children's Court, when combined with the right practice.

The Government has recently commenced a number of reforms, including Their Futures Matter, the PSP and TEI programs, which are aimed at enhancing the child protection system's focus on permanency and stability through broad based support towards strengthening family functioning over the long term. The NSW Government has invested in strengths based models of intervention for 900 families per year over the next four years. In 2016-17, the number of children and young people entering OOHC fell by approximately 1,000, reflecting the success of the Government's efforts in family preservation and restoration.

As a model litigant, FACS has a legal obligation to ensure all relevant evidence is put before the court, including evidence of parents' strengths as well as evidence of the risks posed to children.

The Care Act includes the following relevant provisions:

- Section 63 requires FACS to provide evidence of the support and assistance provided to families and the alternatives to a care order considered before an application for a care order is made to the Children's Court.
- The Permanent Placement Principles contained in section 10A and the principle of least intrusive intervention contained in section 9(1)(c) require both the Children's Court and FACS to consider restoration as a first preference for the child.
- Section 83 obligates FACS to assess whether there is a realistic possibility of the child being restored to their parents, having regard to any evidence that the parents are likely to be able to satisfactorily address the issues that have led to the removal of their child/ren from their care. FACS is required to put this assessment before the Children's Court and the Court must decide whether or not to accept FACS' assessment.
- Sections 65 and 91D allow the Children's Court to refer matters to Dispute Resolution Conferences (DRCs). DRCs provide safe environments for frank and open discussion between parties, allowing family members to show any progress they have made towards addressing safety and risk concerns. Children's Court Practice Note 3 specifies that a DRC should aim to identify and clarify the strengths

within the family, including any progress made by family members in addressing risk and safety concerns.

The redesigned Care and Cultural Plan, which came into operation from 9 January 2017, provides a consistent template across NSW for FACS to ensure that it meets its legislative obligations when seeking orders.

As noted in recommendation 6, FACS is currently developing a revised practice framework (due for release by October 2017). The framework will support FACS practice through evidence based approaches and strengthened decision making and will introduce new quality assurance measures that will enhance how FACS monitors practice. FACS expansion of group supervision, a component of the framework, will improve the rigour of decisions and ensure that strengths, risks and protective factors are all considered when making decisions about the safety of a child.

The Children's Court is required to ensure that parents are afforded procedural fairness and that parents have sufficient opportunity to be heard and to put their evidence before the court, including evidence of their strengths. The majority of parents appearing before the Children's Court are legally represented. An Independent Children's Lawyer represents the child, reviews the evidence, and forms an independent view of what is in the best interests of the child to present to the court.

Recommendation 8. That the NSW Ombudsman undertake an annual audit of the Department of Family and Community Services' compliance with its obligations to provide strength-based evidence to the court.

Noted

As outlined above, existing procedures and provisions for the Ombudsman to audit FACS are considered adequate. However, the NSW Government will explore whether amendments could be made to the *Ombudsman's Act 1974* to allow the Ombudsman to investigate complaints relating to child protection matters that are before a court. This is outlined further in response to Recommendation 22.

As previously noted, Their Futures Matter is supported by \$90.5 million in Government funding allocated to family preservation and restoration services over four years. This will result in 900 more children and their families receiving world class strengths based models of intervention each year.

Recommendation 9. That the NSW Government amend the *Children and Young Persons (Care and Protection) Act 1998* to include a specific provision requiring the Children's Court of New South Wales to consider the known risks of harm to a child on being removed from their parents or carer and placed into care, together with the risks of leaving the child in their current circumstances, when making a decision on potential child removal in care and protection proceedings.

Noted

The NSW Government considers that this requirement is already included within the Care Act.

Section 79(3) of the Care Act provides that the Children's Court cannot make an order unless it has given particular consideration to the permanent placement principles and is satisfied that the order is in the best interests of the child or young person.

The Children's Court must also apply the principles of general application under section 9 of the Care Act. Section 9(2)(c) provides that in deciding what action is necessary to protect the child or young person from harm, the least intrusive intervention in the child's life and his or her family must be followed. Additionally, section 9(1) specifies that the Care Act is to be administered under the principle that in any action or decision concerning a particular child or young person, the safety, welfare and wellbeing of the child or young person are paramount. The court is required to take into account the impact on the child, including any detriment to the child, when making an order.

In bringing an application before the Children's Court, FACS is required to demonstrate that the options for the care and protection of a child or young person satisfy the principles included in the legislation. It achieves this by continuously improving the methods and guidelines underpinning decision-making in child protection practice, and providing caseworkers with the support they need in order to work closely with families, develop a genuine understanding of their situation and rigorously explore all available options.

FACS' approach to working with children and families is enunciated in the *Care and Protection Practice Framework*, which outlines that the agency is respectful, structured and evidence informed in its engagement with families, and applies critical reflection to its decision-making at every step. A revised practice framework, due for release in October 2017 (and referred to in Recommendations 6 and 7), will reflect FACS ongoing work to improve the transparency of the decisions it makes over the balance of risks that exist for a child or young person in the options for care that are available to them and introduce new quality assurance measures to improve how FACS monitors practice.

Recommendation 10. That the Department of Justice, in consultation with the Children's Court of New South Wales and stakeholders, review the systems and processes that operate in the Children's Court, to identify any opportunities that may exist to address the challenges and sense of power imbalance that parents may feel in care and protection cases.

Supported in principle

The NSW Government understands that parents may feel a sense of power imbalance in care and protection proceedings; however, the Children's Court has the responsibility to prioritise the safety and needs of the child. FACS has a statutory responsibility for the safety and wellbeing of children. The primary focus of the agency is the children and it must be acknowledged that for some parents the processes of the Children's Court may be experienced as critical despite the best efforts of all involved. The NSW Government will explore whether further measures can be put in place to empower parents in care proceedings.

Measures currently in place include:

- Most parents in care proceedings have a legal representative. Legal Aid NSW provides advice and representation to parents, children, young people and others who have a genuine concern for the safety, welfare and wellbeing of a child or young person, such as family members or carers.
- Under section 93(2) of the Care Act, proceedings in the Children's Court are not conducted in an adversarial manner and are conducted with as little formality and legal technicality and form as the circumstances of the case permit.
- The primary mechanism used by the Children's Court to address the sense of power imbalance in care proceedings is the DRC process under sections 65 and 91D of the Care Act. A DRC is a process in which the parties, with the assistance of the

Children's Registrar, identify the issues in dispute, develop options, consider alternatives, and try to reach agreement about what is in the best interests of the child or young person. These conciliation conferences are facilitated by a Children's Registrar who is legally qualified and is independent of any party. Approximately 1300 DRCs are conducted each year in NSW. In 2012, the Australian Institute of Criminology conducted a review of the DRC process, Evaluation of alternative dispute resolution initiatives in the care and protection jurisdiction of the NSW Children's Court, reporting very high levels of satisfaction among participants.

- The availability of support persons for parents under section 102 of the Care Act also provides some assistance to parents during court proceedings.

Recommendation 11. That the NSW Government provides the Children's Court of New South Wales with funding for the appointment of at least three additional Children's Magistrates, to ensure that all care and protection matters in New South Wales are presided over by a specialist Children's Magistrate.

Noted

The NSW Government will give this recommendation further consideration, noting that the appointment of three additional Children's Magistrate's would require additional resourcing.

In accordance with section 7 of the *Children's Court Act 1987*, Children's Magistrates are appointed by the Chief Magistrate of the Local Court, in consultation with the President of the Children's Court. Children's Magistrates are selected from the general pool of Magistrates appointed under the *Local Court Act 2007* having regard to their knowledge, qualifications, skills and experience in dealing with children, young people and their families.

Out-of-home care

Recommendation 12. That the NSW Government make legislative amendments to extend the performance audit function of the Auditor-General to include audits of all non-government organisations who have been provided with state funding to deliver child protection related services.

Noted

The NSW Government acknowledges both the challenges and the opportunities associated with an increased share of public services being delivered by the non-government sector and the need to maintain strong integrity and accountability for public funds.

Currently all OOHC providers must be accredited by the NSW Office of the Children's Guardian (OCG). NSW is currently the only jurisdiction to have an independent statutory regulatory body for OOHC providers. The OCG's accreditation and monitoring framework involves ongoing assessments and responsive monitoring programs and is not a static, point in time assessment.

The NSW Ombudsman also plays a role in the monitoring and oversight of OOHC providers and has legislative power under the *Community Services (Complaints, Reviews and Monitoring) Act 1993* to review the situation of a child or person in care, or of a group of children in care or persons in care.

FACS reviews the contract financials of all NGOs who have been provided with state funding to deliver child protection related services. FACS conducts these reviews as part of its

annual accountability process at both the corporate and program level. A Prudential Oversight team oversees this process and monitors all acquittals. The Prudential Oversight team may conduct additional reviews as required on all corporate and program level agreement financials. Depending on the outcome of an additional review, the Prudential Oversight team may refer an organisation to a regulatory body, the NSW Police or the Independent Commission Against Corruption, all of whom have additional powers of investigation.

Similarly, FACS has systems in place to work with the Australian Charities and Not for Profit Commissions (ACNC). The ACNC is the independent national regulator of charities which registers organisations as charities and helps them understand and meet their obligations. FACS works closely with the ACNC to ensure that state funded NGOs delivering child protection related services are meeting their corporate compliance and tax requirements.

FACS provides an annual statement to the NSW Treasurer attesting to its compliance with risk management and internal audit requirements. The scope of this statement includes the adequacy of controls over financial systems and the proper management of contracts for funded service delivery.

As part of the PSP FACS is developing new systems and processes that will increase standards, measures and monitoring of performance for NGO OOHC providers. Obligations for NGO OOHC providers to report on their performance and increased expectations for performance will be embedded in contractual arrangements, which will contain provisions for follow up action with providers. This will enable funding to be directly linked with measures that indicate quality of service. These changes will commence from 1 October 2017 for foster care and Aboriginal foster care, and 2018 for residential care.

Changes to the performance audit function of the Auditor-General are not being considered at this time. However, the NSW Government will undertake a regulatory impact analysis in relation to NGOs that deliver child protection related services to provide informed options to on whether strengthening or change of existing arrangements may be required.

Recommendation 13. That the NSW Government, in consultation with stakeholders, develops additional resources, training and support for carers.

Supported

A state-wide carer strategy is underway to ensure that NSW has a pool of quality carers who can support children and young people in OOHC, including emergency, respite, short-term, restoration, and through guardianship and adoption. In addition, FACS will continue to strengthen existing initiatives to provide carers with practical advice to help with their day to day caring role, and support peak organisations.

To achieve this, FACS will go to market to procure an agency or consortium to deliver an integrated approach specifically to recruit, develop and support restoration carers, respite carers and people who want to adopt under this new Carer Program. The successful agency will be required to collaborate with funded OOHC service providers, FACS and peak organisations to ensure a coordinated and seamless approach for any person that embarks on the carer journey in NSW. It is anticipated that the agency will commence delivery of the Carer Program by early 2018.

The new approach will use contemporary research, evidence and emerging evidence to run targeted recruitment campaigns in collaboration with the service providers to attract a diverse range of carers across the state. The Carer Program will provide carers with high quality customer service through peer to peer support, flexible education and training opportunities, individual and systemic advocacy, streamlined and targeted communications.

In late 2016 FACS released the Caring for Kids website, a new online resource for carers including foster carers, relatives and kinship carers. It includes information for carers about support and training services available to them, including support from FACS, NGOs, various carer support organisations and after-hours crisis support.

The website can be found at <https://www.caring.childstory.nsw.gov.au/>.

Tailored resources for Aboriginal carers are provided by Raising Them Strong, which features practical and culturally relevant resources. This initiative aims to strengthen support for Aboriginal carers. The resources can be found at <http://www.community.nsw.gov.au/parents,-carers-and-families/parenting/for-aboriginal-parents-and-carers>.

Through the Sector Development Program, FACS engages peak organisations to deliver a range of activities that contribute to the development of a capable and sustainable service system which delivers positive outcomes for FACS clients and the broader community. The program enables FACS diverse range of stakeholders to participate in policy and service delivery planning, and supports FACS partnership approach with the child, family, community services, and the housing and homelessness sectors. Through this program, peak organisations deliver a range of sector capacity building and support initiatives relevant to carer support to member agencies operating across the child, family and community services sectors.

The Aboriginal Child, Family and Community Care State Secretariat (NSW) (AbSec) is a key partner working with FACS across a range of programs and reforms to develop a strong Aboriginal service sector. AbSec is funded to develop member Aboriginal organisations through forums, workshops and accredited training, and through development of resources for member agencies, such as the *Aboriginal Foster Carer Recruitment Manual*. AbSec is funded separately to maintain the Aboriginal State-wide Foster Care Support Service helpline for carers to seek information and referral, and engages directly in community events to recruit and raise awareness of the need for Aboriginal carers. AbSec is also working closely with FACS to support implementation of key reforms, including TEI and the PSP.

Leaving care and after care support

Recommendation 14. That the *Children and Young Persons (Care and Protection) Act 1998* be amended to provide a clear, non-discretionary responsibility on the Minister to provide ongoing support for young adults up to at least age 21, where that young person requests support.

Noted

The Care Act already enables the Minister to provide or arrange support for young people leaving care until they turn 25, with the discretion to provide support beyond this age if required. FACS and NGO OOHC providers assist and support care leavers to implement their leaving care plan, which may include actions after the young person reaches 18 years of age. This typically includes the processing of financial assistance (e.g. transition to independent living allowance) identified in the plan for establishment costs, education or vocational training. If a higher level of support is required the young person may be referred to a specialist aftercare service for ongoing case management.

Guidelines for the provision of assistance to young people after leaving OOHC have recently been reviewed and updated to strengthen the leaving care process and improve access to aftercare support. The soon-to-be published guidelines strengthen the process by:

- Making it clearer that a leaving care plan is to be prepared even if a young person is unwilling to participate in the process (including how this can be achieved)
- Streamlining the needs assessment to remove potential barriers and improve access to support.
- Noting that plans are not static documents and amendments should be expected after a person has left care and their circumstances change.

Young people who are given access to ChildStory before they leave care will continue to have lifetime access to it after they leave care. They will have access to some key information such as case plans, life story work contributed by themselves, their caseworker or their carer, and a view of their genogram.

Young people who have already left care and did not have access to ChildStory beforehand can still access their records by contacting the Care Leavers Record Access Unit. An experienced caseworker can be available to the young person to answer questions and provide support when reading the case information.

The *Child Safe Standards for Permanent Care* (the *Standards*) require that young people have leaving care plans that support their transition from OOHC to independence. The Office of the Children's Guardian (OCG) regularly monitors OOHC service providers, including FACS, for compliance against the *Standards*.

Recommendation 15. That the NSW Government improve leaving care planning and supports by:

- **developing and implementing financial penalties for out of home care providers that fail to develop and action leaving care plans**

Noted

The quality of service for both NGO and FACS OOHC services is assured by the OCG through accreditation against the Standards. Standard 12: Living independently, requires that young people have leaving care plans that support their transition from OOHC.

FACS is developing performance management strategies for both the NGO and FACS OOHC services to ensure that they are held accountable to the same performance standards in the future, with financial and other penalties being considered where performance is below standard.

From 1 October 2017, new contracts between FACS Commissioning and NGOs providing foster care will include performance measures supported by more flexible funding arrangements. Service providers will be rewarded for improving child wellbeing, seeking the best permanency outcomes for children and young people, increasing value for money and enabling a viable and sustainable service system.

The program requirements attached to the new contracts clearly state that OOHC service providers must ensure leaving care plans are in place for young people who are 15 years and older. OOHC service providers and FACS OOHC services will be required to report on the number of plans in place.

- **establishing a designated team within the Department of Family and Community Services to develop, monitor and implement leaving care plans and supports for young people**

Noted

The quality of service is assured by the OCG through accreditation against the Standards. Standard 12: Living independently, requires that young people have leaving care plans that support their transition from OOHC.

FACS has made marked improvements in recent years in the comprehensiveness of leaving care plans for FACS and NGO-managed placements. At 30 June 2016, 72.2 per cent of young people aged 15–17 years in statutory OOHC had a current and approved leaving care plan, compared with 33.8 per cent of young people at 30 June 2013. NSW data on leaving care plans is reported annually by the Australian Institute of Health and Welfare in accordance with national data standards.

FACS has several strategies in place to improve the number and quality of leaving care plans for young people in FACS managed placements, including:

- Regular monitoring of leaving care plan performance at a district level.
- Implementation of a Practice Quality Review (Audit) Tool for FACS managed placements, to assess practice strengths and gaps and provide direct feedback to managers and caseworkers.
- Support for districts to sustain practice that meets the *NSW Standards for Statutory OOHC*.

As noted above, improving NGO performance in relation to leaving care plans will also be addressed through improved contracting and performance monitoring. This is important because OOHC services are increasingly being provided by the NGO sector.

The introduction of ChildStory in early 2018 will help to further embed leaving care planning into practice and to ensure that the young person is at the centre of planning. ChildStory will enable better reporting on whether young people who are leaving care have leaving care plans. If a young person is case managed by FACS, ChildStory will enable FACS to determine whether the young person has a current leaving care plan. If a young person is case managed by an NGO, the NGO will be required to submit all leaving care plans through the ChildStory Partner Community, which will serve as the single information portal through which NGOs will interact with FACS.

The NSW Government considers a separate team responsible for developing, monitoring and implementing leaving care plans would not meet the needs of young people transitioning to independence. Leaving care planning is an intrinsic part of the casework provided to young people in OOHC. The caseworker developing and implementing a leaving care plan should, wherever possible, have an established and close relationship with the young person and should perform leaving care planning within the wider context of the services provided to the young person.

- **changing the focus and name of 'leaving care plans' to 'transitioning care plans'**

Noted

The intended focus of a leaving care plan is to support a young person moving through early adulthood, and as such already has the function of guiding their transition to independence. Planning generally commences when the young person is 15 years old, and develops as the

young person's needs and ambitions mature. A young person previously in OOHC and under the age of 25 may request support from FACS, regardless of the agency that provided case management for the young person's placement. NGOs may also provide services directly to young people whose OOHC placements they had previously managed. In accordance with section 165 of the Care Act, assistance as described above is generally arranged or provided to the young person until they reach the age of 25 years if it supports their safety, welfare and wellbeing. Ideally the support provided would follow the young person's leaving care plan. However, in view of the likelihood of the young person's circumstances changing during this period in their lives they will not be prevented from receiving services not specified in their leaving care plan.

The Care Act uses the term "leaving out-of-home care" and the Standards use the term "leaving care plan." It is of note that a 2016 report prepared by the CREATE foundation entitled *Leaving Care and After Care in New South Wales* found that young people do not feel any particular negative connotations around the terminology of "leaving care plans", but rather were concerned about the process and impacts of leaving care.

However, in recognition that the term "leaving care" does not adequately represent the options available once a young person transitions to independence, in March 2016 the Minister for FACS approved use of the term "My Future Plan" in communications between staff and young people transitioning to independence.

- **developing a specific strategy to create three year transition plans, with a sliding scale in the level of support to be provided from ages 18 to 21.**

Noted

The Care Act has provision to provide support for care leavers up until the age of 25.

Care for My Future is a strategy endorsed by the former Minister for FACS in 2016 to improve outcomes for care leavers by addressing three goals relating to:

- 1) Support across life stages provided through the carer/caseworker partnership.
- 2) An in-care experience more closely resembling the opportunities, experiences and expectations of a conventional family setting.
- 3) Better preparation for independence and support in early adulthood.

Work to date on this strategy includes: the Caring for Kids website, which is an online resource for carers; initiatives to improve access to education and employment including TAFE and university scholarships; a youth expo to showcase services and entitlements; a mobile application for care leavers; and a dedicated phone number for care leavers to access information and support.

Additionally, as noted above in response to recommendation 14, new guidelines for the provision of assistance after leaving OOHC will be published soon.

The best approach to improving leaving care planning and supports will also be considered as part of the implementation of Their Futures Matter through an initiative to build the evidence base for providing support to these young people with complex needs. This will include a review of specialist after care services, followed by the design and trial of new after care initiatives targeting high risk cohorts.

Recommendation 16. That the NSW Ombudsman undertake regular audits of the Department of Family Community Services' compliance with its legal obligations to provide leaving care plans and supports to young people transitioning out of care.

Noted

The NSW Government considers that the provision of leaving care plans and supports to young people transitioning out of care is critical to improving their long term outcomes. Further consultation is required with FACS, the OCG and the Ombudsman, to ensure that there is no regulatory overlap.

The Ombudsman already has legislative power under the *Community Services (Complaints, Reviews and Monitoring) Act 1993* to review the situation of a child or person in care, or of a group of children in care or persons in care, which includes being able to review FACS' compliance with its obligations to provide leaving care plans and supports.

In addition, as noted above in response to Recommendation 15, the OCG regularly monitors compliance of all OOHC service providers against the Standards. The requirements for Standard 12 clearly state that OOHC service providers must ensure leaving care plans are in place for young people who are 15 years of age and older.

Currently, the majority of children in OOHC in NSW are in placements managed by NGOs rather than FACS (58 per cent as at 30 June 2016).

Aboriginal children and young people

Recommendation 17. That the Minister for Family and Community Services provide bi-annual reports to NSW Parliament about the progress of the Independent review of Aboriginal children and young people in out of home care, with this report to include:

- **the number of individual cases reviewed and the review methodology**
- **the number of cases where remedial or corrective action has been or may be taken as a result of a review**
- **any key findings and trends that emerge as the review progresses.**

Noted

The independent review of Aboriginal children and young people in OOHC has commenced. Professor Megan Davis, independent chair of the review of Aboriginal and Torres Strait Islander children and young people in OOHC will provide her final report to the Minister on 30 April 2018. Professor Davis's report will include a description of the review methodology, information about the findings to date based on individual children's reviews and the key themes and trends that are emerging, particularly around the response to risk associated with abuse and neglect prior to children entering care.

Finalising the review report will be a significant milestone in the review process but the review of the circumstance of each child in the review cohort and any necessary action to remedy a child's circumstances will continue beyond that date. The project plan in FACS includes milestones and regular reports that will continue to document the outcomes for

children, families and communities. FACS is committed to ensuring reviews are conducted for each Aboriginal child or young person in OOHC.

Recommendation 18. That the NSW Government commit to working across NSW with Aboriginal communities, as well as Aboriginal organisations such as Grandmothers Against Removals, to provide a far greater degree of Aboriginal self-determination in decisions on supporting families, child protection and child removals.

Supported

The NSW Government already works extensively with Aboriginal organisations and communities to improve the care for vulnerable children and young people. The Government acknowledges that there is further work to be done to ensure there is greater Aboriginal self-determination in relation to child protection decisions and will continue to work across NSW with Aboriginal communities and Aboriginal organisations to provide a far greater degree of Aboriginal self-determination in decisions on supporting families, child protection and child removals. The NSW Government has commenced consultation with Aboriginal Groups including the Guiding Principles Yarning Circle (see below) and AbSec regarding this recommendation.

The *FACS Aboriginal Cultural Inclusion Framework 2015-2018* aims to embed Aboriginal cultural inclusion, accountability and monitoring processes in the work of FACS to deliver better outcomes for Aboriginal people and their families. The first of its six Key Result Areas is that Aboriginal voices will be heard and included, so that Aboriginal people influence strategy, planning and service. The Framework sets out how FACS and local Aboriginal communities may collaborate on child protection matters.

Plan on a Page for Aboriginal Children and Young People 2015-2021 (Plan on a Page) has been co-designed by AbSec, Aboriginal agencies, FACS and other NSW Government agencies as a plan for enhancing the NSW service system for Aboriginal children, young people and their families. Its over-arching purpose is to promote child safe communities, reduce the overrepresentation of Aboriginal children in OOHC and increase Aboriginal community ownership, accountability and control. The vision is to achieve this through a sustainable safety net of Aboriginal agencies tied to local Aboriginal community governance. FACS and AbSec are continuing to work together to build upon the work of *Plan on a Page*, with the view to develop an Aboriginal child and family sector industry development strategy. The intention is for this strategy to articulate the mechanisms through which an integrated, evidence based service system can be achieved, with a broad range of services delivered by Aboriginal community controlled organisations to Aboriginal people.

The *Guiding Principles for strengthening the participation of the local Aboriginal community in child protection decision making (Guiding Principles)*, developed by Grandmothers Against Removal (GMAR), FACS and the NSW Ombudsman aim to improve collaboration between FACS and Aboriginal communities on child protection matters. They will assist with the establishment of Local Advisory Groups (LAGs) to provide an opportunity for Aboriginal communities to have their say on child protection and OOHC service design and delivery. LAGs will assist in ensuring compliance with Aboriginal placement principles; development of appropriate Aboriginal Cultural Plans; referral of families into early intervention models (to prevent entries into care); and sourcing of suitable relative and kinship carers. LAGs are currently in development in Mount Druitt, South West Sydney, South Eastern Sydney and Moree. In addition, several protocols have already been developed or are under development to help guide and improve the working relationship between FACS and

communities which will form the basis for LAGs in areas such as Dubbo, Bourke, Brewarrina, Orange, Walgett and Karuah.

The Guiding Principles Yarning Circle comprising membership from GMAR, AbSec, the NSW Ombudsman's Office, Aboriginal Legal Service, Winanga-Li Aboriginal Child and Family Centre, and FACS, is pivotal in the implementation of the Guiding Principles across the state and in widening Aboriginal community engagement.

FACS is developing *Aboriginal Case Management Policy and Guidelines* in partnership with Aboriginal stakeholders to ensure Aboriginal families and children are provided with a service which respects their cultural rights and supports their cultural identity.

A working group was established to ensure involvement of Aboriginal representatives from across the sector, including AbSec, Aboriginal OOHC service providers and FACS staff, including members of FACS' Aboriginal Policy Unit and Aboriginal Staff Reference Group. Further consultation with the sector was undertaken, including engagement with:

- Aboriginal service providers (OOHC, Aboriginal Child and Family Centres, Brighter Futures and Intensive Family Preservation services).
- Intensive Family Based Services and Protecting Aboriginal Children Together services.
- Aboriginal Legal Service (NSW/ACT).
- Aboriginal community, including carers, young people, families and community organisations that have experience with the current child protection system.

Further consultation is being undertaken with Aboriginal stakeholders across the Aboriginal and mainstream child and family sector. This is being led by AbSec, which is working with Aboriginal controlled service providers across NSW from early intervention to OOHC, FACS and non-Aboriginal service providers.

Their Futures Matter includes funding to implement a project establishing evidence on local innovative Aboriginal projects in child protection. As implementation progresses, this will include working with Aboriginal organisations and communities to ensure that Aboriginal children, young people and their families are provided with tailored supports.

The Department of Family and Community Services

Recommendation 19. That the Department of Family and Community Services, in consultation with the Public Service Association and staff, set caseload targets for caseworkers, taking into account the complex nature of child protection work.

Noted

The NSW Government has invested in a range of initiatives to support caseworkers and enable them to spend more time working face-to-face with vulnerable families. In 2015-2016, 24,490 face-to-face assessments were completed by caseworkers, almost twice the number assessed in 2010-11. FACS will continue to consult with staff and the Public Service Association of NSW in this important area.

It is important to note that case loads and their associated workload differ significantly due to the varying and complex nature of child protection work. Some cases may require more intensive intervention than others. This is why the NSW Government will not set caseload

targets. However, FACS has committed to updating the existing caseworker workload planner in consultation with the Public Service Association following the full implementation of the new ChildStory casework management system by early 2018, to ensure there are effective and manageable workloads for caseworkers.

Recommendation 20. That the Department of Family and Community Services, in consultation with the Public Service Association, change workplace systems to improve the health, safety and wellbeing of its staff, given the challenging nature of child protection work.

Supported

FACS already has in place a comprehensive framework of work health and safety policies and procedures and will continue to support and expand on existing programs such as the Employee Assistance Program. As FACS develops any new policies or procedures, consultation will occur with the Public Service Association.

FACS has committed to the implementation of the *SafeWork NSW Work Health and Safety Roadmap for NSW 2022*, which is aimed at continuing the decline in serious injuries and protecting workers from harm, including a focus on government and mental stress. FACS has also agreed to implement the Mental Health Commission of NSW's *Living Well: A Strategic Plan for Mental Health in NSW 2014 – 2024*. The workforce elements of the strategic plan necessitate actions to be taken to train and support frontline workers.

Other initiatives to improve the health, safety and wellbeing of FACS frontline workers include:

- Group supervision, which harnesses the collective wisdom and support of teams, is currently operational in 38 Community Services Centres (CSCs). It will be rolled out to a further 18 CSCs by the end of 2017, resulting in 70% of the state operating under this model. FACS is working towards implementing group supervision to the remaining 26 CSCs in 2018, achieving state-wide coverage.
- FACS also offers several learning opportunities that increase knowledge and skills in the workforce. These include:
 - Quarterly Research to Practice Seminars.
 - An annual child protection conference.
 - Shining a light on good practice annual report.
 - Leadership training (rolled out in 2016 and early 2017).
 - Development of practice resources such as the *See, understand and respond to child sexual abuse* kit.
 - Annual Child Death report and associated training package.

In addition to these initiatives, the 2017-18 NSW Budget allocated \$63 million in new funding over four years for 75 new caseworkers this year and 52 next year, as well as 73 casework support workers. Casework support workers directly support the day-to-day work of caseworkers, including case planning and documentation, referrals and appointments.

FACS supports staff in rural, regional and remote areas to deliver reliable and consistent child protection responses through the above initiatives and innovative local service models such as the Mobile Child Protection Unit (MCPU). Following the establishment of the MCPU in FACS Western NSW District in 2015, there has been an improvement in the timeliness of assessments of child protection reports and increase in caseworkers' face-to-face contact with families.

Recommendation 21. That the Minister for Family and Community Services commission an independent investigation into the internal complaint mechanisms within the Department of Family and Community Services.

Supported

FACS is already undertaking this review. The FACS Integrated Complaints Management System Project (the Project) involves the independent review of the complaints management systems within FACS. An external contractor has been engaged to review existing systems to identify and recommend the most effective and efficient method to improve and integrate existing systems.

The Project will also ensure that it aligns and delivers the minimum requirements of the whole of government Complaints Handling Improvement Project (CHIP) that is being led and coordinated by the Department of Finance, Services and Innovation, NSW Ombudsman and the NSW Customer Commissioner. To date FACS has been able to demonstrate compliance with the minimum requirements established by the CHIP.

Recommendation 22. That the NSW Government amend the *Ombudsman Act 1974* to provide the NSW Ombudsman with the power to investigate complaints relating to child protection matters, where appropriate, even if a matter may be before the courts.

Noted

Amending the *Ombudsman Act 1974* to provide the NSW Ombudsman with the power to investigate complaints relating to child protection matters that are before a Court could place the integrity of the court process at risk. However, the NSW Government will explore whether appropriate amendments can be made that will ensure that the independence of the judiciary in considering a care application is not compromised by allowing the Ombudsman to investigate a complaint made in relation to the same matter during court proceedings.

Improving child protection practice

Recommendation 23. That the Department of Family and Community Services develop, in partnership with stakeholders, a broader workforce training and development framework for staff working with vulnerable children, young people and families.

Supported

FACS is planning to improve the capability of the child protection workforce by utilising a new approach to learning founded on contemporary, innovative and evidence based methods. In the first instance, core modules focused on building relationships, engaging families and creating change will be delivered to staff in the Hunter New England district by March 2018. In time, this new approach will enable engagement of the broader government and non-government service sector.

As outlined above in response to Recommendation 20, FACS offers several learning opportunities that increase knowledge and skills in the workforce. These include:

- Quarterly Research to Practice Seminars.
- An annual child protection conference.
- Shining a light on good practice annual report.

- Leadership training (rolled out in 2016/early 2017).
- Development of practice resources such as the *See, understand and respond to child sexual abuse kit*.
- Annual Child Death report and associated training package.

Workforce training and development is also supported under the *Plan*. Specifically, the *Plan* includes the initiative led by the Advocate to increase the number of government and non-government service providers undertaking training on how to proactively and respectfully engage with children and young people.

FACS recognises that cultural competence is essential to achieving good outcomes for Aboriginal children and young people in OOHC. FACS currently provides a range of training and resources for caseworkers which relate to developing culturally responsive practice, including:

- A Caseworker Development Program with learning and readings related to culturally responsive practice with diverse communities.
- Culturally reflective Casework Practice training for all new caseworkers.
- An online foundational Aboriginal Cultural Awareness Program offered to new employees.
- An internal website for caseworkers which includes guidance, resources and conversation ideas for working with Aboriginal or culturally and linguistically diverse families.

Recommendation 24. That the NSW Government review the provisions of Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*, to improve information sharing across jurisdictions for child protection matters.

Supported

The NSW Government understands the importance of sharing information across jurisdictions and section 231V of the Care Act allows the Secretary to disclose information to an interstate child protection officer if he considers it necessary to enable the interstate child protection officer to exercise their functions under a child welfare law or an interstate law. The NSW Government can also share information with the following Commonwealth bodies: the Family Court of Australia; the Federal Circuit Court of Australia; the Department of Human Services; and the Department of Immigration and Border Protection.

A Ministerial Protocol is currently being drafted in accordance with section 36A of the *Child Protection (Working with Children) Act 2012*, which will allow the OCG to exchange information with interstate bodies administering Working With Children Check schemes.

NSW continues to work with other jurisdictions to improve child protection information sharing within and across jurisdictions. NSW is leading this work and has developed key principles that information sharing legislative frameworks should possess. Other jurisdictions are currently considering these principles and reviewing their own legislative arrangements for sharing child protection information to identify commonalities and variances. NSW will be better positioned to consider the appropriateness of amendments to Chapter 16A upon completion of this work, which is on track for finalisation at the end of 2017.

Recommendation 25. That the Department of Family and Community Services fully funds the Central Coast Multi-Agency Response Centre (CC MARC) model and implement this model in those areas of the state with greatest need.

Noted

The NSW Government agrees that the Central Coast Multi-Agency Response Centre model (CCMARC) is a promising one. The CCMARC is a two year pilot due for completion by November 2017. The pilot will then be evaluated and consideration given to whether the model is appropriate for other areas.

Recommendation 26. That the Department of Family and Community Services publish a plain English policy position on how parents and carers can work towards restoration of their children, including a clear internal review process for parents and carers who have been denied restoration.

Supported

A decision to restore a child to their parents or carers, once removed, is made by the Children's Court. Where the Children's Court has made an order placing a child under the parental responsibility of another person, parents can appeal this decision to the District Court or make an application to the Children's Court for the order to be rescinded or varied if there has been a significant change in relevant circumstances since the order was made. These are the appropriate review processes for decisions about restoration.

FACS is prioritising restoration, guardianship and open adoption for children and young people in OOHC through the Permanency Support Program and Their Futures Matter.

FACS recognises the importance of parents receiving plain English information on how they can work towards restoration of their children. FACS is developing new information sheets for families, including two information sheets that meet this recommendation:

- An information sheet on permanency options – this will include information on restoration and what parents can expect from FACS to support them to have their children returned.
- An information sheet on parent rights – this will include an outline of what parents can expect from FACS and details of how and to whom they can complain if their rights have not been met.

The information sheets will be provided to families by caseworkers.

Parents can access the FACS Complaints Unit and/or make a complaint to the NSW Ombudsman, provided the matter is not before the Children's Court.

Recommendation 27. That the Department of Family and Community Services develop a specific strategy to improve opportunities for children and young people in out of home care to be restored to their families, where appropriate.

Supported

Their Futures Matter is implementing two new evidence based intensive family preservation and restoration models aimed at keeping families together:

- Multisystemic Therapy for Child Abuse and Neglect – this is a 24/7 treatment model for families with substantiated or highly likely to be substantiated cases of physical abuse or neglect of a child/young person aged 6-17 years. The model applies to families where children are at very high risk and families' needs are complex. The

model is best suited to families who have a history of not engaging in community supports or who have not benefited from those supports in the past.

- **Functional Family – Child Welfare** – this is a home based treatment model for families with substantiated physical abuse or neglect of a child/young person aged 0-17. The model provides a family therapy focussed model for families with multiple risk factors. This model has two tracks: one for families at very high risk who are unlikely to engage in community supports and a lower risk track for families who are more likely to successfully engage in supports outside of the model.

These models aim to reduce entries into OOHC and support restoration to home, where it is safe to do so. The models are being implemented in 14 priority locations across NSW and provide 900 places per year, with half of these places to be offered to Aboriginal children and their families.

Under the PSP being introduced from 1 October 2017, the NSW Government will fund service providers to achieve permanency outcomes (preservation, restoration, guardianship and open adoption) for children and young people in, or at risk of entering, OOHC. The program aims to give children and young people safe homes for life and minimise the number of children who remain in statutory care for long periods of time.

Recommendation 28. That the Minister for Family and Community Services provide a report to the NSW Parliament by the end of August 2018 on the NSW Government's progress in implementing the recommendations in this report.

Supported

The Minister for FACS will provide a report to the NSW Parliament by the end of August 2018 on the NSW Government's progress in response to the recommendations of the report.