



LEGISLATIVE COUNCIL

GENERAL PURPOSE STANDING COMMITTEE NO. 2

MEDIA RELEASE

CHILD PROTECTION INQUIRY REPORT

FOR IMMEDIATE RELEASE

16 March 2017

General Purpose Standing Committee No. 2 has today tabled its report on child protection.

The Chair of General Purpose Standing Committee No. 2, the Hon Greg Donnelly MLC, stated, “there is not a shadow of a doubt that child protection in NSW is literally screaming out, demanding that our political parties and politicians work together co-operatively to address what can only be described as a truly wicked problem”.

Mr Donnelly continued, “on any given day the state has to try and find a safe roof to place over the heads of approximately 20,000 children and young people. That is 20,000 children and young people who tonight will be living somewhere other than with their parents because it is not safe to do so”.

Mr Donnelly acknowledged that the report makes for bitter reading stating that “it raises serious concerns about the ability of the Department of Family and Community Services to fully comprehend, plan and execute its mandate”.

“This is not the result of the actions of a single minister or government. The major political parties have all served in office over recent decades and in this policy area, have little to be proud of. The crass reality is that child protection has been, and is treated like, a political football game. Tragically those who should be at the centre of everyone’s attention, our vulnerable and neglected children and young people, are caught up in the political gamesmanship. This must stop immediately”.

The report makes 28 recommendations which seek to enhance the outcomes for vulnerable children and young people and their families. Included is a “significant investment in evidence based, prevention and early intervention services that target those most in need”.

For further information about the inquiry, including the final report, submissions and hearing transcripts, please visit the committee’s website at: www.parliament.nsw.gov.au/gpsc2.

*For further information please contact the Committee Chair,
Hon Greg Donnelly MLC, on 9230 2280.*

Recommendations

- Recommendation 1** 37
 That the NSW Government ensure 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.
- Recommendation 2** 38
 That the NSW Government provide 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.
- Recommendation 3** 38
 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.
- Recommendation 4** 62
 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.
- Recommendation 5** 63
 That the NSW Government benchmark funding levels for men’s behaviour change programs in other state and territory jurisdictions, to ensure an adequate level of funding is allocated to these programs in New South Wales.
- Recommendation 6** 63
 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.
- Recommendation 7** 79
 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.
- Recommendation 8** 79
 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.

- Recommendation 9** 80
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.
- Recommendation 10** 80
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.
- Recommendation 11** 81
That the NSW Government provide the Children’s Court of New South Wales with funding for the appointment of at least three additional Children Magistrates, to ensure that all care and protection matters in New South Wales are presided over by a specialist Children’s Magistrate.
- Recommendation 12** 107
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.
- Recommendation 13** 107
That the NSW Government, in consultation with stakeholders, develop additional resources, training and support for carers.
- Recommendation 14** 118
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.
- Recommendation 15** 119
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
 - 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
 - changing the focus and name of ‘leaving care plans’ to ‘transitioning care plans’
 - 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.
- Recommendation 16** 119
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.

- Recommendation 17** 140
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.
- Recommendation 18** 140
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.
- Recommendation 19** 153
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.
- Recommendation 20** 154
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.
- Recommendation 21** 159
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.
- Recommendation 22** 159
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.
- Recommendation 23** 167
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.
- Recommendation 24** 170
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.
- Recommendation 25** 178
That the Department of Family and Community Services fully funds the Central Coast Multi-Agency Response Centre model and implement this model in those areas of the state with greatest need.

- Recommendation 26** **179**
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.
- Recommendation 27** **179**
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.
- Recommendation 28** **180**
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.