

SUBMISSION



Parliament of New South Wales Committee on Children and Young People
**Submission to the Inquiry into the child protection
and social services system**



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The current child protection system is not fit for purpose.

- **Member, DCJ: Community Services**

Sooner or later the government will have to explain why they are closing cases.

- **Member, DCJ: Community Services**

FOREWORD

Child Protection in NSW is under siege due to the ever increasing number of vulnerable children and young people but a capped workforce. **Only 29 per cent of children At Risk of Significant Harm (ROSH) are seen. Nearly 40 per cent of children are re-reported** within 12 months of their case plan being closed. Outsourced services are failing to report many cases and the DCJ: Community Service workers are overloaded and suffering severe burnout. The number of children and families needing help skyrockets each year while the capacity of the government to support and protect them is plummeting. This cannot continue.

The following submission contains recommendations of how the child protection system can and must be augmented. The core recommendations include a dramatic increase in case worker staff, an increase in funding for Community Services and a guaranteed exemption from budget efficiency dividends as well as a guarantee that the statutory responsibility for the care and protection of children and young people in NSW should remain a core function of the Department of Communities and Justice (DCJ). Failure to implement these core recommendations will only lead to a continued failure to protect the vulnerable children and families of NSW.

In order to complete this submission, the Association surveyed our membership and collaborated extensively with our delegates. Every case put forward in this submission has been informed by our members.

The evidence from our members on how the child protection system in NSW is currently working is damning:

- When asked if DCJ: Community Services “is successfully providing a proactive, helpful and timely response to all vulnerable children and families in NSW”, **79 per cent** said no.
- **95 per cent** of members believe that the NSW Government does **not employ enough case workers** to achieve the work needed to protect vulnerable children and families.
- **91 per cent** of members said that Community Services does **not have enough resources** to effectively respond to ROSH Reports in a timely manner.
- **84 per cent** believe current departmental **funding is inadequate**.

Child Protection workers in Community Services within DCJ provide invaluable expert care to the vulnerable children and families of NSW. But they are seriously overworked and under-resourced, which is diminishing the quality and quantity of care they can provide.

As this submission will show, the erosion of quality working conditions in the child protection workforce is consequently eroding the quality of care for vulnerable children and families. The quantity of case workers needs to reflect the number of vulnerable children needing protection. Too many children are falling through the cracks. Their government is failing them.

It is one of governments’ most fundamental and essential core functions to adequately protect our most vulnerable children. These children and families not only need but deserve the best possible form of care. No organisation is better placed to care for vulnerable people than the government. Governments are the only organisations able to make decisions based on more than just budget bottom lines and profit margins. This being said, however, governments both in Australia and around the world have been putting their public services “on the market” via outsourcing and privatisation for decades. These decisions have been through the trend of managerialism and markets which emerged in political and

economic theory in the 1970s and 1980s as 'neoliberalism' and 'new public management'. This has led to a reality where some of the "public" services that members of the public are receiving are in fact subject to budget bottom lines and profit margins.

The effectiveness of the neoliberal model of outsourcing and privatising public services continues to be the subject of great debate, particularly when it comes to providing services to those most vulnerable in our society, such as children or people with a disability. It has been proven time and time again that vulnerability and profit-driven public service providers do not mix. And yet, governments continue to outsource social services.

As a Community Services member of the Association has put it:

Neo-Liberal ideals that are purported by [this government] suggest that it is 'every man for themselves' and people should be able to manage their own lives without government support. However, this does not take into account a person's trauma, disadvantage or socioeconomic status. How can you expect a person to pull themselves out of poverty, find work or support their children, if they have never had anyone model these skills to them? The model by which [this] government runs on is fundamentally flawed and nothing is going to change until they realise that we need to invest in social programs and services in order to lift up the most vulnerable people within our society not shut them out and expect them to change on their own. Equity is propping up the most vulnerable to the level of the majority to give everyone a fighting chance.

The complete privatisation of disability services in NSW is a shining example that outsourcing services for the vulnerable does not work. The Association also covers Disability Support Workers and has seen firsthand that the dismantling of a public safety net has meant that people with the most complex disabilities are left behind. This is because private service providers operate with a "cookie cutter" view of service provision, and anyone who does not fit the mould is simply not provided for.

This same thing is happening in the provision of early intervention in child protection. Vulnerable children in the most complex situations are falling through the cracks. There is, however, a stark contrast between the two sectors: while disability services now have no public safety net, child protection still does. The issue here is that the safety net for children and families has been badly weakened through budget cuts and under-resourcing.

We are therefore at a critical moment. Child protection is core government work, but our system is under siege. It is time to make DCJ: Community Services as strong and well-equipped as it can possibly be. The following submission will outline a plan for the way forward.

The Association thanks the Committee for its work and interest into this matter of great public importance and looks forward to providing any other assistance that may be required.

Yours sincerely,



Stewart Little
General Secretary

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1. ABOUT THE PSA

The Public Service Association of New South Wales is the union covering Child Protection and Out of Home Care workers, administrative and support staff in the NSW Department of Communities and Justice, Community Services. Our members work in different roles within this agency, delivering direct and indirect services, which support vulnerable children and their families. Some of our members in this agency are front line workers and the others, work supporting the work that front line workers do. The Public Service Association of New South Wales is a state-registered employee organisation. For the purposes of this submission, the PSA will be referred to as 'the Association'.

2. GLOSSARY

Caseworker	DCJ employee in a Caseworker, Senior Caseworker or Casework Specialist role undertaking child protection work. Caseworkers are employed in Districts and Statewide Services. Caseworkers undertake a variety of frontline child protection work including (but not limited to) child protection work in CSCs; assessment and investigation work in the Joint Child Protection Response Program (JCPRP); intake and crisis response work at the Child Protection Helpline casework in specialist teams such as adolescent teams; and OOHC work in Child and Family District Units.
Child (children)	Unless otherwise specified, the word child refers to a child (children) or a young person (people)
CS	Community Services (within DCJ)
DCJ	NSW Department of Communities and Justice
IFSS	Intensive Family Support Services
IFBS	Intensive Family Based Services
NGO	Non-Government Organisation. The NGOs referred to in this submission are those that are providing publically outsourced prevention and early intervention services.
OOHC	Out of Home Care
PSA	The Public Service Association of NSW, or, 'the Association'
PSP	Permanency Support Program
ROSH	Risk of Significant Harm as per S23 (1) of the <i>Children and Young Persons (Care and Protection) Act 1998</i> . Also known as the statutory threshold.

3. RECOMMENDATIONS

CORE RECOMMENDATIONS

Recommendation 1

Statutory responsibility for the care and protection of children and young people in NSW should remain a core function of the Department of Communities and Justice (DCJ).

Recommendation 2

A significant and immediate funding increase to enable child protection work delivered by DCJ to meet the needs of vulnerable children and families.

Recommendation 3

An immediate funding increase for the employment of at least an additional 900 new Caseworkers (FTE) to see the current number of children and young people subject to ROSH.

Recommendation 4

That DCJ: Community Services be exempt from the NSW Government's annual efficiency dividend, and that this exemption is applied automatically, without the agencies needing to apply each year. This exemption needs to include any work performed in the broader DCJ department that works with Community Services to provide protection and support to vulnerable children and families.

Other Recommendations

Recommendation 5

That the NSW Government establish an online system for case plans that can be accessed from all relevant areas of the public sector.

Recommendation 6

Regular, formal, meetings with relevant members of each agency should take place to enable the sharing of information.

Recommendation 7

Caseworkers and other agency workers to be allocated specific time to do this information sharing work.

Recommendation 8

That the NSW Government develop streamlined training courses as per DCJ standards on mandatory reporting and other skills relating to child protection related issues in order to ensure uniformity of approach across departments.

Recommendation 9

That DCJ: Community Services establish a prevention and early intervention unit. This unit should include an accountability section which oversees the non-government organisations providing similar work.

Recommendation 10

That case management transfers from DCJ to an NGO should not take place until all relevant matters are finalised before the court.

Recommendation 11

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 12

That the framework used by the Auditor General include holding NGOs accountable for providing adequate training to their staff.

Recommendation 13

The Department of Communities and Justice commits to filling all vacancies in Community Services within one to three months of the vacancy occurring.

Recommendation 14

That the NSW Government provide an immediate funding increase for the employment of additional administrative staff, commensurate with the number of caseworkers and that these jobs are ongoing and secure **not** temporary or casual.

Recommendation 15

That a DCJ prevention and early intervention unit monitor the availability of early intervention services in regional and remote areas and provide the service directly where needed.

Recommendation 16

That DCJ provide incentives for city-based Community Services staff to relocate or second to rural and remote areas.

Recommendation 17

That DCJ: Community Services sets a target of 100% assessment for Aboriginal family and kin for each Aboriginal child or young person being assessed for OOHC.

Recommendation 18

That the NSW Government make all efforts to ensure that all vulnerable Aboriginal children and families have access to Aboriginal-controlled services.

Recommendation 19

That DCJ: Community Services sets targets for designated positions that must be filled by knowledgeable and accepted Aboriginal staff who are connected to Country and Community.

Recommendation 20

That the NSW Government make all efforts to ensure it reaches Target 12 of the National Agreement on Closing the Gap by 2031.

4. INTRODUCTION

4.1 Child protection is a core NSW government responsibility

It is one of government's most fundamental and essential core functions to adequately protect our most vulnerable children. It is our DCJ members working in child protection who bring passion, excellence and dedication to these children every moment of every day. Our members are not motivated by profit but by a sense of duty to keep our children safe. To protect our Members, our work and most importantly, our children, the PSA are unrelenting in enshrining our first and most important recommendation:

Recommendation 1 (CORE)

Statutory responsibility for the care and protection of children and young people in NSW should remain a core function of the Department of Communities and Justice (DCJ).

4.2 NSW child protection is in crisis

Child protection and the systems in place at a government level and non-government level have been the subject to a never-ending series of reviews and inquiries over *at least* the past 38 years, dating back to the Usher Report in 1992. Much has changed and much has improved. The increase in children and young people at risk of harm however, has outstripped the resources dedicated to combat child abuse and neglect.

Children are not seen and put at worst risk of harm. Children have a right to be heard and kept safe. This isn't happening now.

- Member, DCJ: Community Services

Child Protection needs to be prioritised and adequately resourced. The Government needs to take responsibility and manage this area in a similar manner to Policing and Health.

- Member, DCJ: Community Services

The deficit in funding is real and unfortunately growing year on year. The latest Caseworker Dashboard figures tell a shocking story – in 2019/20 78,405 NSW children reported to be at 'risk of significant harm' (ROSH) were never seen by child protection staff. More than 78,000 of our most vulnerable children lost in a system.

It is damning that in the four years since the last NSW parliamentary inquiry in 2016, there are now more children and young people subject to a ROSH report not receiving any child protection response. The public figures are clear evidence NSW child protection is in crisis:

Table 1: Increase in children and young people subject to ROSH who were not seen

	Caseworker Dashboard December 2015	Caseworker Dashboard June 2020	Change
Number of children and young people subject to ROSH not seen	53,396	78,405	47% increase / 25,009 more not seen

4.3 Significantly more funding is urgently needed

There is simply not sufficient resources and funding within the sector, both government and non-government, to ensure these children are safe and protect these children from suffering further harm. As unpalatable as it may be to the NSW Government, it is time for a major injection of funding to protect the most vulnerable children in NSW. We have seen governments address chronic underfunding to better support people with disabilities. We can expect to see a major overhaul and increase in funding following the *Royal Commission into Aged Care Quality and Safety*. It is now time to step up and properly fund child protection. These children are our future.

The chronic and prolonged underfunding in the sector is most starkly evident in both early intervention and statutory child protection. Early intervention has traditionally been serviced by the non-government sector (though not exclusively) and statutory child protection, by the government sector. The government's role and obligations are outlined in legislation, the *Children and Young Persons (Care and Protection) Act 1998*.

Recommendation 2 (CORE)

A significant and immediate funding increase to enable child protection work delivered by DCJ to meet the needs of vulnerable children and families.

The funding needs to be increased across five levels in the child protection system:

- i. early intervention: vulnerable children and families at risk of involvement with statutory child protection
- ii. Targeted early intervention (TEI): children and families subject to child protection reports not assessed as ROSH
- iii. Statutory child protection: children and young people subject to ROSH reports
- iv. Intensive family based case management: children and families subject to ROSH reports following initial DCJ assessment and intervention
- v. OOHC: children subject to a Care Order

5. RESPONSE TO THE TERMS OF REFERENCE

5.1 How vulnerable children and families are identified and how the current system interacts with them including any potential improvements, particularly at important transition points in their lives

Statutory child protection – increased productivity outpaced by growing demand

The legislative change of the reporting threshold from ‘risk of harm’ to ‘at risk of significant harm’ (ROSH) in 2010 initially allowed our members to focus attention on those children and young people most at need. This did not last. As evidenced from the table below, the actual increase in children and young people subject to ROSH has almost doubled in the last 9 years.

Table 2: Doubling of child protection concerns in 9 years

FACS Annual Report				
	2011/12	2014/15	2017/18	2019/20
Number of ROSH reports	99,283	126,146	208,129	NA
Children and young people involved in ROSH reports	61,308	73,522	105,772	111,904
Children seen assessments	25,684	35,433	NA	NA
Number of children seen	16,409	20,603	NA	33,499

Traditionally early intervention services were focused on supporting vulnerable families before they came to the attention of statutory child protection, i.e. before children were subject to a statutory child protection report i.e. a Risk of Harm (ROH) report (the threshold for a statutory child protection report was increased to Risk of Significant Harm – ROSH in 2010). A key program was Brighter Futures, established in 2003 and targeted support to vulnerable families to prevent them from entering or escalating into the child protection system. This is no longer the case.

Originally, the program was split, with half the services provided by 350 DCJ caseworkers and the other half by a variety of non-government agencies. Some years later, the government redirected all Brighter Futures funding to the non-government sector. Then DCJ repurposed funding for early intervention services such as Brighter Futures to primarily work with families who had entered the child protection system i.e. the now higher threshold of ROSH. A family’s participation in the program is voluntary and a significant number of families referred to the program refuse to engage.

Essentially the government redirected early intervention funding to try and address the growing number of children and families subject to ROSH who were not receiving a child protection response. In order to keep their funding the Brighter Futures Lead Agencies had no choice but to sign new contracts (Program

Level Agreements or PLAs). A new set of Service Provision Guidelines (SPGs) were issued in September 2017 which mandated that at least 90 per cent of families were now drawn from the DCJ, Community Services referral pathway. DCJ referrals could happen in two ways. One pathway was via the DCJ Brighter Futures Assessment Unit (BFAU). This “cold referral” into the program was without any frontline statutory intervention by DCJ caseworkers and prior knowledge of the family. The other pathway followed DCJ statutory intervention and completion of Safety and Risk Assessments (SARA). Families engagement with Brighter Futures services is greater and outcomes more effective where there had been DCJ intervention and the families’ entry into the program was with their knowledge and agreement. These families tend to have more complex child protection concerns.

By increasing DCJ caseworker numbers, not only would more children subject to ROSH would be seen and protected, but also more families transitioned to Brighter Futures would continue longer term with the program. The department’s own research through its Analysis and Research branch has shown that re-reporting rates are significantly reduced as a result of successful participation in the Brighter Futures program.

The Brighter Futures sits within a broader program of Intensive Family Support Services (IFSS). The services sitting in IFSS are aimed at children and families subject to ROSH. IFSS comprises Brighter Futures, Intensive Family Services, Intensive Family Preservation, Strengthening Families and Intensive Family Based Services (IFBS). These services involve family case management and are seen as effective services in breaking the cycle of child abuse.

According to the FACS Annual Statistical Report for 2018-2019, 10,175 children were involved in IFSS during that period.¹ IFBS are primarily focused on Aboriginal families and has traditionally been provided by both DCJ and the non-government sector. Many of the DCJ-run IFBS have been closed and some NGO-run IFBS threatened with defunding as they were seen not to align with new commissioning principles, under *Their Futures Matter*. Some DCJ IFBS were actually closed without consultation with the Aboriginal staff or the Aboriginal communities they supported.

DCJ, Community Services needs to retain and improve these important Aboriginal services as opposed to closing them. The IFSS services should be expanded in conjunction with increased numbers of DCJ child protection caseworkers as an effective strategy in reducing the 78,000 children subject to ROSH left unseen and unprotected. This would serve to reduce the unacceptably high re-reporting rates. As stated in the NSW Government’s paper *Their Futures Matter: A new approach*, “it is clear that, in a system of overwhelming demand and limited capacity, vulnerable children and families are not receiving the response they need.”²

The paper also makes reference to the Premier’s Priority on *Protecting our Kids* to reduce the re-reporting rates from a statewide baseline of 40.4% in June 2015 to 34.4% by June 2018. According to the most recently available Caseworker Dashboard, June 2020 the re-reporting rates are 38.6%. The NSW Government is clearly aware of the issue and it is failing to meet its own priorities. Change is clearly needed.

¹ FACS Annual Statistical Report for 2018-2019, https://public.tableau.com/profile/facs_statistics#!/vizhome/ASR2018-19_textversion/Textversion

² https://www.theirfuturesmatter.nsw.gov.au/_data/assets/pdf_file/0006/723606/Their-Futures-Matter-A-new-approach-Reform-directions-from-the-Independent-Review.pdf, p13

5.2 The respective roles, responsibilities, including points of intersection, of health, education, police, justice and social services in the current system and the optimum evidence based prevention and early intervention responses that the current system should provide to improve life outcomes.

I think there needs to be a clearer understanding between agencies of child protection issues and also a more uniformed approach as protecting children is a responsibility of all us and we need to work together and more cohesively to achieve that

- Member, DCJ: Community Services

We all need to sing from the same song sheet. There needs to be a greater commitment and understanding of information exchange and working together to support vulnerable families and children.

- Member, DCJ: Community Services

Vulnerable children are a public responsibility. When these children go to school, they are in the care of the Department of Education; when they are ill, or in attendance at a medical facility, they are in the care of the Department of Health; if their behaviour or the behaviour of those around them is considered criminal, they may find themselves in the care of the NSW Police; if that criminal behaviour results in a conviction, they could find themselves in the care of Youth Justice. Child Protection is the backbone of ensuring the wellbeing and safety of vulnerable children, however it is only but one area of the public service that has a duty to these children.

The intersection and overlap of child protection work across agencies needs significant improvement. Members have informed the Association that agencies are currently operating in silos, with little collaboration and poor communication. There is currently too much buck passing and “dumping” of cases with no clear lines of responsibility. Ultimately, responsibility lays with the public service as a whole, and therefore teamwork is absolutely essential.

Same level of education, shared policies, joint training days, working collaboratively, rather than as separate agencies.

- Member, DCJ: Community Services

Members have recommended a number of ways in which the responsibility-sharing can be improved. Overall, our members are in agreeance that there should be a central point of coordination and communication for reporting.

Information sharing

Members resoundingly told the Association that the sharing of information needs to be improved. Given that vulnerable children will likely be passing back and forth across various agencies throughout their childhood, it is nonsensical that information should not be shared and made easily accessible for the relevant workers in each agency. An online portal should be set up whereby all agencies have access to a case plan and can update the plan as necessary. As one member put it:

A central point for all information exchange would be beneficial. Instead of seeking information from multiple sources, you could have one location capable of packaging all information together.

- Member, DCJ: Community Services

Recommendation 5

That the NSW Government establish an online system for case plans that can be accessed from all relevant areas of the public sector.

Communication

With agency silos in operation, this inevitably means that there is currently a major shortfall in communication. In addition to an online information sharing portal, this issue could further be solved by the establishment of regular interagency meetings. These meetings could take place monthly, quarterly, or perhaps at the point when a ROSH report is received.

Recommendation 6

Regular, formal, meetings with relevant members of each agency should take place to enable the sharing of information.

As addressed in section 5.4, however, these meetings must be established alongside an interjection of more funding and more caseworkers, so that these meetings do not simply become yet another burden on already overworked and under resourced existing case workers. This issue of resources must also be considered for the other relevant agencies.

Recommendation 7

Caseworkers and other agency workers to be allocated specific time to do this information sharing work.

It would be great for the agencies to meet regularly to share the information we have. Too much secrecy. If we all work together we have a better chance of keeping families together.

- Member, DCJ: Community Services

I believe interagency meetings should become mandatory at times that children have services that intersect, and that group supervisions should again include all services relevant to the child, rather than just those holding the meeting.

- Member, DCJ: Community Services

Training

Case study: the need for inter-agency training

a practice that I have often seen in both health and education is that the reports are not being completed first hand. For example, a disclosure to a teacher is being reported by the principal. This is wrong. DCJ are receiving secondary information as the principal was not there for the disclosure. The principal should be supporting teachers to make the report not completing it for them. Other examples include health staff completing reports based on notes left by a colleague. Again, this is secondary information and is not what the expectation is or is required by them as mandatory reporters.

As well as information sharing and better communication, the other common issue among our members was the ununiformed practice of mandatory reporting across the different agencies. In order for information sharing and communication to be effective, everyone needed to be speaking the same language. Streamlined, regular training should therefore be made available to all workers in the relevant agencies. There should be a variety of courses made available, including a refresher for existing staff and a beginner's course for incoming staff. The training modules should be designed in collaboration with DCJ: Community Services.

Case study: the need for inter-agency training

I was a police officer before moving to DCJ. In any domestic violence incident police are legally required to check on the safety of children present, and to make a report about the matter. When they create their event, their event automatically pre-fills with a 'Child At Risk' Incident, meaning the officer has no choice but to include them in the report. However this does not occur for any other category. Police locate children in drug locations, Police charge parents with driving under the influence of drugs with kids in the car. Police go to mental health incidents with children present. Police attend any number of incidents with significant child protection concerns, yet the officer has to then choose to put a report about the child at risk on... No one, in my time in the police, ever asked me where the drug dealer's kids were when I arrested them. No one ever made me report to the helpline to inform them I had scheduled a mother under the mental health act who was cutting herself in front of the children...I honestly think many police simply don't realise DCJ needs to know about an incident if it isn't a domestic. Many police are also unaware they have any powers under the Child Protection Act. I was never taught this in my training at any time. I was aware of it as I had friends in DCJ who told me. When I asked my colleagues about this, no one knew anything about it. This leads to a strong attitude in the police of "That's a FACS problem." Police need to be educated about their powers and responsibilities under the Child Protection Act. Police need to have their mandatory reporting obligations enforced with all incidents, just like they are with regards to DV incidents.

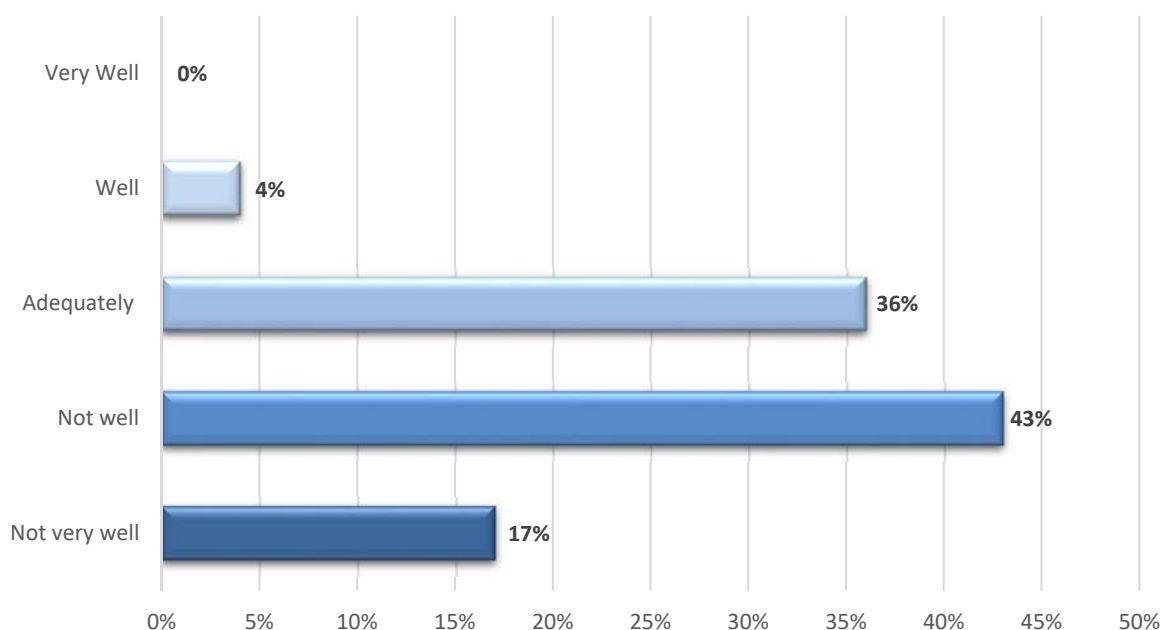
Recommendation 8

That the NSW Government develop streamlined training courses as per DCJ standards on mandatory reporting and other skills relating to child protection related issues in order to ensure uniformity of approach across departments.

5.3 The adequacy of current interventions and responses for vulnerable children and families and their effectiveness in supporting families and avoiding children entering out of home care.

The adequacy of NGO prevention and early intervention services

Which of the following best describes how the current NGO prevention and early intervention programs are working to prevent children entering OOHC?



I think some do better than others BUT it's a blind spot for the Department.

- Member, DCJ: Community Services

A majority of our members are of the position that many of the non-government organisations providing prevention and early intervention services are not meeting Community Services standards. While 40 per cent believe that are working well or adequately, **60 per cent** say that they are **not** working well. There are a number of reasons for this assessment.

Cherry picking and box ticking

As the submission foreword discussed, outsourcing those public services which provide for vulnerable members of society inevitably leads to people – often the *most* complex (and therefore most vulnerable) – falling through the cracks. One of the reasons for this is that private or non-government organisations are not held to the same standards and not subjected to as greater scrutiny as government agencies, despite the fact that their services are funded by public money.

Accountability measures are much weaker for these organisations, which enables them to more easily get away with doing the bare minimum – simple box ticking.

They do little more than tick a box exercises which are costly and ineffective

- Member, DCJ: Community Services

Actual hands on preventative work by quality, trained staff rather than box ticking for funding.

- Member, DCJ: Community Services

There is still limited understanding on their role, and more often than not there is service push back or serious gaps in the work provided based on the mindset of 'that's not our responsibility'

- Member, DCJ: Community Services

The ability to box tick also means that these organisations can cherry pick which vulnerable children and families they work with. These organisations also offer services on a voluntary basis, and so it is often the case that a family will decline the help and their case will be closed, without any assessment of whether a follow up is necessary.

As will be discussed in subsequent sections, this cherry picking often occurs at a worker-level because NGO staff are less skilled and under-trained, and therefore avoid working with children and families that are too difficult or complex. At an organisational level, it comes down to money: more complex cases require more care, which costs more money. It also costs money to upskill and train workers, and so the cycle of cherry picking continues. A vulnerable child's access to care should not come down to money. This is a failure of the outsourcing system.

Their Commitment to work with challenging, complex families. To easily say, 'we are voluntary', family 'not engaging, we're closing.'

- Member, DCJ: Community Services

Our NGO Family Pres program only wants 'soft' cases, which restricts the referrals that they are willing to accept from us. This is despite that they have been up and running for a year, and ignores that the families we allocate for casework have complex dynamics and multiple issues (eg DV, AOD and MH).

- Member, DCJ: Community Services

Acceptance criteria - so many referrals are shut down because they are 'out of area' or don't otherwise meet the narrow criteria for support. As a result, the CSC just close the report without assessment. More reports accumulate, assessment is finally done, child is not safe.

- Member, DCJ: Community Services

Understaffed and undertrained

Poor staffing, training and lack of resources means NGO's place vulnerable children at greater risk

- Member, DCJ: Community Services

Just like in DCJ: Community Services itself, many NGOs do not employ enough staff to meet the demand of the vulnerable children and families within the community. For NGOs, this understaffing is then met with an existing workforce that is under-trained therefore making them ill-equipped for much of the work that is thrown at them. One member told the Association that NGO staff are “completely under skilled,” which puts them at stark contrast to DCJ Community Services staff.

NGOs are not trained or equipped to tolerate the risk levels required to work with the families referred.

- Member, DCJ: Community Services

They are largely ineffective and untrained to the level of caseworkers and have little to no emergency service experience - they follow whatever DCJ tells them to.

- Member, DCJ: Community Services

NGOs are not good enough at case management. The workers are delivering the minimum service their bosses say they are funded to provide. NGOs do not have the same responsibility as public servants to act on all areas. They can say they are not paid to do something or the contract is confusing. Public servants are obliged to act on all issues.

- Member, DCJ: Community Services

Our members raised that NGO staff are particularly lacking in experience and management training in a number of key areas including domestic violence, sexual abuse and drug and alcohol abuse. As well as lacking the ability to detect the prevalence of these issues within a family, NGO staff are also limited by workplace policies:

The services policies of those agencies severely limit what they are willing to do. For example, some DV services will phone and text a client. If there is no response, they close.

- Member, DCJ: Community Services

Given that these NGOs are being given public money to provide public services, there needs to be a requirement that they adequately train their staff.

The role of DCJ in prevention and early intervention

The above failures in the NGO sector inevitably lead to increased workloads for DCJ: Community Services staff. This further exacerbates the issue of understaffing with the agency, an issue which will be discussed further in section 5.4. Existing Community Services staff are already overloaded with work.

They withdraw if they consider the risk is too high - defaulting family back to DCJ who are already under resourced and over worked impacting allocation ability and quality services for vulnerable children.

- Member, DCJ: Community Services

NGO's should not be involved in responding to statutory Child Protection (ROSH). There is a pattern of referral to the NGO only to have the NGO refer back to the Helpline... It is

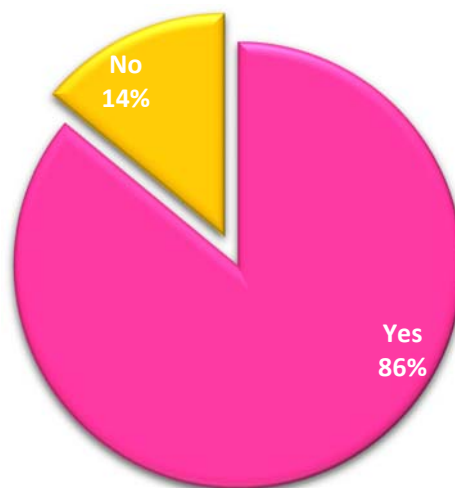
clear that often the NGO workers feel out of their depth or powerless to effectively work with these families and are hoping that DCJ will respond.

- Member, DCJ: Community Services

They are woefully under qualified to provide the level of support required by vulnerable families to prevent children coming into care. They often rely on Departmental workers to do the challenging aspects of the work as they are not confident in having discussions about ongoing child protection issues.

- Member, DCJ: Community Service

Should DCJ: Community Services directly provide prevention and early intervention programs if it is adequately resourced to do so?



In our survey to members, the Association asked if Community Services should directly provide prevention and early intervention programs if it is adequately resourced to do so. 86 per cent said yes.

Members are overwhelmingly supporting of this idea.

The department is better equipped to provide these types of program... The Department has a higher expectation and has greater capacity and resources.

- Member, DCJ: Community Services

DCJ is the central hub for a lot of information, so is the logical choice to lead interventions. We are held to a much higher standard at DCJ so if we do the work it will be done to our standards.

- Member, DCJ: Community Services

There are instances where DCJ early intervention services would work well, particularly with those where the voluntary services have been unable to positively engage the family or address the concerns, or where the family refuses contact or engagement. There needs to be more flexibility for the department to provide this option.

- Member, DCJ: Community Services

Our primary goal should be on prevention and early intervention to reduce the number of ROSH reports received, improve outcomes sooner for families and prevent more children from entering care. Why fix what can be prevented in some cases!

- Member, DCJ: Community Services

The benefits of a DCJ prevention and early intervention unit include:

- The unit could serve an accountability function, overseeing the NGO service providers
- The unit could provide training to NGO staff, as well as day-to-day advice and support
- This would alleviate the workload of staff from other areas of Community Services
- A decrease the likelihood of vulnerable children and families falling through the cracks.

It must be stressed, however, that the establish of a DCJ prevention and early intervention unit would only be effective if DCJ were given additional resources to do so. As this submission lays out, Community Services as it is severely understaffed and underfunded. The following recommendation therefore goes hand in hand with the overall recommendations of this submission for more caseworks and more funding for DCJ: Community Services.

Recommendation 9

That DCJ: Community Services establish a prevention and early intervention unit. This unit should include an accountability section which oversees the non-government organisations providing similar work.

The Permanency Support Program (PSP)

The Permanency Support Program (PSP) is one of the offspring from the Tune Report. Tune recommended that commissioning of services to NGOs and for profit organisations, on a package basis was the direction the government should take (also referred to as commissioning).

PSP in many ways it is the frontline aspect in child protection and OOHC, the interface between DCJ and NGOs. NGOs place their submissions to access additional money outlined in the menu of service packages.

PSP teams in DCJ act as the conduit or clearing house for both DCJ and NGOs in accessing these service packages for children and families who are in the statutory child protection system and children who are in OOHC.

There are a large range of funding packages, many of which are complicated and confusing and have large variability in funding amounts. As an example, the average funding package for a young person with low needs in long-term care is \$11,694.60, whereas if the same young person has a caseplan goal of Restoration, Guardianship or Adoption, the amount increases to \$27,911.45.

One of the ideas behind the funding package concept is that they act as an incentive for NGOs to strive to work towards Restoration, Adoption and Guardianship, because these are viewed as preferred outcomes, in that children are exiting OOHC, specifically not under Parental Responsibility Orders.

Full Case Management Transfer

In many stages of a child's timeline in CP and OOHC, DCJ caseworkers need accurate and full information from the NGOs who have been awarded case management of the child.

DCJ caseworkers are consistently frustrated that this information is either not know or not readily shared by the NGOs. An example of this is when children have been taken into care (DCJ caseworkers have assumed care of the child) and the matter is subject to the Children's Court process. This failure in the information sharing and general interface between NGOs and DCJ have very real and long-term negative impacts for children and families.

Current DCJ policy is to arrange for case management transfer from DCJ teams to NGOs as soon as possible, often within one or two weeks of a child being removed and placed in foster care with an agency and while the matter is still before court.

Full case management means that the responsibility for casework shifts totally to the NGO from DCJ. This means that DCJ and the NGO have two different roles, at one of the most crucial times in a child or young person's life, whilst their care matter is before the courts and adjourned during legal proceedings. Eg to determine whether the child will remain in care.

A consistent problem is that this leads to diffusion of responsibility and the child is frequently left to 'drift in Care', with decisions about the child delayed for an extended period of time.

In these cases, DCJ is required to prepare affidavits and other court related documents, whilst the NGO takes on case management responsibility with little to no understanding of the child's family background.

More importantly, the agency is often required to carry out tasks such as assessments of extended family for possible placement and work on restoration, which is a complex process, which the majority of agencies are not very skilled at doing.

The current agencies have predominant skills in OOHC work, eg recruiting, training and supporting children and carers through casework, not restoration work. In addition to frequently lacking the skills for complex restoration, there is frequently diffusion of responsibility with DCJ and an NGO separating roles that have traditionally both been with DCJ in the past, when matters were before court.

This means that it is not unusual to have a matter before the court for 12 to 18 months with very little casework intervention occurring, and then urgent discussions between all parties, to determine whether a child should remain in care (under PRM, or Guardianship orders) and in some cases restoration to parents by default.

DCJ Leadership seems especially happy about this approach because it frees up CP staff for other matters, but there is a strong argument that until the matter is finalised before court it should remain with

DCJ rather than be handed over to NGO, who have no culture of working with legal processes, and could best be viewed as “gifted amateurs”, in this arena.

This is a clear example of where the government’s policy of outsourcing child protection services is not working.

Recommendation 21

That case management transfers from DCJ to an NGO should not take place until all relevant matters are finalised before the court.

More Accountability Required

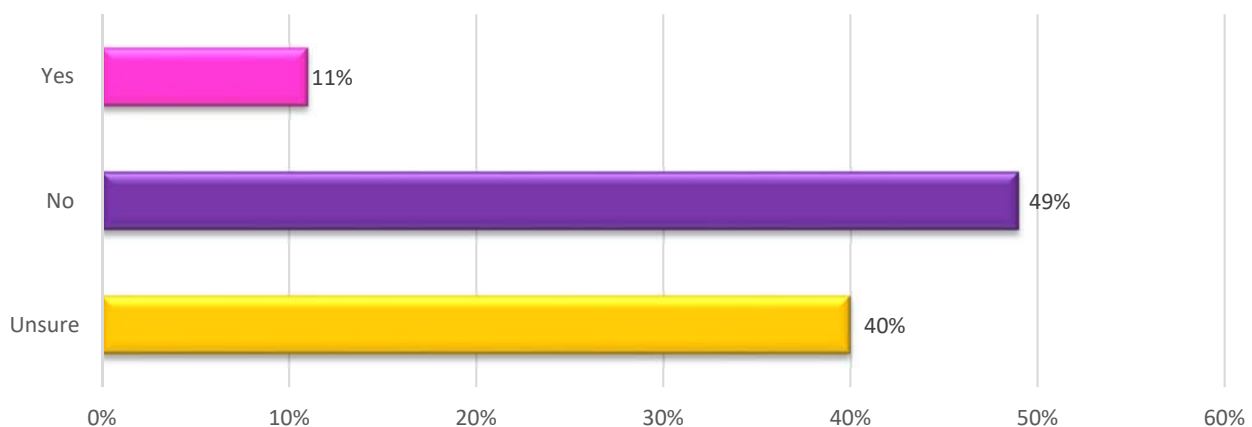
Members of the Association have raised concern over the lack of strong governance measures for services outsourced to NGOs.

In many stages of a child’s timeline in CP and OOHC, DCJ caseworkers need accurate and full information from the NGOs who have been awarded case management of the child.

DCJ caseworkers are consistently frustrated that this information is either not known or not readily shared by the NGOs. An example of this is when children have been taken into care (DCJ caseworkers have assumed care of the child) and the matter is subject to the Children’s Court process. This failure in the information sharing and general interface between NGOs and DCJ have very real and long-term negative impacts for children and families.

Only 11 per cent of the Association’s membership believe that NGOs provide Community Services with information on vulnerable children in a timely manner. 49 per cent are certain that they do not, while 40 per cent are unsure.

Are NGOS currently providing Community Services with information on vulnerable children in a timely manner?



The reporting standards including when and how NGO's need to report child protection concerns needs to be addressed. It's more the level of detail and the overdependence on DCJ caseworker's to guide whether NGO's/NDIS workers need to make reports. This is their responsibility as mandatory reporters.

- Member, DCJ: Community Services

According to our members, NGOs are failing to report promptly, and sometimes are not reporting at all. This is not good enough when these inadequacies directly impact the lives of vulnerable children and families.

A recent case of mine was transferred to an NGO for placement and no reports or updates were received without prompting.

- Member, DCJ: Community Services

Some NGOs may provide information in a timely manner but this definitely doesn't apply to all NGOs. From experience, there are times the NGO takes days to respond. I've also seen matters where the NGO fails to update and provide information to DCJ.

- Member, DCJ: Community Services

I mostly am unable to reach NGO's. They do not communicate, reply to emails, phone calls or messages. When you make a decision because you haven't heard back they jump up and down. No sharing of information.

- Member, DCJ: Community Services

Another area of concern is the mismanagement of funds, which is leading to a significant amount of public money going to unnecessary waste. For example, an agency might apply to have a caseplan goal changed for a child or young person (CYP) from long-term care to restoration, resulting in a threefold funding increase, and then make little to no progress, and have the child return to a long term caseplan goal.

Case study: mismanagement of public funds

I currently work with a 17-year-old male who has been assessed as suitable for the Intensive Therapeutic Care Significant Disability program or funding package. There are basically two agencies, Lifestyle Solutions and Wesley who are funded to provide this service. The young person I am working with has not been accepted into an existing vacancy, for over 6 months, due to placement matching and has been accommodated in a motel placement on a special arrangement at a cost of approximately \$700,000 per year. This situation is not unusual and is replicated across the state.

It is in NGOs interests to access as many service packages as possible as it is a key source of additional funding. The more services packages for which they gain approval, the more money to grow the agency. Naturally senior management in these agencies see it in their best interests to access as many packages as possible. These agencies are being given public money to care for and protect some of society's most vulnerable. They must be made more accountable.

There is currently insufficient oversight, governance and auditing on the government side to ensure the additional money accessed by these agencies is actually being used for its purpose and is achieving meaningful outcomes for the children and families. The last parliamentary inquiry report into the child

protection system was handed down by the Portfolio Committee No. 2 – Health in March 2017.³ The 2017 report recommended that a way to solve these issues was to extend the powers of the NSW Auditor General powers– a recommendation which the NSW Government did not accept. The Association urges this recommendation to be accept this time, and therefore has included the 2017 report’s recommendation in our submission:

Recommendation 11

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 12

That the framework used by the Auditor General include holding NGOs accountable for providing adequate training to their staff.

³ <https://www.parliament.nsw.gov.au/lcdocs/inquiries/2396/Final%20report%20-%20Child%20protection.pdf>, p107

5.4 The child protection intake, assessment, referral and case management system including any changes necessary to ensure that all children assessed as being at risk of significant harm receive a proactive and timely in-person response from child protection staff.

DCJ want a high standard of service provided however they are more concerned with meeting timeframes than the quality of services provided. Add that to lack of staffing and poor retention of keeping staff, we are pretty much set up to fail from the start

- Member, DCJ: Community Services

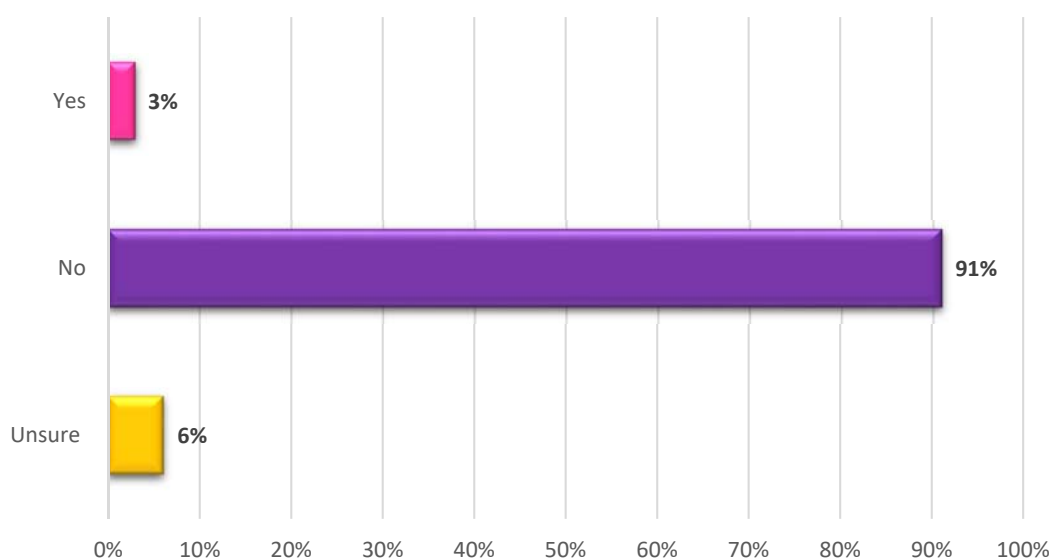
The work environment of the NSW Department of Communities and Justice (DCJ) is increasingly complex due to constant restructuring, unsupportive management, the impact of efficiency dividends, unfilled vacancies, work intensification, the introduction of ChildStory and the level of bullying, harassment and intimidation. Child protection workers are continually asked to do more with less while at the same time being directed to meet the Department’s productivity targets. Staff are told to work “smarter,” but they are already as smart as they can be.

It is the position of this submission, therefore, that the overall and overwhelming change needed within the system is an increase in funding, and specifically, an increase to child protection case workers.

The Community Services stream within DCJ has delivered year on year increases in the work completed by child protection workers, despite negligible increases in funding, and on many occasions, cuts to funding.

When asked whether Community Services has enough resources to effectively respond to ROSH Reports in a timely manner, **91 per cent** said no.

Does Community Services have enough resources to effectively respond to ROSH Reports in a timely manner?



We are understaffed, we are time poor and we are allocated limited time for effective ROSH interventions

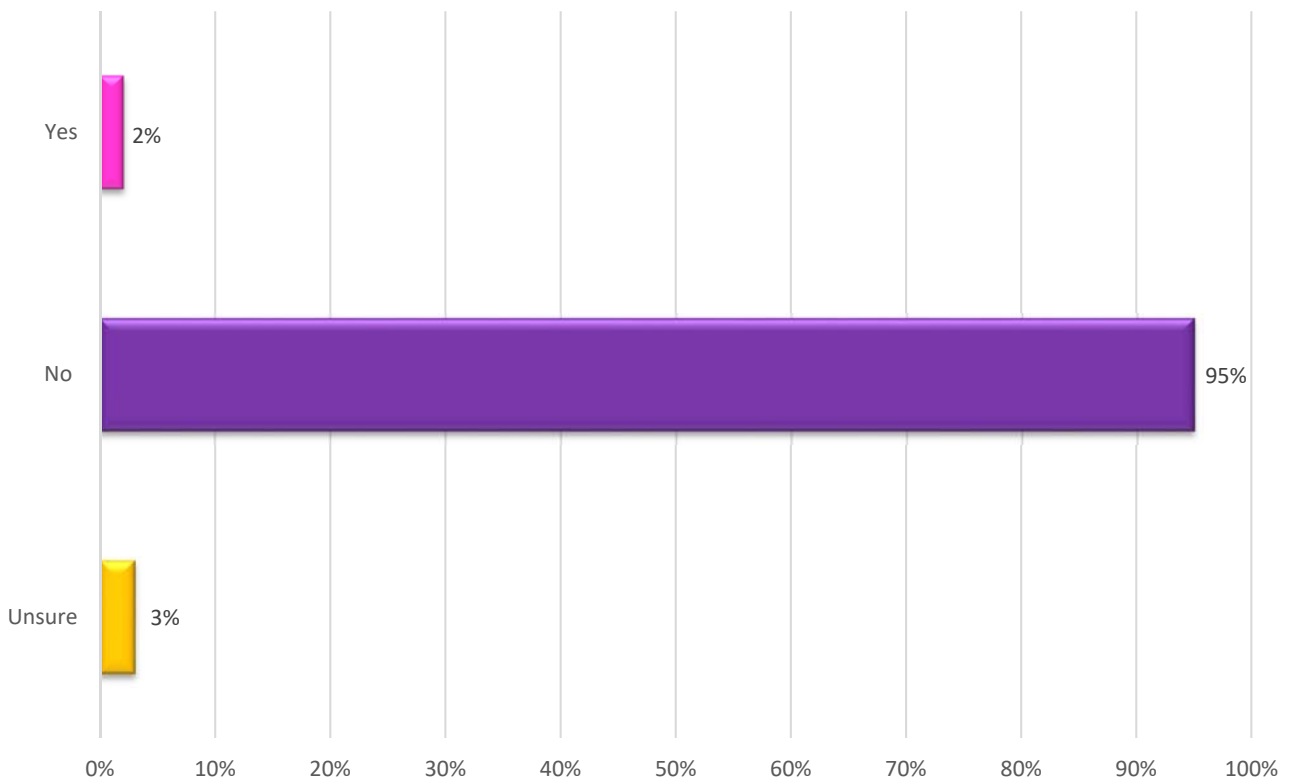
- Member, DCJ: Community Services

Sadly there are considerably more reports than man power to cope appropriately

- Member, DCJ: Community Services

Even more damning is that when asked their opinion on whether the NSW Government employs enough case workers to achieve the work needed to protect all vulnerable children and families in NSW, 95 per cent said no.

In your opinion, does the NSW Government employ enough case workers to achieve the work needed to protect all vulnerable children and families in NSW?



One reason for the lack of case workers is that the Department is allowing vacant roles to remain vacant for significant period of time, thereby placing more pressure on the remaining case workers.

Recommendation 13

The Department of Communities and Justice commits to filling all vacancies in Community Services within one to three months of the vacancy occurring.

The Government are expecting so much from caseworkers, managers casework and managers client services. There is not enough hours in a day to do the work needed in the timeframes and meet all the KPIs. It's pushing people to their limits and is not sustainable

- Member, DCJ: Community Services

There is a serious lack of staff in all CSC's. The expectations placed on caseworkers is unrealistic and families would be better served by minimising caseloads and providing more staff.

- Member, DCJ: Community Services

The current system does not allow for effective responses to ROSH reports requiring quick and ill informed assessments

- Member, DCJ: Community Services

Even if all vacant positions were to be filled, however, there would still not be enough case workers to meet the demand of children in need of protection. More case worker positions are urgently needed.

The following statistics are based on a comparison of the December 2015 quarter Caseworker Dashboard and the most recently available dashboard, June 2020. This essentially captures the changes in demand and response to demand for the reporting period since the last parliamentary inquiry in 2016.

Table 3: Productivity increases exceeding demand⁴

	Caseworker Dashboard December 2015	Caseworker Dashboard June 2020	Change
Number of children and young people subject to ROSH	74,416	111,904	50% increase
Children and young people seen	21,020	33,499	59% increase
Funded Caseworkers (FTE) for Districts only	1,749	1,856	6.1% increase (107 new Caseworker roles)
Funded Caseworkers (FTE) in total (Districts plus Statewide Services)	2,128	2,333	9.6% increase (205 new Caseworker roles)

⁴ Department of Communities and Justicel, Caseworker Dashboard, <https://www.facs.nsw.gov.au/resources/statistics/caseworker-statistics/dashboard>

Despite the number of funded Caseworker roles increasing by only 9.6%, Caseworkers have seen 59% more children and young people as of June 2020 compared to December 2015.

Some staff in districts have actually increased 'productivity' by close to and even more than 100%.

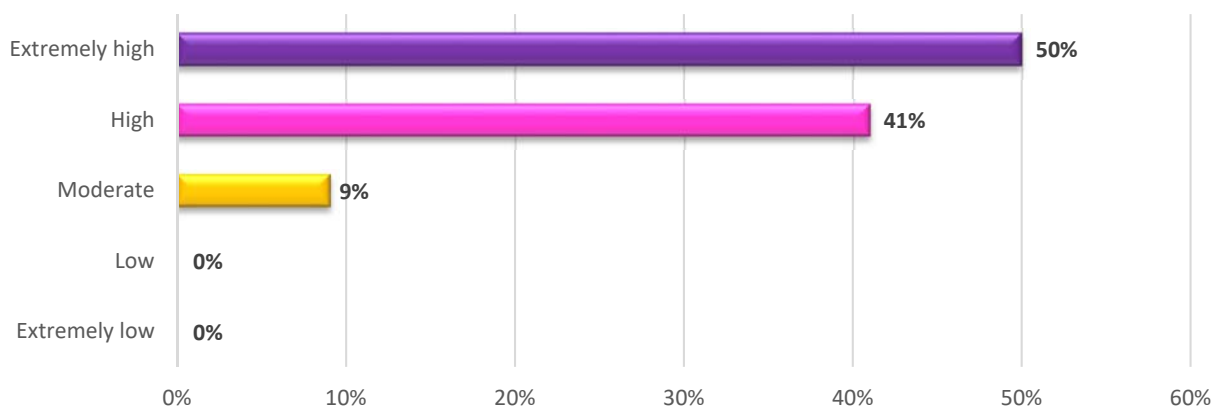
Highlights include:

- Nepean Blue Mountains District Caseworkers have increased the number of children and young people subject to ROSH being seen by 101% (from 1,161 to 2,334)
- South West Sydney District Caseworkers have increased the number of children and young people subject to ROSH being seen by 97.5% (from 1,839 to 3,933)

On average caseworkers in the Districts (ie. excluding Statewide Services Caseworkers including those at the Child Protection Helpline and JCPRP) have increased the number of children and young people subject to ROSH being seen by over 54%, despite an increase of only 6.1% funded Caseworker (FTE) roles.

Although the percentage of children and young people subject to ROSH being seen has increased from just 28% in December 2015 to 30% in June 2020, this hides the fact that Caseworkers are seeing 59% (12,479) more children and young people in 2020 compared to 2015. Of course, as noted in Table 1, there has been an increase of 47% (25,0009) children and young people subject to ROSH not seen from 2015 to 2020.

Which of the following best describes your current workload?



The current caseworker supervision ratio is 1 to 7 caseworkers and 1 to 8 when a caseworker support officer is included. This represents an increase from the 1 to 6 ratio which had been long standing practice. Under the Department's Resource Allocation Model (RAM) caseworkers are expected to have a caseload of 1:10/12 in child protection and 1:18 clients in out of home care.

90 per cent of our members have told the Association that their workloads are about average, with 41 per cent assessing their workloads as high and 49 per cent extremely high.

I have worked for Community Services for 13 years and have never seen workloads like they are now.

- Member, DCJ: Community Services

Not only is work overload impacting the staff themselves, it is also eroding the quality of care they are able to provide the children they work with. Caseworkers are working under intense pressure to reach KPIs, which means they often aren't able to devote as much time on each child or family as is needed. The pressure also means that they are working under stressful conditions, which has the potential to effect they're performance, meaning that children are not receiving the highest quality of care, even when being cared for by a highly qualified and skilled Community Services worker. Furthermore, this pressure limits the testing and development of innovative solutions, with staff only having the time and capacity to deliver basic support.

Too few caseworkers with too high a case load for ever increasing work per case means caseworkers aren't able to provide enough time to each family as they require to have effective casework and meaningful relations.

- Member, DCJ: Community Services

My team often misses deadlines due to the high workload. I've previously been told to "skim" read and review matters so that we meet our deadlines.

- Member, DCJ: Community Services

We are and can only be reactive when we are always playing catch-up in what has been and continues to be a numbers game.

- Member, DCJ: Community Services

The only way to resolve this problem is to hire more caseworkers. Caseworkers cannot be expected to do more as they have already increased the work they do by 59% over the past four years, with negligible increase in resources. It is indisputable, the number of children subject to ROSH continues to increase year-in and year-out. The number of children subject to ROSH has increased by 50% over the last 4.5 years. There should at least be a corresponding increase in funding to meet this ever-growing demand. This would equate to an increase of funded Caseworker (FTE) roles to 3,192. Currently there are 2,333 funded Caseworker (FTE) roles representing a shortfall of at least 859 caseworkers. Without urgently increasing funding to meet this ever-growing demand, minimal inroads can be realized to break the cycle of child abuse and neglect.

Many members also expressed the dire need for an increase in administrative and support staff, as well as caseworkers:

Basically the job now has a clerical focus, Caseworkers spend most of their time making records that no-one reads on a system that is far from efficient or adequate. No clerical help is forthcoming, this role could be 90% accomplished by an administration assistance not an employee who is degree qualified, it is a complete waste of a professional.

- Member, DCJ: Community Services

With increases of Caseworkers there is NO INCREASES for ADMIN STAFF and Admin are understaffed, it's also about Admin not only Caseworkers

- Member, DCJ: Community Services

In order for caseworkers to see the growing number of children subject to ROSH, the government needs to budget for at least an additional 900 new caseworkers, and a significant number of more support staff. If there was a corresponding rise in crime rates in NSW, the community would expect the Government to increase the number of Police Officers accordingly. It is unacceptable, that this Government continues to turn its back on the most vulnerable children in this state. As a direct result of chronic under-funding, tens of thousands of children who have been reported to be at Risk of Significant Harm are not receiving a statutory child protection response every year, and the number is growing. It is important to note that the vast majority of ROSH reports received are from mandatory reporters, including NSW Police, schools, doctors etc. The abuse, neglect and harm described in their child protection reports are real, yet the majority of the children reported get no response, receive no protection and are left to suffer more harm and long term trauma.

Based on DCJ's own Caseworker Dashboard, DCJ would need some 3,900 caseworkers to be able to response to just 50% of the 111,904 children subject to ROSH reports as of June 2020. DCJ currently has 2,333 funded FTE caseworkers. This represents a shortfall of 1,567 caseworkers.

Recommendation 3 (CORE)

An immediate funding increase for the employment of at least an additional 900 new caseworkers (FTE) to see the current number of children and young people subject to ROSH.

Recommendation 14

That the NSW Government provide an immediate funding increase for the employment of additional administrative staff, commensurate with the number of caseworkers and that these jobs are ongoing and secure not temporary or casual.

Work Health and Safety

By the very nature of their work, child protection workers are at greater risk of sustaining a psychological injury in the workplace than workers in most other industries. The NSW Government's underfunding and under-resourcing of Community Services has exacerbated this risk even further.

Members of the Association, workplace delegates and the Community Services Departmental Committee have long expressed concerns about the level of psychological injury, vicarious trauma, excessive workloads, long hours, bullying, harassment and intimidation and the agency's failure to ensure safe systems of work.

In June 2020 the Association released a Mental Health Report for the Department of Communities and Justice titled, *A best practice mental health and wellbeing model for child protection workers*.

This report found that:

- since 1 January 2017, there have been 306 accepted workers compensation claims for psychological injury in the Communities division of DCJ;
- the average net incurred cost of these claims was \$116,368,62;
- the number of claims multiplied by the average net incurred cost represents a total of \$35.6 million;

The PSA has considerable anecdotal evidence of caseworkers with higher workloads which is also supported by incident reporting on SAP.

Overworked and so many workers work at home and on weekends just to be able to meet base deadlines. Never able to catch up or have things done due to systems, workload and processes.

- Member, DCJ: Community Services

I'm always doing extra time to complete my work and to help children in need and to support operational needs and service delivery

- Member, DCJ: Community Services

I am always racing and feeling stressed trying to keep up

- Member, DCJ: Community Services

The toll this takes is great, with DCJ caseworkers incurring psychological injuries at a higher rate than NSW Police and Ambulance. It is little wonder that almost 45% of DCJ caseworkers leave the job within their first two years of employment.

In some DCJ districts the caseworker attrition rates are well in excess of 50%. Such high turnover of child protection caseworkers only serves to undermine the efficacy of DCJ child protection interventions.

Caseworkers have excessive and in some cases extreme caseloads that lead to psychological injury. No caseworker can deal with 29 children two in another State and two in Sydney whilst working in regional NSW and be expected to do fortnightly home visits as well as Court cases as I was.

- Member, DCJ: Community Services

In my previous role in OOHC my caseload was extremely high and the expectations on me were unrealistic and caused me to suffer burnout. So many people in my previous office have left due to these unrealistic expectations. There was a constant feeling from management that we were not good enough and that was the reason why we couldn't get the work done. It created a very toxic environment.

- Member, DCJ: Community Services

The NSW Government not only has a moral obligation to vulnerable children and families, it also has a moral and legal duty of care for the wellbeing and safety of its employees.

Increasing case worker numbers and thereby decreasing workload pressure would be a significant step towards a healthier (and therefore more productive) workforce.

5.5 The availability of early intervention services across NSW including the effectiveness of pilot programs commissioned under Their Futures Matter program.

Regional NSW

Capacity in regional and remote areas is of great concern

- Member, DCJ: Community Services

The remoteness of country towns inevitably means that service providers will be few and far between, especially in comparison to larger towns and cities. But arguably the market-based ideology behind outsourcing services such as in NSW is exacerbating this disadvantage rather than addressing it.

Areas these programs cover do not reach the rural and regional areas in the most vulnerable communities. Programs such as: Brighter Futures regularly close cases in my area due to being "too high risk", Family Preservation do not get the support they need when working in more rural communities, Intensive Family Therapy isn't available past Leeton in my area.

- Member, DCJ: Community Services

The current system which is failing to meet its primary goal of protecting children in regional areas as there is a dearth of services available for children and families to access and in the services available there is a narrowing of skill sets of workers in these areas as recruitment lacks incentives to have experienced practitioners to move to the area on a long term basis. There are simply not enough resources to meet the need for early intervention in many areas of regional NSW.

I have been the only case worker in a land area of 1000's km squared with any capacity for over a month and I am overstretched!

- Member, DCJ: Community Services

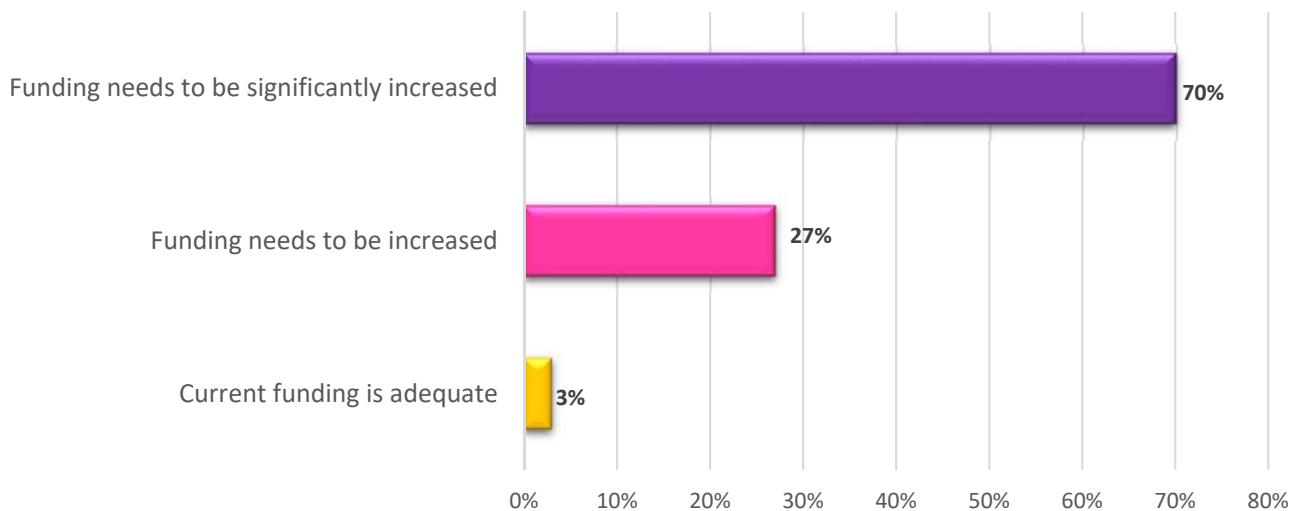
Members in Western NSW have told the Association that they believe that Community Services delivers second class services to the children of the area and especially to those in OOH. This second class service derives from the lack of appropriate and insufficient services in Western NSW for Aboriginal Children, this is a major barrier for successful OOH experiences.

Remote work has its own series of problems for example a member has told the Association that while working in Bourke in 2017 organising for a young person to receive sexual assault counselling required organising an appointment in Dubbo. This would often entail arranging transport for the child and carer to Dubbo for the appointment, a five-hour bus trip, accommodation overnight and a five-hour return trip for a one hour appointment. It is not surprising, then that there is a very low agreement rate to accept counselling.

There is no short term fix to this problem, the government needs to prepare a long term plan that incorporates the establishment of services that are initially staffed by very experienced practitioners who can mentor and transfer their knowledge to other local staff over an extended time frame. This is a government responsibility and should not be put out for tender for the cheapest contract to be accepted. Good practitioners develop close relationships and trust with their clients, the changing of NGO's and thereby a child's caseworker only adds to the child's sense of abandonment and just leads to more stress in their life. We cannot rely on outsourced providers to provide regional and rural early intervention

services. It is the government's responsibility to ensure that vulnerable children and families in regional NSW have access to the services they need, when they need it.

What level of funding do you believe is needed for DCJ: Community Services to improve the lives of children in rural and remote NSW?



Recommendation 15

That a DCJ prevention and early intervention unit monitor the availability of early intervention services in regional and remote areas and provide the service directly where needed.

Recommendation 16

That DCJ provide incentives for city-based Community Services staff to relocate or second to rural and remote areas.

5.6 The adequacy of funding for prevention and early intervention services.

This submission consistently demonstrates that all areas of child protection in NSW are underfunded, and this includes funding for prevention and early intervention services. Our members have told us that if early intervention is properly resourced, the return to the dollar is \$7 to \$1, given that when done right, it prevents children from further intervention later in life, including with the justice system.

In raising issue with the current NGO service provision structure for early intervention, many members also noted that the NGOs are under resourced. Whilst it must be noted that the resourcing of an NGO is the responsibility of the individual NGO's leadership, it must also be remembered that they are at the whim of the funding provided to them by the government. According to our members, NGOs are not receiving adequate funding to provide prevention and early intervention services.

The very fact that resourcing decisions for NGOs lay with their leadership and not a publically elected official is a problem. That is why **Recommendation 11** of this submission calls for a strong accountability framework and **Recommendation 9** calls for a prevention and early intervention unit to be established within DCJ: Community Services.

DCJ has redefined early intervention to include services to children and families subject to ROSH. Given the ever-increasing numbers of children identified at ROSH, the Association contends that significant increase in funding is needed for both statutory child protection services through DCJ and early intervention services, mainly through the non-government sector. **Recommendation 2** of this submission outlined in the Introduction that a significant and immediate increase of funding is needed across five levels of child protection, the first of those being early intervention.

It is also immensely important that all areas of Community Services are protected from the annual attrition inflicted by the NSW Government's efficiency dividend. In the 2018-19 NSW Budget, the government imposed a 12 per cent efficiency dividend on all government departments over four years, which equates to 3 per cent each year. The Association strongly opposes the efficiency dividend, which we believe is nothing more than deceptive neoliberal terminology for the word 'cut'. Every year, departments and agencies are being forced to find savings, despite already being cut to the bone. This submission is a clear demonstration that Community Services is in desperate need of *more* resources, not cuts. That is the actual solution to making the essential work child protection workers do more efficient.

Recommendation 4 (CORE)

That DCJ: Community Services be exempt from the NSW Government's annual efficiency dividend, and that this exemption is applied automatically, without the agencies needing to apply each year. This exemption needs to include any work performed in the broader DCJ department that works with Community Services to provide protection and support to vulnerable children and families.

5.7 Any recent reviews and inquiries

There have been a number of important reviews and inquiries in recent years, many of which are made reference to throughout this submission.

These include:

- *The Report of the Special Commission of Inquiry into Child Protection Services in NSW* (The Wood Report), 2008
- *The Independent Review of Out of Home Care in NSW* (Tune Report), 2015
- The NSW Legislative Council's inquiry into Child Protection, 2016
- *Family is Culture: Independent Review of Aboriginal Children and Young People in OOHC*, 2019
- *Their Futures Matter: NSW Auditor General's Report*, 2020

All the way back to the Wood Report in 2008, the Association has been providing evidence based on the experience, insight and expertise of our members. For years the Association has been highlighting the issues with the NSW child protection system including the acute workload pressures faced by our members, under-resourcing, the health and safety of DCJ child protection workers, the drive to produce statistics rather than deliver quality services for children, issues with the information technology systems, problems with the recruitment and retention of staff, the lack of support for the workforce and the lack of co-operation from other agencies in achieving outcomes for children at risk.

This submission is not the first time, therefore, that we have raised these issues. Child Protection has been at crisis point for a long time, and so long as it is, vulnerable children and families continue to fall through the cracks.

It is in the hands of the NSW Government to resolve this crisis. It is time to make DCJ: Community Services as strong and well-equipped as it can possibly be.

5.8 Any other related matter – Aboriginal Children and Families

Aboriginal children in the child protection system

Aboriginal children make up about 40 per cent of all children in state care in NSW. The number of Aboriginal children and young people within the NSW child protection system is increasing, and Community Services is not adequately resourced to keep up. According to data provided by the Department of Family and Community Services, in NSW there were 21,268 Aboriginal children and young people involved in ROSH reports in 2018-19, a 15.2 per cent increase from the previous year.⁵ Of those 21,268 Aboriginal children and young people involved in ROSH reports, less than half (40.9 percent) were seen by a DCJ caseworker in 2018-19.⁶

A total of 928 Aboriginal children and young people entered OOHC in 2018-19, an increase of 13.6 per cent compared to 2017-18. As at 30 June 2019, a total of 6,754 Aboriginal children and young people were in OOHC.⁷

Figure 4 Number and proportion of children and young people in OOHC as at 30 June 2012 to 2018 by Aboriginality, NSW

At 30 June	Aboriginal		Non-Aboriginal		Total
	Number	%	Number	%	Number
2012	6,287	34.6	11,882	65.4	18,169
2013	6,487	35.4	11,813	64.6	18,300
2014	6,793	35.8	12,157	64.2	18,950
2015	6,472	36.8	11,113	63.2	17,585
2016	6,968	37.3	11,691	62.7	18,659
2017	7,152	38.1	11,628	61.9	18,780
2018	6,766	38.9	10,621	61.1	17,387

Source: KIDS and ChildStory - CIW Annual data

As Figure 4⁸ shows, while the proportion of non-Aboriginal children placed in OOHC has been in decline since 2012, the opposite is true for Aboriginal children. More Aboriginal children are in OOHC today than there were in 2012.

Once in OOHC, a major issue is that Aboriginal children are not being put in the appropriate form of care. It is the position of the PSA Aboriginal Council that Aboriginal children need to be in Aboriginal community-controlled care. This community care includes OOHC placements with Aboriginal family or

⁵ https://public.tableau.com/profile/facs.statistics#!/vizhome/ASR2018-19_textversion/Textversion

⁶ https://public.tableau.com/profile/facs.statistics#!/vizhome/ASR2018-19_textversion/Textversion

⁷ https://public.tableau.com/profile/facs.statistics#!/vizhome/ASR2018-19_textversion/Textversion

⁸ Family is Culture Report, 2019, https://www.familyisculture.nsw.gov.au/_data/assets/pdf_file/0011/726329/Family-Is-Culture-Review-Report.pdf, p397

kin, and also access to the broader support of Aboriginal-controlled community services. For a large number of vulnerable Aboriginal children, neither of these careplans are currently being executed.

Figure 61 Number and proportion of children and young people in the review cohort by whether Aboriginal family or kin was assessed or authorised to care for the child, NSW

Carer assessment of Aboriginal family or kin	Number	%
Yes, assessed and authorised	543	47.5
Yes, assessed but not authorised	100	8.7
Not assessed**	501	43.8
Total children	1,144	100

Source: Review Tool

As Figure 61⁹ shows, 43.8 per cent of Aboriginal children are not having family or kin assessed for caring responsibilities. Only 8.7 per cent of Aboriginal family or kin assessed are not authorised as carers, which indicates that the majority of children can and should be being placed directly into family or kin care.

Recommendation 17

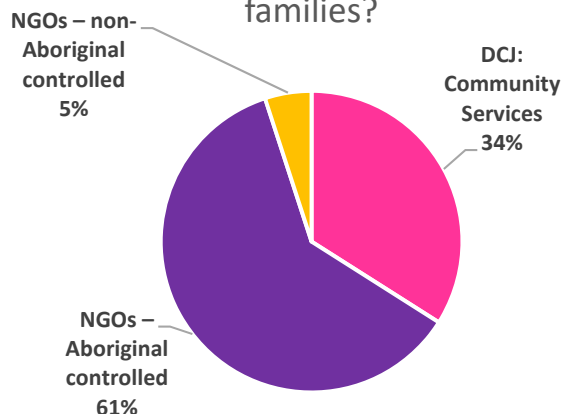
That DCJ: Community Services sets a target of 100% assessment for Aboriginal family and kin for each Aboriginal child or young person being assessed for OOH.

Many vulnerable Aboriginal children within the child protection system are being handled by services without the required cultural knowledge and experience. 61 per cent of our DCJ: Community Services members believe that Aboriginal-controlled NGOs are the most appropriate entity to be providing for vulnerable Aboriginal children and young people.

My experience is that the Non Aboriginal NGO's do not understand the placement principles or the need for various consultations such as Aboriginal and Permanency consultations. My concern is that Aboriginal children are being placed off Country and away from Community and Kin.

- DCJ: Community Services member

Who do you think should be prioritised to provide a service where there is a service gap for Aboriginal children and families?



⁹ Family is Culture Report, 2019, https://www.familyisculture.nsw.gov.au/_data/assets/pdf_file/0011/726329/Family-Is-Culture-Review-Report.pdf, p424

Aboriginal/Torres Strait Islanders should be provided support from their own people, where they can speak with people who have insight in issues within the community.

- DCJ: Community Services member

Many members note that given the historic relationship between government and Aboriginal families, it is best that DCJ: Community Services not be the one provided direct services to Aboriginal children and families. That being said, however, it is the position of our members and the PSA Aboriginal Council that the department work collaboratively with Aboriginal-controlled NGOs to provide support and protection to vulnerable children and families. It is essential the DCJ: Community Services solid mechanisms that allows the department to work in partnership and solidarity with the Aboriginal community.

Recommendation 18

That the NSW Government make all efforts to ensure that all vulnerable Aboriginal children and families have access to Aboriginal-controlled services.

The PSA Aboriginal Council also stresses the importance of Aboriginal people with lived experience being imbedded with the department itself. The Council has put the following list of priorities together:

Aboriginal Consultation in DCJ

- Respected Elder in residence (PAID), who can be called upon in relation to protocols, cultural considerations, engagement tools, family connections.
- Immediate BAN on Aboriginal Consultations until newly identified or journey people are weeded out of the consultation process. It is only a tokenistic process if this doesn't occur, and the people that suffer are our families and communities.
- Knowledgeable Aboriginal staff in DCJ should be remunerated for their cultural information, like CALD workers.

Aboriginal Staff Targets in DCJ

- Inflated due to people who identify, but don't actually have the knowledge to do what they were employed for.
- Increase designated positions that must be filled by knowledgeable and accepted Aboriginal staff who are connected to Country and Community.
- Aboriginal staff numbers should be commensurate with the Aboriginal client group in DCJ.
- Retain good Aboriginal staff by support and mentor programs.

Recommendation 19

That DCJ: Community Services sets targets for designated positions that must be filled by knowledgeable and accepted Aboriginal staff who are connected to Country and Community.

Aboriginal children and the Justice System

Our PSA Aboriginal Council is confounded with the slide of children from care into youth justice, where the focus is then on retrospective expensive interventions and life changing detention. These interventions, they say should commence in schools and communities to make a difference for children who are vulnerable, providing greater support and preventing incarceration.

Aboriginal and Torres Strait Islander people are imprisoned at a rate of more than 10 times the general population of Australia.¹⁰ Aboriginal and Torres Strait Islander youth are imprisoned at 25 times the rate of non-Aboriginal and Torres Strait Islander youth.¹¹ The Association understands that the percentage of Aboriginal children who have been in OOHC and are then subject to Corrective Services incarcerations at some time in their adult life could be as high as 99 per cent.

2020 has seen the Black Lives Matter movement reignited across the United States, and the issue of Aboriginal deaths in custody has consequently been brought back to the forefront of the Australian policy debate. Whilst this submission is not about Aboriginal deaths in custody, it *is* about the services which offer the opportunity to prevent many of these Aboriginal men and women finding themselves in the Youth Justice or Corrective Services system in the first place.

The resurgence of public debate surrounding Aboriginal deaths in custody has created an important window of opportunity to make positive lasting changes. If not now, when? The work Community Service case workers and staff do with vulnerable children is therefore absolutely pivotal, particularly early intervention.

Leaders have acknowledged the vast amount of work that needs to be done to overcome inequality experienced by Aboriginal and Torres Strait Islander people in the July 2020 announcement of the National Agreement on Closing the Gap (the National Agreement).¹² The NSW Government is a signatory to this Agreement. Outcome and Target 12 of the National Agreement are as follows:

Outcome 12

Aboriginal and Torres Strait Islander children are not overrepresented in the child protection system

Target 12: By 2031, reduce the rate of over-representation of Aboriginal and Torres Strait Islander children in out-of-home care by 45 per cent.

The current child protection system in NSW is **not** capable of reaching this target. The only way for Premier Gladys Berejiklian to deliver on the target her government signed up for is to properly fund and resource DCJ:Community Services.

A strong, properly resourced Community Services would not only help close the gap in the child protection system, but would have a ripple effect on the other areas of inequity for Aboriginal and Torres Strait Islander people: A strong, properly resourced Community Services provides the opportunity to quite literally nip inequity in the bud.¹

Recommendation 20

That the NSW Government make all efforts to ensure it reaches Target 12 of the National Agreement on Closing the Gap by 2031.

¹⁰ Australian Bureau of Statistics, September 2020, 'Corrective Services Australia', <https://www.abs.gov.au/statistics/people/crime-and-justice/corrective-services-australia/latest-release#key-statistics>

¹¹ PwC, May 2017, 'Indigenous incarceration: Unlock the facts', <https://www.pwc.com.au/indigenous-consulting/assets/indigenous-incarceration-may17.pdf>

¹² National Agreement on Closing the Gap, July 2020 <https://www.closingthegap.gov.au/sites/default/files/files/national-agreement-ctg.pdf>

6. CONCLUSION

This submission has clearly demonstrated that Community Services Caseworkers are stretched to their limit and beyond. *The Children and Young Persons (Care and Protection) Act 1998* entrusts DCJ with the solemn duty of safeguarding the safety, well-being and welfare of children and young people in NSW. DCJ is responsible for supporting the family as a safe and nourishing environment for children to thrive; for the receipt, investigation and assessment of reports of children and young people at risk of significant harm; and for the intervention on behalf of vulnerable children and young people when necessary.

The people of NSW hold DCJ to account for the fulfilment of this most serious obligation, and are justifiably horrified when a child suffers harm as a result of any failure. The NSW government must be vigilant to ensure that the key elements of its duty are not privatised or otherwise derogated from. There is an obvious and essential link between the functions of receiving, recording and acting on reports of significant harm, and that link should not be weakened or broken. As a direct result of the failure to maintain funding levels to match the ever-increasing demands on statutory child protection, the government's statutory responsibility to protect children is being derogated.

This is clearly a failure of adequate resourcing and it places unrelenting and unsafe pressure on Caseworkers and all child protection staff to try and see more and more children at ROSH through increasing caseloads. The government has a statutory and moral obligation to each child at risk, and needs to adequately resource DCJ to meet its obligations.

The Government talks a lot about efficiencies, and the best way to make the NSW child protection system as efficient as it can possibly be is to properly staff and resource its workforce. The 70 per cent of children At Risk of Significant Harm that are currently not able to be seen to are relying on this rectification.