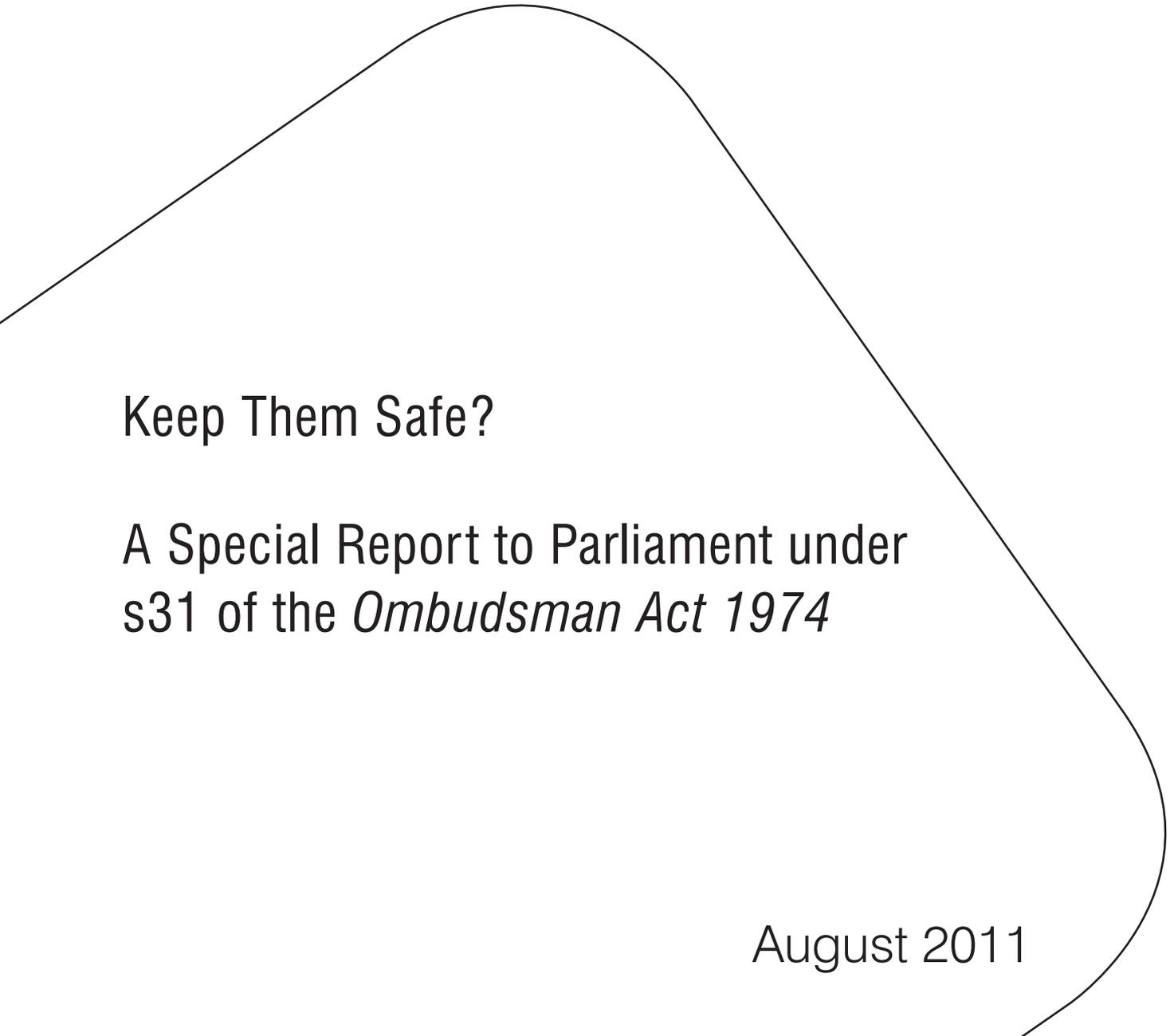


Keep Them Safe?

A Special Report to Parliament
under s31 of the *Ombudsman Act 1974*

August 2011



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Our logo has two visual graphic elements; the 'blurry square' and the 'magnifying glass' which represents our objectives. As we look at the facts with a magnifying glass, the blurry square becomes sharply defined, and a new colour of clarity is created.

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Introduction

The statutory child protection system in NSW has long struggled to cope with demand. For close to a decade, the system has undergone extensive reform aimed at improving the capacity to respond to children¹ for whom serious safety concerns exist. Throughout this period, and in line with this office's statutory role to oversight the child protection system, we have monitored the extent to which these reforms have improved the safety of vulnerable children.

Stemming from recommendations made by the 2008 Special Commission of Inquiry into Child Protection Services in NSW (the Wood Inquiry), the former government's reform program - *Keep Them Safe: A shared approach to child wellbeing* - represents a significant shift in the way that child protection and early support services are delivered in this state.²

Keep Them Safe aims to make child protection a shared responsibility across government and between government and non-government agencies, and to limit the statutory role of Community Services to children 'at risk of significant harm'.

Keep Them Safe also comprises a strong investment in universal and early intervention services, with the expectation that, over time, this will lead to a reduction in the number of children requiring statutory protection and out-of-home care services.

In addition, the Wood Inquiry and *Keep Them Safe* recognise the need for the non-government sector to become a more significant partner in the delivery of child protection services, including a commitment to transfer responsibility for delivering most out-of-home care services from the government to the non-government sector.

In keeping with the strong focus of the Wood Inquiry on improving service delivery to Aboriginal children and their families, *Keep Them Safe* also contains specific actions to enhance the capacity of service delivery to Aboriginal people, including responses to Aboriginal families in contact with the child protection system.

It is now over 18 months since *Keep Them Safe* commenced. It is timely to document and discuss the progress that has been made, and some of the challenges currently facing the service sector. An important starting point for this work is analysing data from Community Services about the agency's current operating environment.

That data illustrates that significantly fewer child protection reports are coming into the statutory child protection system as a result of changes implemented under *Keep Them Safe*. However, the data - which relates to the first 12 months of operation of the new system - does not appear to reflect a corresponding increase in the recorded capacity of Community Services staff to undertake more face-to-face work with families. Given that a key objective of *Keep Them Safe* was to limit the number of child protection reports being made to Community Services so it could focus on those children most at risk of serious harm, we questioned whether this objective is being met.

For this reason, we initiated an inquiry under section 11 of the *Community Services (Complaints, Reviews and Monitoring) Act 1993* to examine whether Community Services' capacity to adequately respond to children assessed as being at risk of significant harm has improved as a result of changes to the child protection system introduced through *Keep Them Safe*. This report examines this, and related issues, and makes a range of findings and recommendations.



Bruce Barbour
Ombudsman

1 In this report, any reference to children includes young people.

2 *Report of the Special Commission of Inquiry into Child Protection Services in NSW*, November 2008; NSW Government, *Keep Them Safe: A shared approach to child wellbeing 2009-2014*, March 2009.

Chapter 1. Background to the report

In December 2002, the Department of Community Services received a \$1.2 billion budget enhancement over five years to improve the child protection system. Key initiatives included the recruitment of 875 additional caseworkers, and the development and state-wide roll out of an early intervention program called Brighter Futures.³

In the final year of this budget enhancement and immediately following the high profile deaths of two children in circumstances of abuse and neglect, the then Government established a Special Commission of Inquiry into Child Protection in NSW in November 2007. The Inquiry was headed by the Hon. Justice James Wood AO QC.

This office investigated the conduct of various agencies in the period leading up to the two deaths and issued public reports in relation to both matters.⁴ We also made nine submissions to the Wood Inquiry on a range of matters.

One critical issue that emerged from the Inquiry was that, notwithstanding the gains made under the 2002 reform package, the escalating and increasingly unsustainable demands on the statutory system meant that a high proportion of children at risk of harm and notified to Community Services were not receiving an adequate child protection response.

In December 2008, the Wood Inquiry handed down its final report. In articulating the principles and goals underpinning the Inquiry's 111 recommendations, the report stated:

*The outcomes sought from the service system should be to ensure children and young people are able to grow up at the very least unharmed by their social, economic and emotional circumstances and are supported to do so by their parents. Where their parents are unable to do this, the state needs to be in a position where it can step in and fill the gap in a humane and responsive way that will preserve the safety of those children and young people.*⁵

The former government's response to the Inquiry, *Keep Them Safe: a shared approach to child wellbeing 2009-2014*, was released in March 2009. It outlined more than 100 different strategies and actions to be implemented by a range of human service and justice agencies.

Keep Them Safe emphasises that protecting children is a shared responsibility and, to this end, introduces a range of legislative and structural changes including: new intake and referral pathways; narrowing the statutory role of Community Services; and placing greater responsibility on other human service and justice agencies to respond to child protection concerns. Among other things, these changes were intended to allow Community Services to concentrate its efforts on children most at risk of experiencing serious harm.

In 2010, key changes to the child protection system commenced, including:

- Raising the threshold for reporting concerns to Community Services from 'risk of harm' to 'risk of significant harm'.
- Introducing two new legislative grounds indicating that children are at high risk and likely to need Community Services' involvement. These are:
 - that a caregiver is unable or unwilling to arrange for the child to receive an education;
 - explicit recognition of the cumulative nature of harm; that is, children can be harmed from a build up of risks over time.
- Legislative amendment to permit the exchange of relevant information relating to the safety, welfare and wellbeing of children between certain human service and justice agencies.
- Introduction of new intake and referral pathways, including:
 - Child Wellbeing Units in the four government agencies responsible for the majority of child protection reports to the Helpline: NSW Police Force, NSW Health, Department of Education and Communities, and Department of Family and Community Services. The purpose of these units is to assist staff decide whether concerns should be reported to Community Services, and identify potential responses by the agency or other services to help these families.

3 NSW Department of Community Services, *DoCS foundations for change - reforming care and support*, December 2004.

4 *The death of Ebony: The need for an effective interagency response to children at risk*, October 2009; *The death of Dean Shillingsworth: Critical challenges in the context of reforms to the child protection system*, December 2010. Both investigation reports are available on our website: www.ombo.nsw.gov.au

5 *Report of the Special Commission of Inquiry into Child Protection Services in NSW*, November 2008, executive summary, pg v.

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- Family Referral Services, initially piloted in three locations with a view to state-wide roll out. These services conduct need assessments and link families with appropriate support in their local area.
 - Introduction of Family Case Management, a new interagency approach to identifying and working with high need families in receipt of multiple services.

In line with the concept of shared responsibility, the Department of Premier and Cabinet was tasked with driving the implementation of *Keep Them Safe*. To support this work, a Keep Them Safe Senior Officers Group, comprising senior representatives from human services and justice agencies, was established to oversee and report on the progress of implementation. Ten regional Keep Them Safe managers were also recruited to coordinate implementation at the local level.

Chapter 2. Capacity to respond to reports indicating risk of significant harm

A major finding of the Wood Inquiry was that too many risk of harm reports were being made to Community Services that did not warrant a statutory child protection response, with much effort expended in managing less serious reports about children.⁶ As a consequence, many children were receiving little in the way of assistance and often had their cases closed without the necessary assessment work being carried out to determine their circumstances. In acknowledging the need to address this issue, the Wood Inquiry recommended raising the reporting threshold from 'risk of harm' to 'risk of significant harm'.

2.1. The data

2.1.1. A substantial drop in reports

Community Services publishes comprehensive quarterly reports outlining the number, source and nature of concerns reported to the Helpline. These reports also contain some information about the outcome of Community Services' initial work in rating the seriousness of, and urgency of response to, reported concerns.

The public reports show that between 24 January 2010 and 31 December 2010, the Helpline transferred 95,491 child protection reports to a Community Service Centre (CSC) or Joint Investigative Response Team (JIRT)⁷ for further action, as compared to 201,208 in the year before the Wood Inquiry.⁸ The actual number of children reported during the same period was 59,558, down from 102,098. The public reports also demonstrate that, since the new system became operational on 24 January 2010, there has been:

- a 33 per cent drop in the number of child protection reports to the Helpline;
- a 53 per cent drop in the number of child protection reports sent by the Helpline to a local CSC or JIRT to investigate; and
- a three per cent increase in the number of child protection reports assigned the highest urgency rating by the Helpline; that is, a recommended response time of less than 24 hours.

The decrease in the number of reports referred to CSCs or JIRTs for further action would suggest that the capacity of Community Services to respond to risk of significant harm reports should have increased.

What is missing from these public reports is information on how many children receive face-to-face assessments and ongoing support to address identified safety concerns, and how many children get no response because of resource constraints.

In addition, while these public reports identify the number of children who are reported to Community Services, they do not provide a further breakdown indicating the actual number of families who are reported.

For this reason, we sought additional information from Community Services about its response to child protection reports during the first year of the new system.⁹ As summarised in table 1 below, this data shows that since *Keep Them Safe* commenced, even though the number of child protection reports sent to a CSC or JIRT has halved, a significant number of matters are still unable to be allocated for a child protection response by CSC and/or JIRT staff.

6 *Report of the Special Commission of Inquiry into Child Protection Services in NSW*, November 2008, executive summary, pg iii.

7 A JIRT is a team of Community Services and police officers formed to conduct joint investigations of serious cases of child abuse. NSW Health provides support to such investigations. JIRT deals with reports that may be subject to criminal charges.

8 See for example, Department of Family and Community Services, Community Services, *Quarterly Data December 2009 – December 2010 and Annual Statistical Report 2009/10*. Accessed on 29 July 2011 from Community Services' website: http://www.community.nsw.gov.au/about_us/docs_data.html.

9 NSW Department of Human Services, Community Services, response to Ombudsman request for statement of information, dated 13 April 2011.

Table 1: Level of assessment activity pre and post Wood Inquiry¹⁰

	Data provided to the Wood Inquiry (2006/07) ¹¹				Post <i>Keep Them Safe</i> data (24 January 2010 - 31 December 2010)			
	Reports		Children		Reports		Children	
	No.	%	No.	%	No.	%	No.	%
Reports that receive a comprehensive assessment (face-to-face contact) ¹²	46, 757	23	18, 140	18	19, 826	21	12, 743	21
Reports closed after limited additional inquiries ¹³	76, 884	38	49, 589	49	49, 746	52	31, 864	54
Reports closed without any assessment due to 'competing priorities' ¹⁴	77, 386	38	34, 000	33	24, 268	25	14, 525	24
Reports closed because no further assessment required ¹⁵	181	1	369	1	1651	2	426	1
Total referred to a CSC/JIRT for action	201, 208	100	102, 098	100	95, 491	100	59, 558	100

In fact, under the new '*Keep Them Safe*' child protection system, it is clear that:

- a very high number of serious child protection reports receive no response; and
- there are fewer children recorded as receiving a comprehensive assessment.

2.1.2. Substantial numbers of families receive no child protection response

The threshold for reporting is now higher than it was at the time of the Wood Inquiry. Under the new system, only the most serious concerns come to the attention of Community Services. Reports transferred to a CSC/JIRT have all been subjected to a structured assessment process that has determined that the children have either been seriously harmed, or are at risk of experiencing **significant** harm. In particular, the structured assessment process has determined that a child is at risk of experiencing significant harm in one or more of the following ways:

- The child has been, or is at risk of being, physically or sexually abused or ill-treated.
- The child is living in a household where there have been incidents of domestic violence and, as a result, the child is at risk of serious physical or psychological harm.
- The child's basic physical or psychological needs are not being met.
- The child's caregivers are unable or unwilling to arrange for the child to receive necessary medical care.
- The child's caregivers are unable or unwilling to arrange for the child to receive an education.¹⁶

10 In recent informal advice from Community Services, they noted '*that the data provided by Community Services [in table 1] relates to 2010 data as data for 2011 is only available with early figures that cannot presently be relied upon to give an accurate picture. Our understanding is that this more recent data also shows the previously identified trend in the proportion of [risk of significant harm] reports where a [comprehensive assessment] is recorded. Community Services is [currently] undertaking work to understand the causes of the change [relating to the drop in recorded comprehensive assessments] in order to take appropriate action.*'

11 *Report of the Special Commission of Inquiry into Child Protection Services in NSW*, November 2008 executive summary, pg 150. Note that data presented to the Wood Inquiry was in relation to the 2006-07 financial year.

12 Comprehensive assessments include not only face-to-face contact with the child and their family, but may also involve discussions with other agencies and obtaining information from other sources.

13 This first stage of the assessment process occurs prior to a field response and generally involves office-based inquiries and information gathering, but no face-to-face contact with the child and their family. It may involve follow-up with the reporter or another agency involved with the family.

14 Community Services' case closure policy specifies that in principle, all reports which reach a CSC or JIRT should receive a comprehensive safety and risk assessment. The policy does, however, allow for reports to be closed at any time because the CSC has insufficient resources to respond. The basis for closing cases in these circumstances is the level and immediacy of risk to a particular child in comparison to the level and immediacy of risk to other reported children in the context of the CSCs' capacity to respond. Our work illustrates that a matter can be closed regardless of whether the information at the time indicates that a child may be at risk of serious harm.

15 The closure of a case based on an assessment that the report does not warrant further action; for example, the concerns have been resolved, or having regard to the totality of the evidence, the veracity of concerns reported to the Helpline is not supported.

16 Section 23 of the *Children and Young Persons (Care and Protection) Act 1998*.

These children, at the very least, need Community Services to check on their circumstances and when required, intervene to protect them.

On any measure, it is unacceptable that 25 per cent of all reports assessed by Community Services as indicating risk of significant harm received no response in the first 12 months of *Keep Them Safe*. All of these reports were closed on the basis of 'competing priorities'.

Where decisions to take no action are made, it is essential that these decisions are clear and justifiable. At a minimum, this requires the system to be able to identify those children who are most at risk, and ensure that case closure decisions are made with regard to the best information available from the totality of relevant agency holdings. In our child death review work and our investigations into well over 100 matters involving inadequate responses to serious child abuse and neglect, we have consistently identified a lack of rigour in decisions to close cases due to competing priorities.

2.1.3. Fewer reported comprehensive face-to-face assessments conducted

In most high risk cases, a visit from a child protection caseworker to the child's family is necessary in order to properly assess the child's circumstances. Given that child protection reports to CSCs have reduced under the new system by over 100,000 - or more than 50% - it is of concern that the evidence suggests that there has been a substantial decrease in the number of comprehensive assessments carried out.

Comparing the period before the Wood Inquiry commenced with the post Inquiry period between 24 January 2010 and 31 December 2010, there was a 55% drop in the number of responses to reports that are recorded as resulting in a comprehensive face-to-face assessment: 19,826 compared to 46, 757.¹⁷

In interpreting this information, it is important to recognise that the data which is captured does not, on its own, provide the complete picture. In particular, it does not enable us to draw conclusions about the precise level of caseworker contact with families the subject of reports. For example, a comprehensive assessment might not be recorded on the system in cases that lead to prompt court action because, in such cases, an assessment is deemed to be unnecessary. It is also possible that meaningful caseworker contact might be made with a family without it being recorded on the system as a comprehensive assessment.

In advice to this office in May 2011, Community Services said that it was surprised by the decrease in the reported numbers of comprehensive face-to-face assessments. However, it pointed to a number of factors we should consider in interpreting the available data.¹⁸

Firstly, Community Services said the numbers may, at least in part, be influenced by the way information is recorded in their database, the Key Information and Directory System (KiDS). For example, Community Services explained that there are often significant delays between case workers completing field work and updating electronic records.

Secondly, it noted that the KiDS system is not able to provide direct information about the actual number of face-to-face visits conducted. The closest measure is the number of comprehensive assessments undertaken, which, by definition, must include face-to-face contact with the child and their family. However, Community Services said that multiple home visits may be conducted in connection with a single assessment record, and therefore may understate the actual number of comprehensive face-to-face assessments conducted. In this regard, Community Services suggested that, since *Keep Them Safe* commenced, matters that are allocated for a comprehensive assessment are likely to involve more intensive casework - often involving multiple home visits - than was possible pre *Keep Them Safe*. However, due to the limitations of the KiDS system, we were unable to fully test this assertion.

Notwithstanding these reservations about how the data should be interpreted, it is of significant concern that the *Keep Them Safe* reforms do not show a substantial increase in the cases that are being recorded as leading to a completed comprehensive assessment.

It is also concerning that Community Services' database does not currently capture information to enable a more meaningful measure of casework activity.

¹⁷ Department of Human Services, Community Services, response to Ombudsman request for statement of information, dated 13 April 2011.

¹⁸ Advice provided at a meeting with senior representatives from Community Services on 16 May 2011.

Chapter 3. Increasing the capacity of the statutory child protection system: Community Services' response

In August 2011, Community Services provided a detailed statement to this office regarding its plans for improving the capacity of the child protection system to meet the needs of children at risk of significant harm. It is helpful to set out the response in full:

'The Community Services division of the Department of Family and Community Services agrees that the capacity of the statutory child protection system to respond to children and young people at risk of significant harm as we reach the second year of Keep Them Safe is inadequate.

The capacity of any child protection system to respond to children and young people at risk of significant harm (ROSH) is a complex issue of supply and demand which involves the service system as a whole, rather than the statutory sector in isolation.

Demand-side factors include:

- the prevalence of the social issues which underpin child neglect and child abuse;*
- the effectiveness of mechanisms which allow earlier identification of lower-level risks to children and young people; and*
- the capacity of the broader service system to intervene early enough in the life cycle of problems to prevent risk to children and young people becoming significant.*

Supply-side factors include:

- the number of casework hours required to complete child protection casework within current legislative, legal, policy and procedural requirements;*
- the way Departments' and agencies' systems, processes and work practices support and/or limit service delivery and staff potential;*
- the proportion of child protection caseworker hours available for casework;*
- the ability to recruit and retain caseworkers;*
- the number of child protection caseworkers; and*
- the capacity of the broader service system to provide the supports and services required to complement effective statutory intervention.*

The ability of Community Services' Child Protection Caseworkers to fulfil and realise their capacity is clearly a most significant supply-side contributor, and the Agency's current Action Plan to Improve Capacity in Child Protection is designed to maximise that contribution. The Action Plan includes four key pieces of work:

- the June 2011, Child Protection Caseload Review conducted by Ernst and Young;*
- Family and Community Services' (FaCS) Improving Work Practices Project;*
- potential productivity initiatives identified within Community Services; and*
- a detailed review of child protection workload management in a sample of 8 Community Service Centres (CSCs), commissioned from Ernst & Young in July 2011.*

The Improving Work Practices Project identifies current work practices which, if revised, will enhance service delivery to clients. The detailed review of workload management by Ernst and Young will identify opportunities to improve processes and enhance productivity by comparing work practices in four CSCs which appear to be performing better than average, and four CSCs which appear to be performing below average.

Initiatives from the latter three streams are subject to further development and consultation processes at time of writing, and hence cannot yet be made public. Building on the Caseload Review, Community Services has identified five productivity measures and these give a flavour of the depth and range of initiatives within the Action Plan. They are as follows:

- Increasing the proportion of trained staff in Community Service Centres (CSCs) by streamlining introductory training and clearly specifying those casework tasks which can be effectively completed by trainee Caseworkers. From 1 July 2011 all new Caseworkers started to participate in the streamlined Caseworker Development Program which has reduced the time from entry on duty to fully trained from six to twelve months to sixteen weeks.
- Refocussing earlier intervention within Community Services. Community Services' earlier intervention program will be renamed Stronger Families, and 240 Stronger Families Caseworkers will provide a voluntary child protection service to families where children are under nine years of age and at risk of significant harm with a response priority of less than ten days.
- Statewide rollout of streamlined intake and assessment tools. By end September 2011 all CSCs will use the new Triage Assessment and Structured Decision (SDM) Safety and Risk Assessment (SARA) tools. Triage Assessment reduces the time spent in CSCs gathering information on cases which cannot be allocated in order to increase the time spent on intervention. SARA replaces the unwieldy Secondary Assessment – Risk of Harm framework with a SDM process which both improves the quality of decision-making and reduces time spent on assessment.
- Improvements to the Key Information and Directory System (KiDS). This project implements Wood Inquiry recommendations and will improve business processes, reducing the proportion of available casework hours spent on recording.
- Increased recruitment to vacant Caseworker positions. Community Services will recruit and train staff for funded vacant positions, aiming to achieve a full complement of staff by January 2012. Other improvements will be made to the recruitment process, including in rural and regional NSW.
- Further changes to Court processes to reduce the resource intensive nature of Community Services participation: The Child Protection Caseload Review highlighted significant workload impacts associated with Court work. Further work needs to occur to determine the issues and what can be improved, and scope proposed solutions with the Attorney General's Department.

In addition to quantifying these existing productivity initiatives, the Caseload Review identified how to quantify productivity gains and additional initiatives.

The Action Plan's key initiatives include:

- Build on the Caseload Review to gain a clearer understanding of the response types, and hence activity levels, required to respond to ROSH reports.
- Track results achieved, test underpinning assumptions and review and revise anticipated gains.
- Develop, quantify, implement and track additional initiatives.
- Monitor caseloads at the CSC level against the Caseload Review benchmarks.
- Work with the President of the Children's Court and key stakeholders to improve Court processes.
- Consult, communicate and engage with staff, the Public Service Association and key partners.
- Monitor the impact of key Wood Inquiry recommendations in other parts of the wider child protection system, assessing their impact on demand factors and effective statutory intervention.

The Action Plan to Improve Capacity in Child Protection is a key reform focussed on re-orienting the broader service system to support the earlier identification of risk, to intervene earlier, to target services and supports to where they are most needed, and to build a new approach to child protection in NSW.

A key element of this new approach is the increased involvement of the community in child protection and out of home care through the NGO sector which reflects the recommendations of the Wood Inquiry. This recognises that improving services and keeping children and young people safe is a shared responsibility of the broader community, with the government and non-government sector, parents and community organisations working together to best meet the needs of vulnerable children and young people. It recognises that while Community Services' Child Protection Caseworkers make a significant contribution to responding to children at risk of significant harm, they make that contribution in partnership.

The Community Services division of the Department of Family and Community Services accepts as a key responsibility the challenge of improving child protection services, including increasing and better utilising capacity'.¹⁹

19 Department of Family and Community Services, Community Services, correspondence dated 22 August 2011.

Chapter 4. Increasing the capacity of the statutory child protection system: our observations

4.1. General observations

We note that Community Services acknowledges that the capacity of the statutory child protection system to respond to children at risk of significant harm is 'inadequate'.²⁰

We also note Community Services' advice that:

*The Community Services division of the Department of Family and Community Services accepts as a key responsibility the challenge of improving child protection services, including increasing and better utilising capacity.*²¹

We agree with Community Services that, in order to address capacity shortcomings, there is a need to examine ways to enhance productivity and to more effectively target existing resources. Any initiatives in this regard need to be effectively implemented, evaluated and publicly reported on.

Against the background of Community Services' commitment to a more productive and efficient child protection system, it is important to highlight a number of specific issues which warrant more detailed discussion.

4.2. Recruitment, retention, training and productivity of child protection caseworkers

4.2.1. Recruitment

In terms of general staff recruitment, Community Services has committed to 'recruit and train staff for funded vacant positions, aiming to achieve a full complement of staff by January 2012'.²² It will be important for Community Services to provide public advice about whether it is meeting this commitment and whether it will achieve a full complement of staff by January 2012.

In addition, information should be publicly reported on a regular basis, about the number of filled positions against the agency's staffing establishment. This information should also include a regional breakdown of filled positions (and the counting rules which have been used).

4.2.2. Retention

Another key efficiency driver relates to the number of experienced staff who are retained by the agency. In this regard, Community Services should provide regular and meaningful public reports on its success in retaining staff.

4.2.3. Streamlining training

We acknowledge the attempt to gain efficiency savings through truncating the caseworker development program, in particular, Community Services' intention to increase:

*The proportion of trained staff in Community Service Centres (CSCs) by streamlining introductory training and clearly specifying those casework tasks which can be effectively completed by trainee Caseworkers. From 1 July 2011, all new Caseworkers started to participate in the streamlined Caseworker Development Program which has reduced the time from entry on duty to fully trained from six to twelve months to sixteen weeks.*²³

²⁰ Department of Family and Community Services, Community Services, correspondence dated 22 August 2011

²¹ Ibid

²² Ibid

²³ Ibid

It is important to understand the potential productivity dividend that might be achieved by streamlining training. For example, recent work commissioned by Community Services to 'benchmark' current child protection caseloads found that fully trained staff were able to complete tasks in half the time it took new staff who had not completed training.²⁴ This was largely attributed to the fact that new caseworkers require time to complete their mandatory training modules and consequently have less time available for casework.

Furthermore, in recent informal advice to this office, Community Services has said that '*recent analysis suggests that an increase in the percentage of caseworkers who are untrained is having an impact on the decrease in recorded [comprehensive assessments]. This [issue] will, however, require further analysis.*'²⁵

Once again, it will be important for Community Services to assess, and publicly report on, the results of its initiative to truncate its training, particularly as to whether increased productivity is achieved without compromising the quality of casework practice.

4.2.4. Filling rural and remote positions

In its August statement, Community Services noted that '*other improvements will be made to the recruitment process, including in rural and regional NSW.*'²⁶

For many years, this office has been raising concerns about critical staff shortages that exist in the Western region of NSW. Yet, despite various plans to address staffing shortages, substantial numbers of positions remain unfilled.²⁷ For this reason, it will be important to ascertain whether the current initiatives to address staffing shortages in many of the most disadvantaged parts of the state are able to achieve real results.

Finally, in addition to the workforce initiatives outlined by Community Services, we believe it is also necessary to develop proposals for:

- setting average caseload and case completion targets;
- enhancing caseworker supervision and support; and
- lifting staff morale (including, but not limited to, formal recognition of those who deliver outstanding service delivery).

4.3. Improving assessment tools and information management systems to better support casework practice and to identify families at high risk

4.3.1. Structured Decision Making (SDM)

Another productivity measure referred to by Community Services involves:

*[The] state-wide rollout of streamlined intake and assessment tools. By end September 2011 all CSCs will use the new Triage Assessment and Structured Decision [Making] (SDM) Safety and Risk Assessment (SARA) tools. Triage Assessment reduces the time spent in CSCs gathering information on cases which cannot be allocated in order to increase the time spent on intervention. SARA replaces the unwieldy Secondary Assessment – Risk of Harm framework with a SDM process which both improves the quality of decision-making and reduces time spent on assessment.*²⁸

As with the other initiatives outlined by Community Services, it will be important for the agency to seek to evaluate, and publicly report on, the extent to which the evidence demonstrates that the new assessment tools are leading to improved efficiency and promoting high quality decision making.

²⁴ Ernst & Young, *Child Protection Caseload Review*, Department of Family and Community Services, NSW Community Services, 3 June 2011.

²⁵ Email correspondence from Community Services on 18 August 2011.

²⁶ Department of Family and Community Services, Community Services, correspondence dated 22 August 2011.

²⁷ While in recent informal discussions we have been advised of some promising early results in relation to filling positions in the Western region, the real issue is whether any increase in staff numbers can be maintained, and whether experienced staff are able to be retained in locations in this part of the state.

²⁸ Department of Family and Community Services, Community Services, correspondence dated 22 August 2011.

4.3.2. The development of intelligence driven child protection practice

4.3.2.1. Frequently reported families

Research conducted by Community Services identified that the top three per cent of 'frequently reported' sibling groups represented a quarter of all child protection reports in 2005-06, and the top 11 per cent accounted for more than half the total number of reports.²⁹

An efficient child protection system must be able to identify those children who are most in need, in order to direct an appropriate level of resources to this group. For this reason, it is critical that CSCs are aware of the families in their area who are generating the most child protection reports, and are using this information to help inform decisions about which cases must receive significant caseworker attention.³⁰

4.3.2.2. The need to develop a comprehensive intelligence system

For a number of years, this office has been arguing for the development of an 'intelligence-driven' approach to child protection practice. In our submission to the Wood Inquiry on the topic of 'assessment practices', we highlighted that while the NSW Police Force has successfully employed evidence-based intelligence strategies to identify and target high risk young offenders, the same rigorous practice has not been applied to identifying our most vulnerable children.³¹

Put simply, an effective intelligence system would require key agencies to work together in systematically:

- identifying;
- making readily available (through IT solutions and/or other strategies);
- analysing;
- prioritising; and
- acting on;

the information that is held by these agencies which best identifies potentially extreme levels of child protection risks.

While in some cases a single information holding may justify determining that an extreme risk exists, an effective intelligence system would also involve analysing aggregated data from key agencies.³² Electronic reporting tools will often be the best means by which aggregated data of this kind can be made available. However, even with sophisticated reporting tools, there needs to be clear business rules, and careful analysis of information, to ensure successful intelligence driven practice.

In acknowledging that adopting this very different approach might present some challenges, we would argue that it is consistent with the notion of shared responsibility, and is supported by the new information exchange provisions that permit the exchange of information in circumstances which protect children. In this regard, Justice Wood proposed the need to put child safety above privacy concerns.³³

In fact, the Wood Inquiry specifically recommended that government agencies identify their 'high end' users and provide these families with an integrated case management response.³⁴ To meet the intent of this recommendation, *Keep Them Safe* introduced Family Case Management, a new approach to supporting families that frequently come into contact with human service and justice agencies.³⁵

29 NSW Department of Community Services, *Child protection reports: Analysis of sibling groups*, February 2008.

30 In this regard, we understand that Community Services have developed the capacity for CSC managers to run reports which identify a 'priority list' of families who are generating significant numbers of reports in their local area. We have not, however, seen evidence of CSCs routinely using these 'aggregated' reports to drive operational decision making. At a meeting in May 2011, senior representatives from Community Services advised us that capacity issues preclude the routine use of 'intelligence' of this kind. In our opinion, this demonstrates a failure to understand that effective utilisation of this kind of information constitutes a highly efficient use of resources.

31 NSW Ombudsman, *Submission to the Special Commission of Inquiry into Child Protection Services in NSW*, Part 6: Assessment and Early Intervention and Prevention, 12 May 2008, pages 11 -13. Our submissions to the Wood Inquiry are available at www.ombo.nsw.gov.au

32 For example, in terms of Police holdings, relevant information may include details about high risk domestic violence and substance abuse offenders, particularly where there is a strong nexus between the high offending risks and high risk to children. In terms of Education holdings, relevant information may include details concerning very serious non-school attendance, particularly when it is combined with other known child protection risk factors. In terms of Health holdings, this may include very serious substance abuse and/or very serious mental health problems (particularly where very young, or otherwise vulnerable children, are affected).

33 A further objection that has been raised in relation to moving towards an 'intel' driven child protection system is that sharing Community Services' information holdings across agencies would infringe s.29(1)(f) of the *Children and Young Persons (Care and Protection) Act 1998*. Although this office supports a general prohibition on the release of the name of reporters, we believe there is a need for this provision to be amended to better reflect the new regime. For example, certain designated staff from agencies that would need to be involved in developing an integrated 'intel' system, could be given the authority to access the KIDS system (this includes information about reporters). In addition, staff from Child Wellbeing Units, who now perform a statutory assessment and referral role, should also have this access right.

34 *Report of the Special Commission of Inquiry into Child Protection Services in NSW*, November 2008, Recommendation 10.7.

35 Family Case Management is currently being piloted in three locations, with a view to state-wide roll out in 2011-12.

However, because Family Case Management is not currently being supported by a sophisticated intelligence system, it is not surprising that we received advice in relation to an interim evaluation of the Family Case Management pilot sites indicating that the process for identifying families was time consuming and needs to be more systematic.

4.3.2.3. Objections raised in connection with the adoption of intelligence driven child protection practice

In response to our urging for the development of a comprehensive intelligence based system, it has been argued that it is important not to flood the decision making process with too much information.³⁶ However, this concern misses the point. Aggregated reporting and the associated analysis of critical information would give decision makers the ability to make more informed decisions about where to most effectively target scarce resources.

Concerns have also been raised about how an intelligence based system would integrate with the structured assessment approach recommended by the Wood Inquiry and currently being trialled by Community Services.³⁷ In our view, such a system would complement the structured assessment approach, which is currently being employed in a reactive way and which is heavily dependent on information that is provided via individual reports. In fact, once developed, an intelligence based system could conceivably be integrated into existing structured assessment processes.

Using intelligence to drive business decisions is not an untried approach. Sophisticated intelligence driven practices are increasingly being utilised in decision making across a range of business environments.³⁸

Therefore, for the reasons that we have outlined, while we acknowledge that the development of a sophisticated intelligence driven child protection system is not without its challenges, it is nevertheless critical that such a system be developed jointly, by representatives from the key agencies, to improve efficiency and the capacity to identify and respond to those children who are most vulnerable.

4.3.2.4. Efficiency gains through enhancement to the KiDS system

A further initiative identified by Community Services to improve productivity is through enhancing the functionality of the KiDS system. This work aims to *'implement Wood Inquiry recommendations and will improve business processes, reducing the proportion of available casework hours spent on recording'*.³⁹

Our experience using KiDS to perform our complaint and review work supports the finding of the Wood Inquiry, that extracting relevant information from KiDS is a difficult and time consuming process.⁴⁰ For example, we have identified that for a user to apprise themselves of a family's child protection history, the user often needs to spend hours navigating their way through numerous data fields.

In one of our submissions to the Wood Inquiry, we argued that Community Services' information system needs to provide frontline staff with a reporting tool that can deliver consolidated child/family history reports quickly.⁴¹ Given that around 100,000 child protection reports are being sent to CSCs each year, a consolidated child/family history reporting tool could potentially achieve substantial efficiency savings and improve the quality of casework decisions.⁴²

We note that work by Community Services to re-design and implement changes to the KiDS system has been in train for a number of years. In our view, this re-design work needs to be independently evaluated to ensure that the changes to KiDS will provide Community Services with a sophisticated 'best practice system'. In addition, what needs to be explored is the best solution for producing a range of aggregated reports. While the KiDS re-design project is clearly relevant to this issue, reporting tools of this kind are perhaps more likely to be able to be delivered through Community Services' Corporate Data Warehouse.

36 Advice provided in a meeting with senior representatives from Community Services in May 2011.

37 The Wood Inquiry recommended that Community Services should test the use of structured decision making tools at the Helpline and at CSCs in relation to assessments and interventions including restoration. In correspondence dated 13 April 2011, Community Services advised that the structured decision making system currently being trialled by the agency *'consists of a comprehensive set of assessment tools that guide each point in the life of a child protection case. The tools assist in reaching consistency in decision making across the agency and in making accurate decisions to assist in targeting resources to families who are most in need.'*

38 For example, the NSW Police Force has fundamentally overhauled its business as a consequence of adopting an intelligence based system in order to identify high risk offenders. The Police intelligence system illustrates that having access to critical information made available through well-designed reporting tools, represents only one component of such a system. Effective intelligence practice also involves the ongoing analysis of information from reporting tools - or other processes for identifying critical information - and the use of that information to drive operational decision-making.

39 Department of Family and Community Services, Community Services, correspondence dated 22 August 2011.

40 *Report of the Special Commission of Inquiry into Child Protection Services in NSW*, November 2008, p28.

41 NSW Ombudsman, *Submission to the Special Commission of Inquiry into Child Protection Services in NSW*, Part 6: Assessment and Early Intervention and Prevention, 12 May 2008. Our submissions to the Wood Inquiry are available at www.ombo.nsw.gov.au

42 In making this point, we note that in terms of the Ombudsman's policing jurisdiction - with only approximately 3000 complaints received each year - we are heavily dependent on consolidated history reports, which are delivered in seconds, to provide us with critical information about police officer's profiles.

4.3.3. Shared responsibility and efficient and effective interagency practice

In terms of the concept of shared responsibility and the related issue of developing efficient interagency practice, we note Community Services' observation:

A key element of [the Action Plan to Improve Capacity in Child Protection] is the increased involvement of the community in child protection and out of home care through the NGO sector which reflects the recommendations of the Wood Inquiry. This recognises that improving services and keeping children and young people safe is a shared responsibility of the broader community, with the government and non-government sector, parents and community organisations working together to best meet the needs of vulnerable children and young people. It recognises that while Community Services' Child Protection Caseworkers make a significant contribution to responding to children at risk of significant harm, they make that contribution in partnership.⁴³

Community Services has also submitted that:

The capacity of any child protection system to respond to children and young people at risk of significant harm is a complex issue... which involves the service system as a whole, rather than the statutory sector in isolation.⁴⁴

In our view, it is vital that we continue to fully explore how the concept of shared responsibility can best be delivered in a range of contexts, including responding to statutory child protection reports.

4.3.3.1. Generating reports but not action

We are concerned about inefficiencies associated with the resources that are expended to move vast numbers of child protection reports around the 'system' without any action or, at least, any substantial action being taken to address the needs of vulnerable children and their families.

There are many agencies that currently deal with vulnerable families. What we need to ascertain is the best way of identifying the risks, and responding to the needs of, these families.

One issue that requires examination is whether, prior to making a child protection report to the Helpline, there is scope for agencies that are already significantly engaged with these families to obtain information of the kind that Community Services would be expected to obtain, if it had the capacity to respond. In fact, our work indicates that often, agencies making reports to the Helpline are well placed to obtain this kind of information. However, the system is not currently flexible enough to allow for this information to be collected by the reporting agency, even in circumstances where the reporting agency is engaged with the family. In addressing the need to improve efficiency, this issue should be explored.

Linked to this issue is the need for the ongoing assessment of which agencies might be best placed to provide a practical response in certain types of cases - and circumstances - that meet the threshold for statutory intervention. In raising this issue, we believe it is time to not simply look at past practice but, instead, think laterally in terms of what is the best solution.

4.3.3.2. Specific challenges: particular locations and discrete issues

It also needs to be acknowledged that new initiatives for responding to various types of child protection reports may need to be developed to more effectively deal with the particular circumstances that exist in discrete parts of the state. For example, in the Western region of the state, with its chronic shortage of Community Services child protection caseworkers, we believe it is long overdue to test historic assumptions that it is only a Community Services caseworker who will be able to facilitate good child protection outcomes. In this regard, we note that caseworkers in the Western region can often find themselves isolated, and in dangerous environments that affect their capacity to negotiate very difficult issues with high risk families.

4.3.3.3. Shared responsibility: work already undertaken

It is important to recognise the good work that has already been carried out around what, in practice, shared responsibility should actually mean. For example, the establishment of the Child Wellbeing Units and Family Referral Services has required important interagency practice issues to be worked through. A further example of innovation is the current trial of a new intake model by Community Services to assist CSC staff in prioritising matters.⁴⁵ A key part

⁴³ Department of Family and Community Services, Community Services, correspondence dated 22 August 2011.

⁴⁴ Ibid

⁴⁵ NSW Department of Family and Community Services, Community Services, *Triage and Assessment of ROSH events and non-ROSH information at CSCs – practice guidelines*, provided by Community Services on 20 June 2011 in response to Ombudsman request for statement of information.

of this model involves Community Services facilitating early interagency case meetings in relation to high risk matters which cannot be allocated for response by Community Services due to resource constraints.

There are two particular areas that we believe warrant urgent debate about how agencies might provide a more effective and coordinated child protection response:

- high risk older children and adolescents; and
- children who are the subject of serious educational neglect.

4.3.3.4. Response to vulnerable older children and adolescents

Justice Wood raised directly with the oversight bodies his concerns about the need to improve the response to very vulnerable adolescents.⁴⁶ In response to his concerns, we made a submission to the Inquiry on this issue.⁴⁷

Our child death and other review and investigative work - including extensive work with Aboriginal communities - has clearly shown the need for an improved response to older children and adolescents who are in high risk and unsafe circumstances.

In responding to risk of significant harm reports, a higher level of priority is currently accorded to young children who require immediate intervention. By contrast, reports about adolescents very often receive no response. This approach is often justified on the basis of the need to make decisions about relative risk, and the fact that generally, younger children will be at greater risk.

In our view, a clear policy and practice framework needs to be developed,⁴⁸ which articulates a strong commitment to very vulnerable older children and adolescents - particularly where there is evidence of:

- serious physical or sexual abuse;
- significant risk of death from abuse, neglect or suicide; or
- a lack of the basic necessities of life.

In our forthcoming report, *Addressing Aboriginal disadvantage: the need to do things differently*, we discuss the related issue of at-risk older children and young people engaging in offending behaviours and becoming caught up in the criminal justice system. In particular, we note that one consequence of failing to address the needs of older children and young adolescents can be high levels of offending.

The issue of disengaged young people committing crimes is particularly relevant to many Aboriginal young people who live in disadvantaged areas. For example, in Western NSW, over 85% of the young people in detention are Aboriginal.⁴⁹

4.3.3.5. Responses to educational neglect

Engagement in the school system is essential to a young person's overall development and wellbeing. For several years, we have examined issues relating to school absenteeism in a range of child protection contexts, and have observed that children who miss substantial periods of school are usually also exposed to other significant risks.

Our submission to the Wood Inquiry on mandatory reporting reinforced that children who experience significant interruptions to their schooling are not only being deprived of a fundamental right relating to their development, they also lose the social support network and structure that the school community can provide.⁵⁰

For this reason, we suggested that there was merit in legislative amendment to specify habitual non-school attendance as a ground for reporting to Community Services. In its report, the Wood Inquiry noted that it shared our concerns about habitual non-school attendance, and subsequently recommended that the *Children and*

46 During one of the forums held by the Wood inquiry, the Commissioner said: *'There are a couple of areas which seem to me at the moment to be areas to be aware of where there is a gap in service. I'm not quite sure who is looking at that or reporting on it...but the first of those is a situation of adolescents, some of whom have been in care, others of whom should probably be in care but who are homeless. From what we hear around the country, the services, the refuges or the residences...for these people are substantially lacking'* Forum – Oversight Agencies, Transcript of proceedings, 28 March 2008, page 33.

47 NSW Ombudsman, *Submission to the Special Commission of Inquiry into Child Protection Services in NSW, Part 7: Young people at risk*, 26 May 2008. Our submissions to the Wood Inquiry are available at www.ombo.nsw.gov.au

48 We understand that the Department of Family and Community Services in partnership with Health and Department of Education and Communities are in the process of establishing a state-wide *Adolescents with Complex Needs Panel*. While we are yet to see details of how these panels will operate, it is important for this work to be supported by a clear policy and practice framework of the kind we have suggested. In addition, it will also be important that the outcomes from this work are closely tracked and publicly reported on.

49 Figure provided by Juvenile Justice at a meeting with the Bourke community on 23 August 2010. Juvenile Justice's annual report does not provide a regional breakdown of statistics relating to Aboriginality.

50 NSW Ombudsman, *Submission to the Special Commission of Inquiry into Child Protection Services in NSW, Part 4: Mandatory Reporting*, 30 April 2008. Our submissions to the Wood Inquiry are available at www.ombo.nsw.gov.au

Young Persons (Care and Protection) Act be amended to include habitual non-attendance as a risk circumstance.⁵¹ Legislative amendments were introduced in January 2010 which gave effect to this recommendation.

As we have previously indicated, allocation decisions made on the basis of relative risk will favour very young children and those who are at immediate risk of serious harm. Whilst on one level this can appear reasonable, our reviews of large numbers of children who have missed substantial amounts of schooling highlight the low level of response by Community Services in relation to reports of educational neglect.

In responses we have received from Community Services in connection with an investigation we have commenced to examine this issue, it is clear that much work needs to be done to establish a clear policy and practice framework for responding to significant non-school attendance.

Adding to our concern, is data that we have obtained from Community Services, which indicates that close to 50 per cent of all reports made to the Helpline about educational neglect are assessed as not meeting the risk of significant harm threshold. In this context, we are not confident that the guidelines which are being applied by the Helpline to determine whether the reporting threshold has been met, accurately reflects the intent of the legislation.⁵²

It is of further concern that, of those reports that are assessed as meeting the risk of significant harm threshold, around 50% are closed on the basis of 'competing priorities'. Furthermore, less than 10% of all educational neglect reports that are assessed as meeting the reporting threshold, result in a comprehensive face-to-face assessment (as compared to a figure of 21 per cent for all reports).⁵³

In our forthcoming report, *Addressing Aboriginal disadvantage: the need to do things differently*, we will examine in more detail the issue of severe cases of educational neglect, including whether it is appropriate for Community Services to be seen as the agency with primary responsibility for these matters. Getting a child to school is one thing, but engaging them in learning is something else. We believe that this serious social issue can only be addressed when we properly determine the role that various agencies - such as Education, Police, Community Services and the NGO sector - should play in tackling this problem.

In this context, it is pleasing to note that in more recent advice Community Services provided to us about this issue, the agency indicated that it is developing, in collaboration with the Department of Education and Communities, 'a joint business process to be followed when managing [educational neglect] matters [that] will address alternative approaches to responding to cases where educational neglect is a reported issue and the case will not be allocated by Community Services. This might include referrals to other services or programs, such as Brighter Futures. This may also include Community Services convening an Interagency Case Discussion meeting with agencies involved with a view to developing a plan to address child protection concerns for the child and family'.⁵⁴

While we have given a number of examples to illustrate the need for ongoing debate about the roles and responsibilities of various agencies, it is important to stress the benefits of an ongoing examination of these challenging areas of practice. In doing so, our focus should always be on seeking to determine which agencies are best placed to respond, both individually and collectively.

51 *Report of the Special Commission of Inquiry into Child Protection Services in NSW*, November 2008, Recommendation 6.2 (b).

52 Statement of information provided by Community Services in connection with an Ombudsman investigation, 18 August 2011.

53 Statement of information provided by Community Services in connection with an Ombudsman investigation, 4 July 2011.

54 Statement of information provided by Community Services in connection with an Ombudsman investigation on 18 August 2011.

Chapter 5. Resourcing and broader system challenges

The major theme of this report is the significant problem relating to the ability of the child protection system to respond to children who have been assessed as either having been seriously harmed, or who are at risk of experiencing serious harm.

In terms of considering the resourcing - and other broader - implications of this problem, there are a range of factors that need to be taken into account. For this reason, it would be simplistic to suggest that the only solution to this problem is to provide yet more resources.

5.1. Resourcing in the context of improved productivity

In considering the issue of resources, we should take into account what dividends might ultimately be yielded from the proposed improvements to productivity and efficiency that have been referred to previously.

Therefore, it is appropriate that, instead of simply calling for more resources, Community Services has referred to a number of efficiency (and related productivity) initiatives and have foreshadowed their intent to *'build on [this work] to gain a clearer understanding of the response types, and hence activity levels, required to respond to [risk of significant harm] reports' and from this, 'track results achieved, test underpinning assumptions and review and revise anticipated gains'*.⁵⁵

Although we support these initiatives, we have also discussed other measures that may need to be adopted to further improve the efficiency and effectiveness of the system. In addition, we have argued that key initiatives be properly evaluated as against the outcomes they deliver.

5.1.1. Shifting roles may mean shifting resources

Relevant to considering the issue of resource requirements is the ongoing debate that needs to take place around the roles and responsibilities of various agencies. If roles and responsibilities shift, then a shift in resources must follow. For this reason, funding processes have to be flexible enough to allow for the reallocation of resources based on shifting roles and responsibilities. In addition, it should not be assumed that the potential reallocation of resources only needs be considered in terms of resource shifting between government agencies. In relation to certain types of interventions involving very vulnerable families, NGO providers may be better placed to deliver outcomes.

5.1.2. Responding to child protection reports is not the only challenge

Another factor that must be considered in relation to any deliberations about what resources may be required for responding to statutory child protection reports, is that strengthening this component of the child protection system is only one part of the Wood Inquiry's vision.

As we have previously noted, *Keep Them Safe* also purports to respond to the Wood Inquiry's call for a strong investment in universal and early intervention services, and to enhance service delivery for children in statutory care and for Aboriginal people in need of support.

In recognising these broader objectives, Community Services has said:

*The Action Plan to Improve Capacity in Child Protection is a key reform focussed on re-orienting the broader service system to support the earlier identification of risk, to intervene earlier, to target services and supports to where they are most needed, and to build a new approach to child protection in NSW.*⁵⁶

We also recognise the substantial funding challenges - and other related efficiency and planning challenges - associated with delivering on the whole of the Wood Inquiry's vision. To help illustrate the extent of these challenges, we discuss below a number of specific challenges which need to be met.

⁵⁵ Department of Family and Community Services, Community Services, correspondence dated 22 August 2011.

⁵⁶ Ibid

5.1.2.1. Delivering on the commitment to the transfer of out-of-home care services to the non-government sector

Keep Them Safe committed to the transfer of most out-of-home care services from the government to the non-government sector. On this issue, we note recent media coverage that has drawn attention to the very significant costs associated with effecting this transfer, and the potential impact these costs might have on the timely delivery of this commitment.⁵⁷

Our reviews of children in care have consistently identified significant issues attributable to the under-resourcing of Community Services' out-of-home care program.⁵⁸ For example, in a June 2010 review report, we noted that at one CSC, 541 of the 742 out-of-home care cases (73%) had no allocated caseworker.

In light of the very substantial resource shortfalls in the current out-of-home care system, making a commitment to transfer out-of-home care from the government to the non-government sector is one thing, but funding that transfer represents a far greater challenge.

In making this observation, it is important to recognise that this substantial challenge also presents an opportunity to review the current models of out-of-home care. For example, with increasing numbers of children in out-of-home care, we need to explore how successful we are at seeking to keep families together,⁵⁹ or to at least recognise that, for many children, 'family' may mean kinship care or even adoption. While it is outside the scope of this report to explore these significant issues, we welcome the move within the non-government sector to work with Community Services on whether our current 'out-of-home care' models are the best models.⁶⁰

5.1.2.2. Community Services' inability to meet Court ordered obligations due to resource constraints

On a related note, the President of the Children's Court, his Honour Judge Marien SC, recently wrote to this office about Community Services' advice to him regarding its inability to supervise placements in accordance with Court orders. This failure has been attributed to child protection caseworkers being '*stretched responding to risk of significant harm reports...*'⁶¹

His Honour noted that "*It is of great concern to the Court that Community Services acknowledges that supervision orders 'will not generally get priority'...*"⁶²

His Honour also noted that:

*It is to be remembered that the Court can only make a final supervision order when it finds that the child or young person is in need of care and protection. Children and young persons who are subject to a supervision order and remain in the care of their parents (or usual carer) are extremely vulnerable. They remain in the care of parents (or a usual carer) with respect to whom significant child protection issues have been raised. The safety and welfare of such children and young persons is therefore highly dependent upon Community Services complying with a supervision order of the Court for the duration of the order at an appropriate level to ensure that, as far as possible, their safety and welfare will not be jeopardised.*⁶³

5.1.2.3. Designing and implementing early intervention programs that are effective

As previously discussed, one of the important components of the Wood Inquiry's vision involves making a strong commitment to effective and well targeted early intervention services.

One of the key early intervention initiatives that was introduced in recent years is the \$100 million Brighter Futures program.

⁵⁷ See article in the Sydney Morning Herald relating to the cost of the transfer dated 2 August 2011.

⁵⁸ See for example NSW Ombudsman, *Review of children on statutory care orders with a view to restoration, April 2011; Review by the Ombudsman of the planning and support provided by Community Services to a group of young people leaving statutory care, June 2010; Group review of the situation of children in out-of-home care and under the parental responsibility of the Minister for Community Services, November 2007; Review of a group of children aged 10 to 14 in out-of-home care and under the parental responsibility of the Minister for Community Services, January 2009.*

⁵⁹ For example, in our submission to the Wood Inquiry on the Children's Court, we argued for greater use of alternative dispute resolution measures, including Family Group Conferencing.

⁶⁰ For example, recent research by the Annie E Casey Foundation in the United States explores the effectiveness of measures aimed at reducing the number of children in state based care. The research indicates that the best outcomes for children are achieved when there is a strong policy focus on the early identification of permanent stable family environments through reunification (to parents), guardianship (with extended family) or adoption. The research showed that guardianship (kinship) placements do not generally require active care and protection case management, though most carers will opt to receive payment and support on request, without allocation to a designated ongoing departmental child protection caseload. Refer to <http://www.aecf.org/>

⁶¹ In correspondence to this office dated 8 August 2011, his Honour, Judge Marien SC, referred to advice provided to him by Community Services.

⁶² Ibid

⁶³ Ibid

In September 2010, the Social Policy Research Centre (SPRC) handed down its evaluation of this program. From our analysis of the evaluation, it is clear that, using the important measure of case plan goal achieved, the Brighter Futures program met the needs of less than half (47%) of the families participating in the program.⁶⁴

Furthermore, we are concerned that the evaluation demonstrated a clear disconnect between the program eligibility criteria - which includes families experiencing domestic violence and those with drug and/or alcohol issues - and the program's basic core services, which largely focus on improving parenting skills. Also, because of substantial gaps in the broader service system, higher risk families who are not able to be provided with an effective service through Brighter Futures, are often not able to have their significant needs met from elsewhere in the service system.

Earlier this year, Community Services advised us of the then government's decision to re-target Brighter Futures to families of children whose assessed level of risk is close to, or at, the statutory reporting threshold.⁶⁵ In more recent advice, Community Services said:

*Community Services' earlier intervention program will be renamed Stronger Families, and 240 Stronger Families Caseworkers will provide a voluntary child protection service to families where children are under nine years of age and at risk of significant harm with a response priority of less than ten days.*⁶⁶

While we acknowledge that the re-positioning of Brighter Futures workers may result in an improvement in the recorded number of statutory interventions, the SPRC's evaluation illustrates that simply funding initiatives does not necessarily guarantee good outcomes. In addition, given that Stronger Families represents a very substantial expenditure, we are concerned about whether there is a solid evidence base to suggest that the kind of services (and interventions) that will now be delivered under this program, will lead to solid outcomes.⁶⁷

5.1.2.4. Strengthening service delivery to vulnerable Aboriginal families

As we have previously noted, Justice Wood made very clear statements about the need to strengthen service delivery to Aboriginal children and their families. In our forthcoming report, *Addressing Aboriginal disadvantage: the need to do things differently*, we canvass in detail some of the fundamental issues that will need to be addressed before we will see any substantial improvements in this area.

Concluding comments

While we have only provided a few examples, they serve to illustrate the significant challenges that continue to exist in building a strong child protection system.

From our oversight of the system, we believe that, in light of the very substantial weaknesses in the current system, it is inconceivable that a strong and integrated child protection system will be able to be delivered in the near future. For this reason, there is an urgent need to establish clear priorities for prompt action - and as the evidence in this report demonstrates, one area requiring prompt action relates to substantially improving the system's capacity to respond to child protection reports.

However, while this, and a number of other areas, must be responded to as a matter of urgency, there is also the need at this time, to properly consider 'where we are at' against the challenges that must be met in order to more effectively deliver on the Wood Inquiry's vision.

64 Our analysis was informed by a review of the evaluation report that we commissioned Dr Gul Izmir to undertake in October 2010.

65 Advice provided at a meeting with senior representatives from Community Services on 8 February 2011.

66 Department of Family and Community Services, Community Services, correspondence dated 22 August 2011. In this context, it is also worth noting that recommendation 10.10 of the Wood Inquiry proposed that *caseworkers should be employed on a temporary basis or re-assigned from Brighter Futures or OOHC work as case management is transferred to the NGO sector, to manage those reports meeting the criteria set out in 10.2b above until recommendations 6.2, 10.1 and 10.2 are implemented (DoCS estimates that 300 temporary caseworkers are required).*

67 Relevant to this issue, we are currently finalising research through the Social Policy Research Centre, which focuses on collaborative child protection practice. We are also engaged in discussions with the Social Policy Research Centre to consider undertaking further research in the area of early intervention. Together, this work may help to inform the debate about what constitutes effective child protection and early intervention practice, particularly in relation to families with higher needs.

Recommendations

1. Within six months of the date of this report, the Department of Family and Community Services should:
 - a. develop an action plan for publicly reporting on its responses to risk of significant harm reports including, but not limited to, providing more meaningful reports regarding:
 - i. the number of families/sibling groups which are the subject of risk of significant harm reports and the outcome of such reports;
 - ii. the number of children who are the subject of reports who receive:
 - a comprehensive face-to-face assessment; and
 - actual casework support (either provided by Community Services and/or a partner agency).
 - b. provide public advice on its proposals for ongoing and meaningful reporting of:
 - i. the productivity and/or efficiency outcomes that are achieved from its *Action Plan to Improve Capacity in Child Protection*.
 - ii. the numbers of filled positions against the agency's staffing establishment. This should also include regional breakdowns and the counting rules which underpin these reports.
 - iii. its ability to successfully retain staff (and the related performance measures).
 - c. provide public advice on whether it intends to adopt an intelligence driven child protection system, and if so:
 - i. the proposed components of such a system;
 - ii. whether there is any need for legislative amendment as a precondition to its introduction⁶⁸; and
 - iii. the nature of any ongoing public reporting that will be provided regarding its development and eventual rollout.
 - d. provide public advice on whether it intends to develop a reporting tool that can rapidly generate consolidated child protection history reports.
2. Within six months of the date of this report, the Department of Premier and Cabinet (DPC), together with the Department of Family and Community Services and other human service and justice agencies, should make public the action proposed in relation to all of the key challenges outlined in sections 4.2.4 and 4.3.3 of this report.⁶⁹
3. In relation to the need to review 'where we are at' in delivering on the Wood Inquiry's vision, DPC should, within two months of the date of this report, make public its proposal for conducting this review. This should include advice on those areas that require prompt action (for example, measures to substantially improve responses to risk of harm reports and/or the early injection of additional funding).

⁶⁸ See footnote 33.

⁶⁹ In developing its public advice, DPC should consult extensively with the non-government sector to seek its input into how best to respond to the issues outlined in section 4.3.3 of this report.

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