



30 November 2017

Shaping a Better Child Protection System Commissioning Division
Department of Family and Community Services
4-6 Cavill Avenue
Ashfield NSW 2131

Email: childprotectionDP@facs.nsw.gov.au

RE: Shaping a Better Child Protection System Discussion Paper

Thank you for the opportunity to respond to the discussion paper, *Shaping a Better Child Protection System*. As the NSW peak body for young people and the services that support them, our response largely concerns the impacts of possible legislative measures for this cohort – young people aged 12 to 25.

Youth Action has proactively offered its expertise and advice in this area to the Department of Family and Community Services (FACS) and the NSW Parliament, including the 2016 Inquiry into Child Protection and various consultations through government led reform processes since 2014.

Youth Action has consistently advocated for an integrated, whole of government approach to securing the best outcomes for children and young people who need protection in NSW. We want to see a Department of Family and Community Services that is fully resourced and equipped, using evidence-based, best practice techniques delivered through clear policies and procedures to deliver those outcomes.

The Children and Young Persons (Care and Protection) Act 1998 ('the Care Act') and the Adoption Act 2000 ('the Adoption Act') lays out the broad legal responsibilities of the Minister, The Children's Court, FACS, government agencies and non-government organisations (NGOs) and changes to the Care Act offer the potential to assist the reform processes laid out by the NSW Government in the NSW Government's *Their Futures Matter* strategy.



Youth Action has selected and responded to eight questions that are most relevant to our expertise and the cohort we represent. In each of these eight questions, we recommend proceeding with caution and carefully considering the views of stakeholders in this consultation before proposing any legislative changes. In each case, we have instead advocated for and demonstrated that a mix of policy change, resourcing and funding and the application of best practice is a solid approach to achieve the desired outcome in the area. In many cases, it is difficult to understand or predict the implications of legislative change or, as we have outlined below, difficult to predict the impacts and risks that may arise from legislative change.

Earlier Family Preservation and Restoration

Q4. Should there be mandated timeframes for responses to ROSH (Risk of Significant Harm) reports by FACS or other agencies? If so, why? If not, why?

Q5. What would you consider to be an appropriate timeframe for assessments to be conducted, a case plan to be developed and appropriate support services to be put in place to keep the family together?

Q6. What benefits and risks for families may arise from mandating response timeframes?

The focus of the Department of Families and Community Services (FACS) on improving responses to ROSH reports is welcomed by Youth Action and the youth sector.

In addition to FACS' stated objective of providing more children and young people at risk of significant harm with face-to-face assessments, FACS also holds the responsibility for the Premier's Priority of 'decreasing the percentage of children and young people re-reported at risk of significant harm by 15% by 2019.'¹ FACS holds the responsibility to achieve these two objectives in a challenging environment,

¹ Department of Families and Community Services. 2017. *2016-17 Annual Report*. Accessed at https://www.facs.nsw.gov.au/_data/assets/pdf_file/0008/535256/FACS-Annual-Report-Volume-1-Performance-and-activities-report.pdf



where the overall rate of children and young people in risk of significant harm per 1,000 of the population has increased from 42.2 in 2013-14 to 46.7 in 2015-16.²

As FACS has signaled in the ROSH statistics included as reference in this discussion paper and in its own Statistical Review 2015-16, the improvement in the percentage of face-to-face assessments assessed by FACS from 21% in 2010-11 to 32% in 2016-17 have been attained by increasing the number of caseworkers and retaining them.³ This improvement can be seen effectively as a result of an increase in the resources FACS has dedicated to responding to ROSH reports. Although case worker numbers have increased, the increase has only been small, from 1,966 caseworkers in 2010-11 to 2,032 in 2015-16.⁴

Youth Action recommends a further increase in funding for caseworkers, caseworker training and retention as the most effective course of action to improve ROSH report processing and achieve FACS' stated objectives.

Legislating timeframes for FACS to respond to ROSH reports should be approached with caution due to the complex and unique nature of each case. Enacting short or unrealistic timeframes could lead to a reduced quality of responses by FACS and poorer outcomes for each assessment. If a mandated timeframe increases the pressure on caseworkers, or their workload, the quality of their work and responses could significantly diminish and retaining them in the long-term could become more difficult. Mandating timeframes carries a significant risk of decreasing assessment quality and increasing pressure on caseworkers and FACS.

One area where an indicative timeframe could be explored is the timeframe for information received at the Child Protection Helpline to be transferred to the next appropriate source. Mandating a minimum timeframe for this information to be transferred could improve reporting outcomes, as long as this timeframe and the process implemented to carry it out did not affect the quality of the information transferred.

² Department of Family and Community Services. 2016. *Family and Community Services Statistical Report*. Accessed at https://www.facs.nsw.gov.au/__data/assets/pdf_file/0003/419277/FACS-Statistical-Report-2015-16-V10.pdf

³ Ibid.

⁴ Ibid.



Q12. How can FACS more effectively access the capabilities of other government agencies and funded NGOs to provide services to vulnerable children and families?

Q13. Are the current 'best endeavours' provisions adequate to ensure timely services provision for vulnerable children and families?

Q14. What changes could be made to the 'best endeavours' provisions to align with a whole of government approach to service delivery to vulnerable children and families?

Youth Action supports the vision for a whole of government approach to service provision for vulnerable people and families that is managed effectively and defines clear roles and responsibilities for funded NGOs, service agencies and FACS.

The 'best endeavours' provisions, as they exist currently in the Care Act legislation, enables The Children's Court and government agencies to designate to external agencies service provision for vulnerable children and families. Youth Action recommends that the focus of future reform in this area, to effectively access capabilities, should be on funding, collaboration, policy and best practice within FACS, government agencies and funded NGOs.

Youth Action recommends that FACS access the capabilities of other government agencies and funded NGOs by:

- Integrating services that reduce barriers to information and data sharing. This approach should support youth services to have responsibility and oversight of a young person's holistic progress to avoid 'passing the buck'.
- Working towards an evidence-informed approach by allowing services to evaluate existing practice in order to build an evidence-base. This would demonstrate the value of services and protect effective work on the ground, while allowing for services to grow and realign as they evaluate.
- Increasing contract duration to five years to allow for greater certainty by services providers and funded NGOs.



- Working proactively to encourage collaboration between funded NGOs and service agencies to streamline processes and eliminate practices that result in unnecessary duplication of work.

Q17. Should mandatory reporters be exempted from making a traditional report to the Child Protection Helpline where supports are in place to mitigate child protection risks? If so, what additional safeguards should be in place?

The current process of mandatory reporting, even when a child or young person is already known to a mandatory reporting agency, allows in principle for a high degree of accountability and confidence that a record is being maintained for each instance that a child is assessed to be at risk of significant harm. Further, this accountability and these records can be highly valuable to case workers as they make decisions to prioritise and assess cases.

Youth Action recommends maintaining current traditional reporting for mandatory reporters, however there may be process, policy and resource driven solutions to improve reporting for FACS and for mandatory reporters, including:

- Improving resources available to Child Protection Helpline, including increased staff numbers and training.
- Improving e-reporting tools and encouraging usage for non-imminent ROSH reporting.
- Undertaking a review and publishing statistics about mandatory reporting to determine if the current processes are meeting the demand and where efficiencies could be gained.

Streamlining Court Processes and Orders

Q36. Should NGOs be able to bring an application for a guardianship order without the written consent of FACS? If not, why not? What other risks might arise from this change?



FACS plays a critical and central role in bringing an application for a guardianship order as a central knowledge holder and central point for coordination.

Historically, NGOs have been hesitant to move guardianship orders without consulting and notifying the central agency, and this remains the case today. There is a risk in streamlining this process and removing the essential provision for written consent from FACS that important information and details about the particular guardianship order could be lower to maintain and oversee guardianship orders undertaken by NGOs.

We look forward to continuing to work with the Department of Families and Community Services on these matters. Should you have any concerns or further questions, please contact Katie Acheson, Chief Executive Officer, on (02) 8354 3702.

Sincerely,

A handwritten signature in black ink, appearing to read "Katie Acheson".

Katie Acheson
CEO
Youth Action