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SUBMISSION

INQUIRY INTO CHILD PROTECTION





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About Youth Action

Youth Action is the peak organisation representing young people and youth services in NSW. Our work helps build the capacity of young people, youth workers and youth services, and we advocate for positive change on issues affecting these groups.

It is the role of Youth Action to:

1. Respond to social and political agendas relating to young people and the youth service sector.
2. Provide proactive leadership and advocacy to shape the agenda on issues affecting young people and youth services.
3. Collaborate on issues that affect young people and youth workers.
4. Promote a positive profile in the media and the community of young people and youth services.
5. Build capacity for young people to speak out and take action on issues that affect them.
6. Enhance the capacity of the youth services sector to provide high quality services.
7. Ensure Youth Action's organisational development, efficiency, effectiveness and good governance.

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Youth Action & Policy Association (NSW)

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Recommendation 1: That the NSW government develop a whole of government clear policy and practice framework and strategy that articulates a strong commitment to young people at risk specifically, with measures to track progress and provide accountability.

Recommendation 2: That the inquiry include in its report data from the Department of Family and Community Services in order to provide clear accountability of current service levels to young people at risk.

Recommendation 3: As part of the aforementioned overarching strategy regarding young people at risk in NSW, progress establishment of a range of family-based foster options for young people 14 – 17, including investigating professional foster carers.

Recommendation 4: Increase level of funding to both the Department of Family and Community Services and the non-government sector to work with young people who require crisis and intensive support.

Recommendations 5: Review and strengthen practices regarding young people who self-place, including ensuring young people have relationships with non-government support services.

Recommendation 6: That the Department of Family and Community Services immediately commence research and report on how young people 14 - 17 receive or do not receive support across the service spectrum, with a focus on improving access to support.

Recommendation 7: That every child or young person in NSW who is at Risk of Significant Harm is provided with a response from the NSW system. Young people aged 14 – 17 at risk should be connected with the appropriate level of support from a youth support service.

Recommendation 8: Increase the level of connectedness between the non-government service system and the Department of Family and Community Services via requiring



attendance at protection networks events from a range of agencies and organisations including, for example, Family Referral Services, Education, youth services etc.

Recommendation 9: That the inquiry take into consideration the numerous reviews and inquiries in Australia and NSW of relevance, and report on progress made by NSW against the various recommendations, particularly those for Aboriginal and Torres Strait Islander children, young people and families.

Recommendation 10: A targeted plan to increase expenditure to prevention and intervention over a 5-year period, including programs for prevention and early intervention for young people aged 12 – 25 in NSW.



Introduction

Youth Action welcomes the opportunity to submit to the NSW Government General Purpose Standing Committee No. 2 inquiry into Child Protection. As the NSW peak body for the state's 1.25 million young people aged 12 - 25, and the services that support them, we commend the NSW Government's commitment to transparency and accountability in relation to children and young people at risk.

The inquiry into the role of the Department of Family and Community Services (FaCS) in child protection provides an important avenue to highlight good practice as well as gaps that exist.

Background to Youth Action's submission

Youth Action's vision for young people in NSW is a system that provides the supports and opportunities that are required to live full, meaningful and participatory lives. With a major reform of early intervention services underway, NSW is at an important juncture in the ongoing provision of support to young people. Youth Action continues to contribute to this process but notes the importance of this inquiry, its focus, and the strength it could offer to reform processes.

In the past 5 years Youth Action has undertaken significant consultation and research with young people and youth support services in relation to the service system. This submission draws on this body of work, as well as the relevant evidence base.

In preparation for this inquiry Youth Action consulted 67 members via an online survey and telephone interviews to provide targeted, up-to-date insight. The survey captured information from every FaCS district in NSW, and canvassed the views of those who provide

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early intervention services (37%), intensive youth services (31%), specialist homelessness services (13%) and others, including from the education sector, community housing, police, employment services and government (19%).¹

The 'forgotten' young people of NSW

Youth Action's contribution to the inquiry is specific to young people in NSW, as one survey respondent put it, the 'forgotten' young people of NSW: those aged 14 – 17 who are at risk. The systems set up to protect and support young people in NSW place this age cohort as a low priority, and responses to protect and support vulnerable young people could be much improved.

As defined by the Convention on the Rights of the Child, and as per the NSW child protection system, children in NSW are those under the age of 18. Youth Action is the peak body for young people aged 12 – 25, and refer to those between these ages as 'young people' in deference to the developmental evidence regarding their unique life stage and developing capacity. Data sets in NSW and Australia cover a range of different periods from 15 – 18, 10 – 29 and many more. Throughout the submission this age category will differ depending on these variables. Our submissions intent is to highlight the circumstances of young people aged 14 – 17, but acknowledge the term 'young people' can vary throughout.

It is very clear from a range of systems reviews, government policy statements, data sets, and through evidence provided from youth support services that young people at risk in NSW are not receiving a sufficient systemic response. Young people have the right to a care and protection response, and intervention can reap both personal and systemic reward. Our submission finds that young people often are not receiving a statutory child protection

¹ N = 73 as respondents could select more than one option, this was mainly the case for larger providers who work across the spectrum.

intervention when it is needed. The systemic responses are not adequate to provide a proportionate level of support, and mechanisms are lacking to trigger support for young people both at Risk of Significant Harm (ROSH) and below ROSH. As a result, the youth support sector are working with an increasing amount of complex clients without the appropriate recognition or funding, and this has flow on effects to how well NSW can stop the escalation of young people into crisis.

This is contrary to the *National Framework for Protecting Australia's Children*, the foundation of Australia's child protection systems, which states:

*'All children have the right to be safe and to receive loving care and support. Children also have a right to receive the services they need to enable them to succeed in life.'*²

NSW should be able to ensure every preventative effort has been made so that removing a child or young person from a family is of last resort. The numbers of children and young people in crisis and entering care increase and the pressure on the statutory system builds. In 2014-2015 the number of children and young people receiving child protection services increased by 22% from 2012-13 levels, from 59,092, to 48,399.³ Aboriginal and Torres Strait Islander children and young people entering care have increased and continue to be significantly overrepresented in the care population. It is not a simple task, but progress must be made to ensure NSW young people are safe and can reach their full potential.

Youth Action's submission therefore also highlights the need for NSW to go beyond rhetoric and appropriately commit resources to early intervention and prevention, rather than just

² Council of Australian Governments, 'Protecting Children is Everyone's Business: National Framework for Protecting Australia's Children 2009-2020', Commonwealth of Australia, Canberra, 2012, p. 6

³ Australian Institute of Health and Welfare, 'Child protection Australia 2014-15', Child welfare series no. 63. Cat. no. CWS 57., AIHW, Canberra, 2016, p. 17

crisis support. This is again a core strategy of the *National Framework for Protecting Australia's Children*:

'Australia needs to move from seeing 'protecting children' merely as a response to abuse and neglect to one of promoting the safety and wellbeing of children'⁴

Youth Action would also like to point to the numerous national and NSW inquiries whose recommendations still require implementation.

Youth Action provides evidence relevant to a number of the terms of reference of the inquiry:

- a) the capacity and effectiveness of systems, procedures and practices to notify, investigate and assess reports of children and young people at risk of harm
- c) the amount and allocation of funding and resources to the Department of Family and Community Services for the employment of casework specialists, caseworkers and other frontline personnel and all other associated costs for the provision of services for children at risk of harm, and children in out of home care
- d) the amount and allocation of funding and resources to non-government organisations for the employment of casework specialists, caseworkers and other frontline personnel and all other associated costs for the provision of services for children at risk of harm, and children in out of home care
- g) specific initiatives and outcomes for at risk Aboriginal and Torres Strait Islander children and young people, and

⁴ Council of Australian Governments, 'Protecting Children is Everyone's Business: National Framework for Protecting Australia's Children 2009-2020', Commonwealth of Australia, Canberra, 2012, p. 7

h) the amount and allocation of funding and resources to universal supports and to intensive, targeted prevention and early intervention programs to prevent and reduce risk of harm to children and young people.

Young people and the child protection system

Many young people are directly involved in the child protection system and many more seek and/or require support for protection issues outside of the statutory system. As at June 2015, 7,987 young people aged 10 – 17 were in out-of-home care alone, of which 2582 were young people aged 15 – 17.⁵ A further 7,142 aged 15 – 17 were receiving Child Protection services (CPS).⁶

Adolescence is well established as a critical period of growth and development, coupled with an increase in vulnerability to a range of risks. During such an important period of growth, risks can become embedded or averted. The intervention of the child protection system can serve to protect vulnerable young people from the worst of poor social outcomes such as involvement in justice systems, homelessness, unemployment and poor mental health.

Young people (aged 12-17) also have unique needs that set them apart from children. This critical period is one in which young people experience increasing levels of independence, coupled with ongoing development of their capacity. This heightened independence often changes the role of family in their lives, shifting it from a central protective factor to one alongside several other factors such as friends, partners, other adult role models, self-identity and more.

⁵⁵ Australian Institute of Health and Welfare, 'Child Protection Australia 2014-15', *Child Welfare Series Number 63*, AIHW, Canberra, 2016, p. 102

⁶ *ibid.*, p. 76

There is an apparent tension between children and young people the child protection system of NSW. There is no shortage of evidence that demonstrates the impact of the first years of life on lifelong health and wellbeing outcomes. As the World Health Organization states, the 'many challenges faced by adults, such as mental health issues, obesity, heart disease, criminality, and poor literacy and numeracy, can be traced back to early childhood.'⁷

However, evidence has grown over the past two decades to outline clearly the opportunity adolescence provides to achieve positive outcomes and redirect adverse life trajectories. It is now well established that young people experience a key period of rapid and extensive psychological and biological growth, 'second only to early childhood in the rate and breadth of developmental change'.⁸ Interventions during adolescence can decrease the adverse long-term impacts of, for example, violence and abuse.⁹

This tension is reflected, but not well addressed, in NSW's child protection systems. While NSW has provided important investment in the early years of life, policy and strategy has not kept pace with the evidence base around adolescent intervention. This is also true of the child protection system, as when prioritisation is necessary, very young children are a high priority, where young people are not. Despite clear evidence on the importance of life cycles and the effectiveness of intervention both in early childhood as well as adolescence it is clear from data, as well as reports from those who work on the ground with young people that 'older' young people such as those aged 14-17 are not well supported across the child protection system.

⁷ S Fox, A Southwell, N Stafford, R Goodhue, D Jackson and C Smith, 'Better Systems, Better Chances: A Review of Research and Practice for Prevention and Early Intervention', Australian Research Alliance for Children and Youth (ARACY), Canberra, 2015 p. 21

⁸ *ibid.*

⁹ World Health Organisation, 'Health for the World's Adolescents A second chance in the second decade', 2014, p. 3, accessed via http://apps.who.int/adolescent/second-decade/files/1612_MNCAH_HWA_Executive_Summary.pdf

A review of the reviews: young people at risk in NSW

A lack of appropriate systemic responses for young people in NSW has been raised numerous times in a range of inquiries, reports and studies. These include the 2008 Woods inquiry, a landmark report to the Committee on the Rights of the Child *Listen to Children*, and various reports from the NSW Ombudsman. Despite this, NSW has not yet taken adequate steps to avoid young people falling through the gaps.

Recognised by Woods in 2008 was the importance of intervention by the system for adolescents. The inquiry highlighted that the need to prioritise in the system has the most direct impact for young people, resulting in a service gap.¹⁰

At one forum 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'.¹¹

In the 2011 report to the Committee on the Rights of the Child *Listen to Children*, the authors state that 'The child protection system understandably prioritises young children—infants and babies—as being in most need of protection due to their more vulnerable

¹⁰ J Wood, 'Report of the Special Commission of Inquiry into Child Protection Services in NSW', Vol 1, NSW State Government, Sydney, November 2008, p. 279

¹¹ Forum – Oversight Agencies, Transcript of proceedings, 28 March 2008, page 33, as per NSW Ombudsman, 'Keep Them Safe? A Special Report to Parliament under s31 of the Ombudsman Act 1974', August 2011, p. 15, accessed via https://www.ombo.nsw.gov.au/__data/assets/pdf_file/0014/3344/SR-to-Parliament-keep-them-safe.pdf

circumstances. However this results in a lack of attention being given to older children. There is little consideration given to the needs of children in the middle years (9–14 years) and as a result, some of their developmental needs are remaining unmet.¹²

This issue is mentioned a second time in the report, 'There is a lack of government attention to older children and adolescents. This is most evident in the 'buck-passing' between community services and youth justice authorities when children in need of care come into contact with the criminal justice system, the lack of adequate accommodation options for older children, and the abuse of children even after they have been the subject of care orders...'.¹³

In 2011 the NSW ombudsman insisted on 'urgent debate about how agencies might provide a more effective and coordinated child protection response...[to] high risk older children and adolescents'¹⁴. He highlighted that '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.'¹⁵

The most serious issues related particularly to Aboriginal and Torres Strait Islander young people. This resulted in a recommendation to develop 'a clear policy and practice framework...which articulates a strong commitment to very vulnerable older children and adolescents - particularly where there is evidence of: serious physical or sexual abuse;

¹² Child Rights Taskforce, 'Listen to Children', child Rights NGO Report Australia, May 2011, p.13, accessed via <http://www.ncylc.org.au/images/2011report.pdf>

¹³ *ibid.* p.15

¹⁴ NSW Ombudsman, *op.cit.*, 2011, p. 15

¹⁵ *ibid.*

significant risk of death from abuse, neglect or suicide; or a lack of the basic necessities of life.¹⁶

In 2012, the issue of neglect to older young people was reiterated to FaCS in two confidential reports: *Review of a group of school-aged children from two Western NSW towns: Towards intelligence driven child protection* and *Service provision challenges in responding to very vulnerable older children and young people*.

In 2013 the Child Death Review was a reminder from FaCS of its commitment to young people and highlighted that 'Providing effective services and supports to adolescents has continued to be a challenge within our existing service system. There is a need to develop an evidence and skill base for working with this important group of vulnerable young people and their families.'¹⁷

In 2014 the NSW Ombudsman reported back on FaCS progress for older young people, stating 'despite in-principle cross government support for a senior group to be established to develop and implement a coordinated strategy for vulnerable young people – and a range of other recent initiatives developed by FaCS and other agencies aimed at better responding to the needs of this cohort – there is still no overarching framework to guide the delivery...'¹⁸

In response the NSW government have, over time, established:

¹⁶ *ibid.*

¹⁷ NSW Department of Family and Community Services, 'Child Deaths 2013 Annual Report: Learning to improve services', n.d., p. 22

¹⁸ NSW Ombudsman, 'Review of the NSW Child Protection System: Are things improving?', A Special Report to Parliament under s.31 of the Ombudsman Act 1974, April 2014, p. 5, accessed via https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0004/15691/Review-of-the-NSW-child-protection-system-Are-things-improving-SRP-April-2014.pdf

- The 'Vulnerable Teenagers Review' – now known as Better Lives for Vulnerable Teenagers
- A state-wide Adolescents with Complex Needs Panel;
- Child Protection Adolescent Response Teams (work intensively with young people aged 12 to 17 to maximise the likelihood of them remaining with their families, by providing child protection case management and specialised advice);
- Youth Hope (a voluntary service which targets 9 to 15 year olds who have been assessed as being at risk of significant harm or vulnerable to being reported as risk of significant harm;
- Youth on Track, an early intervention scheme which targets young people who are at risk of long term involvement in criminal behaviour;
- Connected Communities, a strategy which positions schools as community hubs for Aboriginal young people, which will deliver a range of services from birth, through school, to further training and employment in a number of complex communities;
- Reviews of the Young Offenders Act 1997 and the Children (Criminal Proceedings) Act 1987; and,
- A review by the Department of the Attorney General & Justice into diverting Aboriginal young people from the criminal justice system.

Despite these moves, the NSW Ombudsman concluded that 'In the absence of an overarching framework, the system will continue to be characterised by piecemeal service responses that result in young people continuing to get lost in the system.'¹⁹

¹⁹ *ibid.*, p. 6

In 2016 we still see significant initiatives neglecting young people. For example, in the Brighter Futures Service Provision Guidelines,²⁰ mechanisms to prioritise children are include 'After prioritisation of FaCS ROSH referrals, priority of access is given to families with children under three years of age. This is based on current research evidence that highlights that the first three years of life is a period of crucial brain development, which lays the foundation for later cognitive and emotional development.'

When referrals to the service are unable to be allocated, after 28 days they are closed (end dated) and removed from the agencies Brighter Futures eligibility list.

Recommendation 1: That the NSW government develop a whole of government clear policy and practice framework and strategy that articulates a strong commitment to young people at risk specifically, with measures to track progress and provide accountability.

What does the data say?

Child and youth concern reports, and ROSH reports

- Rates of reports of concern and ROSH appear to be more or less equal across all ages, with those aged 14 – 17 making up 19% of concern reports and 11% of ROSH reports.²¹

²⁰ NSW Department of Family and Community Services, 'Brighter Futures Service Provision Guidelines', May 2015, accessed via http://www.community.nsw.gov.au/_data/assets/pdf_file/0017/321038/brighter_futures_service_provision_guidelines_final_may-2015.pdf

²¹ NSW Department of Family and Community Services, 'Community Services Annual Statistical Report 2012-13', n.d., pp. 111-112, accessed via http://www.community.nsw.gov.au/_data/assets/pdf_file/0012/322005/annual_statistical_report_2012-13.pdf

Child protection services

- Across NSW in 2014-15, those aged 15-17 were least likely to be receiving child protection services (CPS), equalling 26 per 1,000 children. Children aged 5-9 were most likely to be receiving CPS at 36.5 per 1,000 children.²²
- In NSW, out of a total 59,092 children receiving child protection services, only 7,142 were 15-17, a significant drop from 10-14 year olds at 16,003.²³
- Nationally, Indigenous children were 7 times as likely as non-Indigenous children to have received child protection services, yet 15-17-year-old Indigenous young people were less likely to be receiving child protection services than their non-Indigenous counterparts, at approximately 10% compared to approximately 13% respectively.²⁴

Intensive family support services – age of commencement²⁵

0-4	5,173
5-9	2,839
10-17	1,581
Unknown	9
Total	9,602

Source: SCRGSP (2016) Table 15A.32²⁶

This data highlights that young people aged 10-17 out of 9,602 clients commencing intensive family support services, only 16% (1,581) were aged 10-17.

²² Australian Institute of Health and Welfare, 'Child Protection Australia 2014-15', *Child Welfare Series Number 63*, AIHW, Canberra, 2016, p. 15

²³ *ibid.*, p. 71

²⁴ *ibid.*, pp. 15-16

²⁵

²⁶ Steering Committee for the Review of Government Service Provision, 'Report on government services 2015', Chapter 15, Productivity Commission, Canberra, 2016, p. 1 of TABLE 15A.32 accessed via <http://www.pc.gov.au/research/ongoing/report-on-government-services/2016/community-services/child-protection/rogs-2016-volume-f-chapter15.pdf>

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Substantiations:

Table A15: Children who were the subjects of substantiations, by age group, 2010–11 to 2014–15²⁷

AGE GROUP (YEARS)	2010–11	2011–12	2012–13	2013–14	2014–15
<1	3,562	3,862	4,356	4,488	4,391
1–4	8,054	9,908	10,368	10,268	10,596
5–9	8,338	10,380	11,192	11,665	12,225
10–14	8,130	9,381	10,205	10,039	10,667
15–17	2,536	2,771	2,997	3,065	3,176
0–17	31,527	37,781	40,571	40,844	42,457

- Nationally, infants (children aged under 1) were most likely (14.7 per 1,000 children) to be the subjects of substantiations, and those aged 15–17 were least likely (3.7 per 1,000 children).²⁸
- In NSW, 4.5 per 1,000 children 15–17 were the subjects of substantiations, with all other age brackets over 8 per 1,000 children.²⁹

Care and Protection Orders:

- Young people aged 15–17 constitute just 5.6% of children admitted to care and protection orders, 182 out of 3,229 cases.³⁰
- Across Australia, 95% of children on orders who were living independently were aged 15–17, and 95% of children on orders who were aged under 5 were living in family care or home-based care;³¹

²⁷ *ibid.*, p. 83

²⁸ *ibid.*, p. 24

²⁹ *ibid.*, p. 25

³⁰ *ibid.*, p. 88

³¹ *ibid.*, p. 42

- Young people aged 15-17 are overrepresented in residential care (46.2%), independent living (95.4%) and other (34.8%), compared to family care (11.6%), home based out of home care (11.6%) and family group homes (15%).³²

Out-of-home Care

- As at 30 June 2015, there were 2,582 young people aged 15 – 17 in out-of-home care, 15% of the total population, compared with 5,405 (32%) for 10-14 year olds, 5,375 (31%) of 5 – 9 year olds and 3,481 (21%) of <1 – 4 year olds (Table A34).³³
- Young people aged 15–17 represented 9% (990) of all children admitted to out-of-home care in 2014–15;³⁴
- Nationally, 29% of those discharged were aged 15–17 compared with 9% admitted to out-of-home care. This reflects children being admitted to out-of-home care at a younger age and remaining there for longer.³⁵

Table A34: Children in out-of-home care, by age group, states and territories, 30 June 2015³⁶

AGE GROUP (YEARS)	NSW
<1	477
1-4	3,004
5-9	5,375

³² *ibid.*, p. 91

³³ 15 – 17 year olds represent 16% of NSW population; 10 – 14 year olds represent 27% of population; 5 – 9 year olds represent 28% of population; 0 – 4 year olds represent 29% of population.

³⁴ Australian Institute of Health and Welfare, *op. cit.*, 2016, pp. 99-100

³⁵ *ibid.*

³⁶ *ibid.*, p. 102

10-14	5,405
15-17	2,582
UNKNOWN	0
TOTAL	16,843

Data gaps

Up-to-date data does not seem to be publically available regarding:

- Notifications by age breakdown;
- Face-to-face assessments by age breakdown;
- Cases closed due to competing priority (of which there were 40,555 in 2012/2013)³⁷ by age breakdown.

Investigation by the NSW Ombudsman in 2014 reported that 'ROSH report data indicated a higher level of priority was being accorded to young children requiring immediate intervention. By contrast, a higher proportion of reports about adolescents were often receiving no response'. Furthermore, the Ombudsman highlighted that 'On average, 31% of children under 12 received a face-to-face assessment, compared with only 22% of adolescents in 2012-2013.'³⁸

Overall, data demonstrates a significantly lower proportion of responses in the system for young people. While a statutory response and/or removal from the family environment

³⁷ NSW Department of Family and Community Services, 'Community Services Annual Statistical Report 2012-13', n.d., pp. 111, accessed via http://www.community.nsw.gov.au/_data/assets/pdf_file/0012/322005/annual_statistical_report_2012-13.pdf

³⁸ NSW Ombudsman, 'Review of the NSW Child Protection System: Are things Improving?', 2014, pp. 2 – 5, accessed via https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0004/15691/Review-of-the-NSW-child-protection-system-Are-things-improving-SRP-April-2014.pdf

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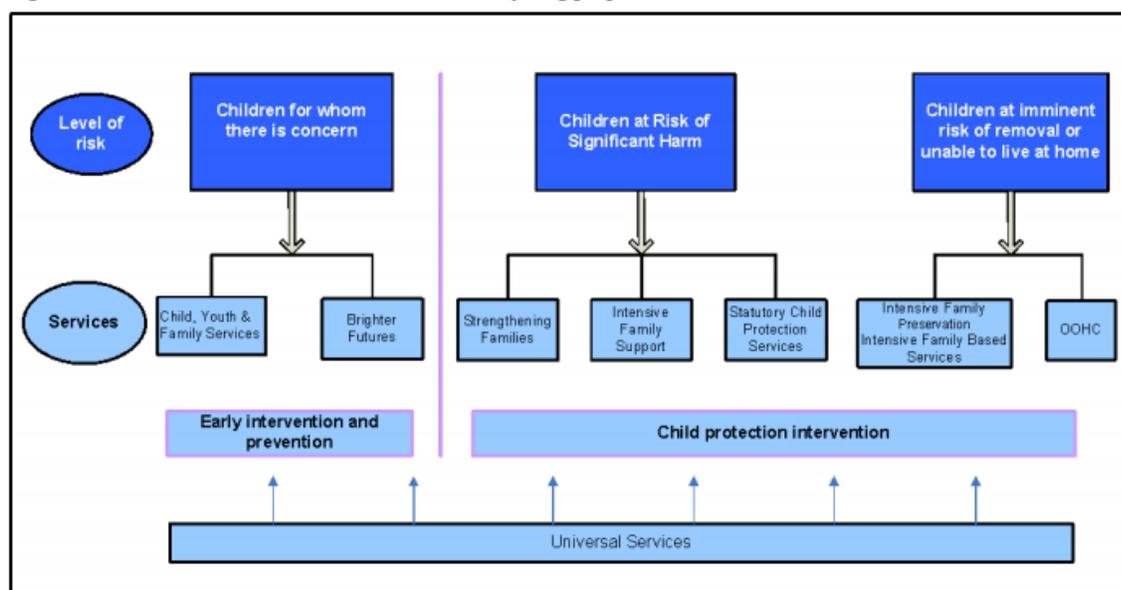
may not always be the best outcome for young people due to the lack of better options for placement, it is crucial that they receive a response and support in order to assist them to be safe, or to prevent escalation of need to a crisis situation. As it stands, data suggests that young people receive less intervention support across the spectrum, and at times receive no response.

Recommendation 2: That the inquiry include in its report data from the Department of Family and Community Services in order to provide clear accountability of current service levels to young people at risk.

Protecting Young People in NSW: Where are we now?

As shown below, a continuum of services is designed to be in place to provide support for children and young people in NSW. For the purposes of this submission the three levels outlined below - Risk of Significant Harm, at Risk of Significant Harm and Out-of-Home Care - are explored.

Figure 1.1 Continuum of services for children and young people at risk



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Source: Community Services Annual Statistical Report 2012 -13³⁹

Youth services and the child protection system

FaCS provides funding to the non-government (NGO) sector to identify and intervene early, broadly identified as Targeted Earlier Intervention Programs, but also known as Early Intervention and Placement Prevention (EIPP).⁴⁰

Youth services in NSW work as specialists within the context of young people to support their healthy development. With a spectrum of services ranging from universal protective programs through to acute crisis interventions, their role is to form relationships and provide service to enhance the protective assets in young people's lives, and support them intensively in times of need.

In this way, youth services sit alongside young people at the intersection of the many factors that affect their lives - families, friends, education, employment, health, mental health, self-identity, substance use, housing, and many more.

Youth services are essential services who engage young people experiencing disadvantaged. They act as doorways to the support system, for young people at risk, specifically targeting those from high risk backgrounds. Research has detailed how the characteristics of those coming into contact with the child protection system are often common-place. This includes 'families with a history of domestic violence, alcohol and

³⁹ NSW Department of Family and Community Services, 'Community Services Annual Statistical Report 2012-13', n.d., p. 21, accessed via http://www.community.nsw.gov.au/_data/assets/pdf_file/0012/322005/annual_statistical_report_2012-13.pdf,

⁴⁰ See for example, 'Early Intervention & Placement Prevention' via <http://www.community.nsw.gov.au/for-agencies-that-work-with-us/early-intervention-services/early-intervention-and-placement-prevention>; or 'Targeted Earlier Intervention Program Reform' <http://www.facs.nsw.gov.au/reforms/children,-young-people-and-families/targeted-earlier-intervention-reform>

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substance abuse, psychiatric disability, and families with low incomes and who are reliant on pensions and benefits are over-represented in the families that come into contact with the child protection system'.⁴¹

As services that work to the principles of early intervention, youth services interact consistently with the Child Protection system. They often see young people before they enter the system, they work alongside the system at the most intensive times, and support young people as they leave or reduce contact. When survey respondents outlined their role in relation to the child protection system, common themes included 'reducing risk factors', 'minimising harm' and 'keeping young people out of the child protection system'. Many highlighted their work with young people who were known to FaCS, and who had not received the statutory response required, as well as those who were currently, or were no longer, under the care of the Minister.

As one survey respondent said:

'While we're not a direct part (of the system), given that there are very few options for young people over 12 in terms of a FaCS statutory response, rather than FACs being involved in intervention, it falls back to youth service system. This isn't a problem, but if it were children Child and Family services make a report, whereas with adolescents, FaCS less likely to intervene, so Youth services support as no one else will. This is not a criticism - don't want to remove young people to worse situations, but this area of work is unrecognised or it is 'classified' as an early intervention, when we are supporting a young person to move to independent living, for an example.'

⁴¹ Steering Committee for the Review of Government Service Provision, 'Report on government services 2015', Chapter 15, Productivity Commission, Canberra, 2016, p. 15.2, accessed via <http://www.pc.gov.au/research/ongoing/report-on-government-services/2016/community-services/child-protection/rogs-2016-volume-f-chapter15.pdf>

Many early intervention services that responded to consultations felt that they were a critical part of the Child Protection system, but also felt that they worked more intensively than contracted with high needs young people who were not receiving an adequate statutory response, rather than providing the early intervention work. When asked, 85% of early intervention services, 49% of intensive youth services, and 78% of Specialist homelessness services responded that they work more intensively than contracted. Core drivers for the increased intensity of work with young people included:

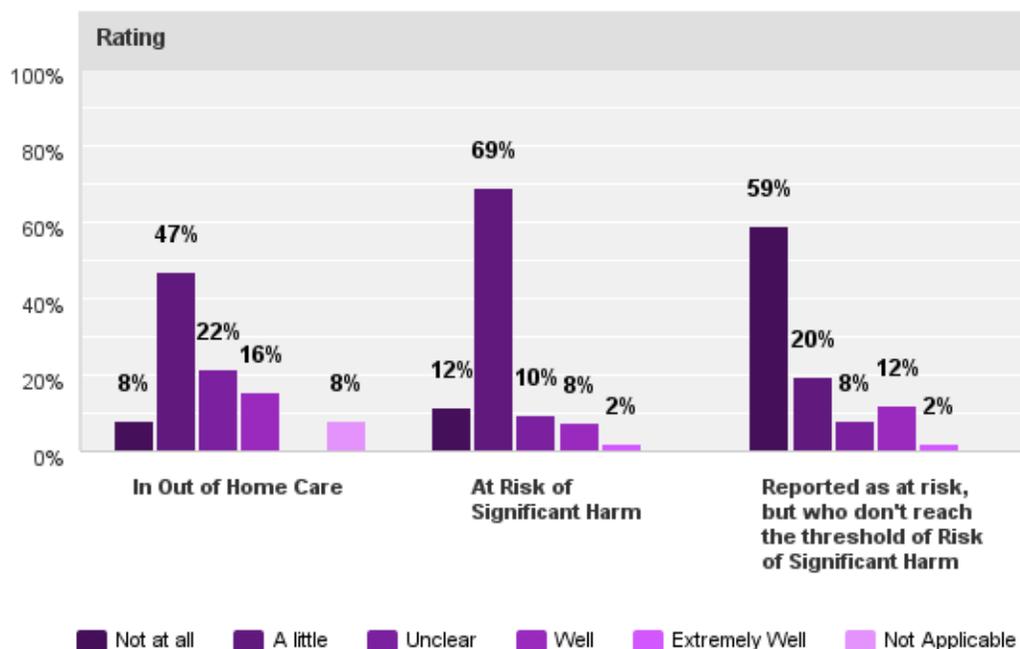
- The nature of relationship-based work, which often includes further disclosure / discovery of complexity over time;
- Limited referral options, including where intensive support services are at capacity and unable to take on more young people, so a service continues to support young people rather than offer them no support;
- Receiving referrals for complex clients, rather than early intervention clients;
- Young people not receiving support from FaCS, or are removed from risky environments, but with significant entrenched issues, so the youth service system steps in.

Service perspective: support for young people 14 – 17

Youth Action surveyed a select number of members about their experiences in relation to the continuum: young people below ROSH, young people at ROSH and those in care. Specifically, services were asked 'Based on your experience, how well does the system in NSW support young people aged 14 - 17 who are in Out-of-home care; At Risk of Harm; and reported as at risk, but who don't reach the threshold of Risk of Significant Harm'.

Q5 Based on your experience, how well does the system in NSW support young people aged 14 - 17 who are:

Answered: 52 Skipped: 15



Most respondents nominated that the system supported young people in OOHc and those at risk of significant harm only 'a little bit', nominated by 47% and 69% respectively. For those who are at risk, but fall below the ROSH threshold, 59% of respondents said that the

system doesn't support them 'at all'.

Respondents were asked to provide detail regarding what was working well, and what wasn't working well for each area. Overall, responses highlighted the lack of an appropriate statutory response, and resulting impact on both young people, the youth sector and consequently the breakdown of the service continuum, with young people falling in-between the gaps.

Out-of-home Care

When asked 'how well does the system in NSW support young people aged 14 - 17 who are in OOHC?', 47% of respondents responded 'a little', with only 16% responding 'well'. 8% of respondents said 'not at all', while not a single respondent nominated the system was supporting young people 'extremely well'.

When asked 'what is working', participants highlighted that once in OOHC responses to risk were better, and highlighted both case management, intensive support services as working. Some highlighted a slight improvement in transitions for this cohort.

However, most survey respondents chose to respond to 'what is not working well'. The most forthright theme was a lack of appropriate placement options for this age group. Respondents highlighted both the lack of foster care options and the inability of residential care to provide family based care. Similarly, others stated that residential care for many young people is completely inappropriate (those aged 10 and 12, for example).

- *'Residential care models are not providing adequate supervision and support through evidence-based therapeutic models. Lack of NGO sector development to ensure adequate skills and expertise to support children in OOHC. Inadequate recruitment of carers willing and able to provide placements and support to adolescents in a family-based setting.'*

- *'The total lack of quality family based care settings which can also meaningfully respond to trauma.'*

Another common issue related to young people who self-placed, in reference to young people who determine their own placement, which at times is a return to family or seeking out other options that the one determined by FaCS, for example. Respondents were concerned with the consequential lack of ongoing support from FaCS or resulting in young people entering homelessness and refuges.

- *'Self-placements are not properly investigated. Inappropriate self-placements are still supported.'*
- *'In my experience, 14-17 year olds who have been kicked out of home or parents have relinquished care, they are moved from refuge to refuge until they disappear off the system.'*

Other respondents highlighted experience of young people as a low priority "Notifying at risk teenagers and being confident there will be a response [is not working]. There is a belief among workers that teenagers are not responded to so it feels pointless doing the notifications when required.'

Recommendation 3: As part of the aforementioned overarching strategy regarding young people at risk in NSW, progress establishment of a range of family-based foster options for young people 14 – 17, including investigating professional foster carers.

Recommendation 4: Increase level of funding to both the Department of Family and Community Services and the non-government sector to work with young people who require crisis and intensive support.

Recommendations 5: Review and strengthen practices regarding young people who self-

place, including ensuring young people have relationships with non-government support services.

Recommendation 6: That the Department of Family and Community Services immediately commence research and report on how young people 14 - 17 receive or do not receive support across the service spectrum, with a focus on improving access to support.

At Risk of Significant Harm

When asked 'how well does the system in NSW support young people aged 14 - 17 who are at Risk of Significant Harm?' the majority (69%) responded 'a little' with a further 12% saying 'not at all'. 10% were unclear and only 8% could say the young people at ROSH were 'well' supported.

When asked what was working well, some respondents pointed to 'when FaCS does step in':

- *'If the threshold is high enough, some FaCS involvement may ensue.'*
- *'If the young person is allocated a well-qualified and knowledgeable caseworker - then the system tends to work well. However - this is rarely the case. In reality - young people rarely have a stable caseworker due to staff turnover issues.'*
- *'Once the situation meets the threshold the support in place is really good (workers, services).'*

Others highlighted the importance of NGO services to young people, as well as the Youth Hope program (pending evaluation, and only available to ages 9 - 15):

- *'Enough NGO services around to support young people at risk, services working in partnerships'*

Several responses also favourably mentioned the Child Protection Adolescent Teams.

However, the majority of participants responded to the questions 'what is not working?', with the most common theme highlighting the lack of resources and priority afforded to this age group. One respondent noted 'Services have been informed by FaCS during a community presentation that the responsibility to respond to ROSH young people will lie with the community sector because FaCS do not have the capacity to do so'.

- *'we see very little involvement from FaCS for this age group. Many young people in this group self-place and find ... alternatives for themselves such as staying with friends or refuge-hopping.'*
- *'Kids have been told they have to just run away or go home'*
- *'Lack of resources for this age group. This is the most difficult age-group to place in out of home care. Often disengaged and presenting with a number of mental health and/or behavioural issues. Lack of coordinated approach to care and communicating adequately to all stakeholders including schools.'*
- *'Youth are not prioritized due to their age, in spite of sometimes quite significant negative circumstances.'*
- *'Do not get a service as competing priorities'*
- *'Our clients are often regarded as low risk given their age.'*
- *'Follow up from reports. EG YP aged 16 with suicide ideation, depression, abandoned by custodial parent, reported but not seen by staff because it was near Christmas and they were on holidays. I called FaCS 4 times over 6 week period but still he was not seen.'*
- *'I have made many reports of ROSH in my time as a case worker for YP between 14-17'*

and have never had a call back for support of the YP. I would receive an email with the ref # and no further engagement of how to continue support of the YP.'

- *'The number of RoSH reports required for FaCS to pick up the case is excessive.'*

Recommendation 7: That every child or young person in NSW who is at Risk of Significant Harm is provided with a response from the NSW system. Young people aged 14 – 17 at risk should be connected with the appropriate level of support from a youth support service.

Below Risk of Significant Harm

When asked 'how well does the system in NSW support young people aged 14 - 17 who are reported as at risk, but who do not reach the threshold of Risk of Significant Harm?', 59% reported 'not at all', with a further 20% indicating 'a little'. A further 12% thought the system was supporting these young people well, with only 2% indicating it was working 'extremely well'. Of respondents, 8% were unclear.

When asked 'what is working well', respondents indicated an appreciation of the ability to make reports in order to build a case for support over time, and again, the work of NGO's in supporting young people especially when notified by FaCS, although this seemed more of an 'if' than a certainty:

- *'Pathways that have been created through FaCS to better communicate about young people and families that haven't been allocated.'*
- *'Services like ours continue to support the client - but often independently'*
- *'NGOs are able to assist and support those that don't reach the threshold, if they are notified and connected with the young people'*

When asked 'what is not working', respondents primarily highlighted that young people

do not get the support they need. Respondents pointed to issues of 'overloaded support services', lack of resources in early intervention and prevention and largely just a complete absence of follow up.

- *'There is no intervention or support from FaCS around young people 14-17 who are at risk but do not meet the threshold. This is reportedly due to other more significant cases being given priority. We have to wait until things deteriorate before any action is seen rather than intervene early'*
- *'These young people suffer secondary neglect by FaCS'*
- *'These children are not prioritised and over time the cumulative risk increases'*
- *'There is often no follow up'*
- *'Little to nothing, to my knowledge, is done for youth in this category.'*
- *'Do not get a service at all then'*
- *'Overloaded support services often will not accept referrals for youth not at serious risk due to their selection criteria'*
- *'There is not enough resources at the prevention end of the system.'*

Recommendation 8: Increase the level of connectedness between the non-government service system and the Department of Family and Community Services via requiring attendance at protection networks events from a range of agencies and organisations including, for example, Family Referral Services, Education, youth services etc.

Aboriginal and Torres Strait Islander Young People

Aboriginal and Torres Strait Islander children and young people are vastly over-represented in the child protection system and in NSW are , the rate of Aboriginal and Torres Strait Islander children and young people in out-of-home care was 9.5 times the rate for non-Indigenous children and young people.⁴² Multiple inquiries have reinforced the consistent and enduring issues of the child protection system in relation to Aboriginal and Torres Strait Islander young people. Governments, including the NSW government, must be accountable in responding to previous inquiries and recommendations, in particular the 54 recommendations outlined in the Human Rights and Equal Opportunity Commission's *Bringing Them Home* report, many of which remain unrealised almost 20 years later.

Tabled in parliament in 1997, *Bringing Them Home* put forward 54 recommendations directed at healing and reconciliation, as well as addressing the policies and practices around contemporary removals Aboriginal and Torres Strait Islander children and young people from their families. The principle asserted self-determination for Indigenous peoples is the key to reversing the over-representation of Indigenous children in the child welfare system and to eliminating unjustified removals of Indigenous children from their families.⁴³

Despite the consistent efforts of Indigenous communities to challenge the system and retain their children, the number of Aboriginal and Torres Strait Islander children and young people in OOHC has increased since *Bringing Them Home*, making up 35% of the care population (previously 20% at time of BTH), despite representing only 5.5% of all children in

⁴² Australian Institute of Health and Welfare, 'Child protection Australia 2014–15', Child welfare series no. 63. Cat. no. CWS 57., AIHW, Canberra, 2016, p. 54

⁴³ Human Rights and Equal Opportunity Commission, *Bringing them home*, Commonwealth of Australia, Canberra, 1997.

Australia.⁴⁴ NSW in particular has the highest rate of removals in Australia, with approximately 1 in 10 Aboriginal and Torres Strait Islander children and young people in OOHC.⁴⁵ While FaCS has made efforts to address this, such as developing the *Aboriginal Cultural Inclusion Framework 2015-2018*, aiming to embed Aboriginal cultural inclusion, accountability and monitoring processes into the work of FACS,⁴⁶ this has not been enough to reduce the disproportionate rate of removals.

The facts of contemporary separation highlight a need for fundamental change in child protection legislation, policy and practice, starting with the implementation of the *Bringing Them Home* recommendations. The findings of *Bringing Them Home* have implications for governments of all levels, with many recommendations also being relevant in a NSW context. In particular, those addressing structural disadvantage and implementing self-determination in child protection decisions must be addressed. *Bringing Them Home* highlights structural inequalities requiring focus including intergenerational effects of separations from family and culture, poor socio-economic status, limited access to supports and services, and systemic racism in broader society as factors that underlie contemporary removals of Aboriginal and Torres Strait Islander children and young people that need to be addressed at a government level.⁴⁷

A number of recommendations in *Bringing Them Home* refer to the need to establish genuine Indigenous self-determination and decision-making in relation to child protection. Grandmothers Against Removals NSW echo this sentiment, calling for Indigenous control over child protection decisions, and highlighting the enduring relevance of these

⁴⁴ Australian Child Rights Taskforce, 'Australian child rights progress report', ACRT, May 2016, p. 14.

⁴⁵ Grandmothers Against Removals, 'Guiding principles for strengthening the participation of local Aboriginal community in child protection decision making', GMAR, 2015.

⁴⁶ Department of Family and Community Services, 'Aboriginal Inclusion Framework 2015-2018', NSW Government, 2014.

⁴⁷ Human Rights and Equal Opportunity Commission, 'Bringing them home', Commonwealth of Australia, Canberra, 1997.

recommendations today in NSW.⁴⁸ Recommendation 43 of *Bringing Them Home* establishes the need to develop legislation around the implementation of self-determination, allowing Indigenous communities and representative organisations to formulate and negotiate measures best suited to the needs of children and young people in their communities, including adequate funding and resources to enable support for Aboriginal and Torres Strait Islander families.⁴⁹ This also includes measures to transfer the legal jurisdiction in relation to children's welfare, care and protection to Indigenous organisations.⁵⁰ Other recommendations (46-51) address the need for Indigenous decision making to extend to child placement in the cases that do require child removal, including in determining best interest of the child.⁵¹

Recommendation 9: That the inquiry take into consideration the numerous reviews and inquiries in Australia and NSW of relevance, and report on progress made by NSW against the various recommendations, particularly those for Aboriginal and Torres Strait Islander children, young people and families.

In highlighting the continued relevance of inquiries past, particularly in relation to Aboriginal and Torres Strait Islander young people, Youth Action supports the submission provided to this inquiry by Aboriginal Child, Family and Community Care State Secretariat (NSW).

Youth Action also consulted with youth support services in relation to the availability of support options for Aboriginal and Torres Strait Islander young people in NSW. When asked

⁴⁸ Grandmothers against Removals, 'Guiding principles for strengthening the participation of local Aboriginal community in child protection decision making', GMAR, 2015.

⁴⁹ Human Rights and Equal Opportunity commission, 'Bringing them home', Commonwealth of Australia, Canberra, 1997, p. 509.

⁵⁰ Human Rights and Equal Opportunity commission, 'Bringing them home', Commonwealth of Australia, Canberra, 1997, p. 509.

⁵¹ Human Rights and Equal Opportunity commission, 'Bringing them home', Commonwealth of Australia, Canberra, 1997, p. 514.

'In your experience, are there sufficient support options for at-risk Aboriginal and Torres Strait Islander young people?', 65% of respondents said 'No'. Respondents outlined transport was a large barrier to young people being able to access what services there were, as well as a lack of cultural competency in non-indigenous for some organisations, a lack of Indigenous foster carers, and a lack of aboriginal controlled organisations in others. Many highlighted the good work of a number of programs operating across NSW. Where there were gaps, respondents said:

- *'Sufficient quantity of supports but lacking cultural competence. Severe shortage of Aboriginal controlled services.'*
- *'Some areas are have far more support options than the Nepean region so young people are often required to travel to Blacktown/ Mount Druitt for assistance, which isn't always plausible.'*
- *'The Hawkesbury area is lacking any youth-focused mental health services. Children must access Penrith which can be difficult via public transport. More community programs are needed for Aboriginal and Torres Strait Islander youth to interact with Elders in appropriate preventative programs e.g. in talking circles.'*
- *'Our organisation provides free counselling and free medical clinics for Aboriginal and Torres Strait Islander young people. We have Aboriginal Health education workers who work primarily with the Indigenous populations in our area. Even though the service is there for them - it is not always easy for young people to easily access the service unless they have a support person - or are willing to have us provide transport.'*
- *'Need more workers of Aboriginal and TSI background, more culturally appropriate training. I worked in partnership with an Aboriginal worker to better support and young women and her family. The young person and family accepted my mandatory*

involvement because the worker was able to break down some barriers.'

- *'Services rely on other services who have indigenous workers, and the services themselves are located in area that are difficult to get to without private transport.'*
- *'No services in my area that are specific to this need.'*

State of Prevention and Early Intervention

Prevention and early intervention are key pillars of the child protection system. It is well documented that prevention and early intervention are both more effective in achieving positive outcomes and a stronger investment. As put by Allen and Smith, 'The two public policy strengths of Early Intervention are firstly that it is less expensive and second it is more effective than late intervention. It is no longer viable to take ever increasing amounts of taxation from the public to deal with the ever increasing impact of failing to intervene early.'⁵²

Prevention and early intervention are recognized in the *National Framework for Protecting Australia's Children*, and is the become the focus of the current *Third Three-year Action Plan*, which requires '.... a much greater focus on prevention and early intervention activities – not only in the early years but at critical points in people's lives.'⁵³

⁵² G Allen & Smith ID, 'Early intervention: Good parents, great kids, better citizen', Centre for Social Justice and the Smith Institute, 2008, p.113

⁵³ Commonwealth of Australia, 'National Framework for Protecting Australia's Children – Third Three-Year Action Plan 2015–2018', Department of Social Services, Canberra, 2015, p.7, accessed via https://www.dss.gov.au/sites/default/files/documents/12_2015/pdf_third_action_plan_for_protecting_australias_children.pdf

There are positive indications that NSW has embraced prevention and early intervention, however in NSW, as is a common experience, rhetoric has not yet shifted to practice. As highlighted by ARACY, 'fundamental change is unlikely to occur without a commitment to reprioritizing funding'.⁵⁴

A review of expenditure over time underlines the absence of fundamental funding shifts.

NSW total real expenditure on Child Protection services:

Year	Child Protection Services	Out-of-home Care	Intensive Family Support Services	Family Support Services
2008-09	\$292,288	\$620,033	\$155,262	n.a.
2009-10	\$391,780	\$701,114	\$155,075	n.a.
2010-11	\$373,700	\$728,992	\$170,360	n.a.
2011-12	\$316,852	\$763,569	\$234,686	\$145,990
2012-13	\$366,613	\$773,033	\$149,533	\$124,070
2013-14	\$393,744	\$798,785	\$150,116	\$113,959
2014-15	\$393,744	\$798,785	\$150,116	\$113,959

Source: SCRGSP (2016) Table 15A.1⁵⁵

In the most recent budget announcement for 2016-2017 there didn't see any significant shift in funding to early intervention, rather a reduction, but furthermore there was a significant increase in other areas:

NSW Budget Estimates and Expenditure:

Year	Earlier Intervention for	Statutory Child	Out-of-Home Care for
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⁵⁴ S Fox, A Southwell, N Stafford, R Goodhue, D Jackson and C Smith, 'Better Systems, Better Chances: A Review of Research and Practice for Prevention and Early Intervention', Australian Research Alliance for Children and Youth (ARACY), Canberra, 2015, p. 54

⁵⁵ Steering Committee for the Review of Government Service Provision, 'Report on government services 2015', Chapter 15, Productivity Commission, Canberra, 2016, accessed via <http://www.pc.gov.au/research/ongoing/report-on-government-services/2016/community-services/child-protection/rogs-2016-volume-f-chapter15.pdf>

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	Vulnerable People and Support for Communities \$m	Protection \$m	Vulnerable Children and Young People \$m
2015-16	\$325.9	\$472	\$1014.4
2016-17 (estimate)	\$319	\$492.8	\$1079.2

Source: NSW Budget Estimates 2015-16⁵⁶

It is unclear what portion of early intervention funding is attributed to young people and youth services.

As highlighted by ARACY, 'expenditure on late intervention and crisis response is becoming unsustainable – rising demand and increasing complexity is creating significant long-term challenges for government budgets.'⁵⁷

The complexity and the reality of funding implications is becoming apparent on the ground. One of the goals of early intervention is to prevent the escalation of serious issues that may require a more intensive and costly response. However, many services in NSW report being referred clients and families who present with issues that have progressed beyond the level of 'early intervention', including many with significant and entrenched complex issues, or whom would be classified as at Risk of Significant Harm (ROSH). Under their guidelines, most Early Intervention and Prevent Program services are ineligible to access or refer clients to the more intensive Family Support and Family Preservation services, and are left holding far more risk and complexity. These young people and families are outside the

⁵⁶ NSW Treasury, 2016, 'Budget Estimates 2015-16', Budget Paper No. 3, 2016, at 3 – 1, accessed via http://www.treasury.nsw.gov.au/_data/assets/pdf_file/0019/128125/Budget_Paper_3_-_Budget_Estimates.pdf,

⁵⁷ S Fox, A Southwell, N Stafford, R Goodhue, D Jackson and C Smith, 'Better Systems, Better Chances: A Review of Research and Practice for Prevention and Early Intervention', Australian Research Alliance for Children and Youth (ARACY), Canberra, 2015, p. 2

originally intended scope of the program, and therefore services at this level are not funded (and therefore lack the skills and resources) to create positive change for clients of this complexity.

Supporting such complex clients prevents services from providing adequate assistance to those with a moderate level of need and developing issues, who legitimately require early intervention. In this way, the continuum breaks down, with services unable to effectively intervene early, nor provide large-scale assistance for high-needs clients.

Only with an operational continuum, from prevention through early intervention and into intensive support, will investment in services reap long-term benefits. We support the approach of proportionate universalism, where every young person in NSW is extended preventative services, with other services supporting them relative to their need. Working closely with schools offers one of the best chances to strengthen young people through effective prevention work, and lends itself towards targeting interventions towards young people in entrenched or developing need.

While it is very clear that the tertiary intervention to protect children and young people from harm is not adequately resourced, and nor does this give basis for a reduction or removal of funding from young people in crisis. It must, however, be recognized that there is a very real risk of continual growth of young people in crisis as support to prevent or mitigate crisis is neglected, whereby the rhetoric fails to shift to real dollar commitment.

Recommendation 10: A targeted plan to increase expenditure to prevention and intervention over a 5-year period, including programs for prevention and early intervention for young people aged 12 – 25 in NSW.

Conclusion

It is apparent from this review of literature, of inquiries and reports past and present, of data and in consultation to services that support for young people in NSW needs much strengthening. This isn't an easy or a simple task, but it must be part of a NSW response to at risk children and young people.

It is very clear that the lack of an overarching strategy has resulted in some very stark service gaps for young people, that funding to both the Department of Family and Community Services and to the sector that works with young people is insufficient and that while funding needs to be increased across the spectrum a greater proportion must start to flow to early intervention initiatives, rather than constantly being stuck in responding to people in crisis.

There are a great number of individuals and organisations both within and outside of government who have and continue to contribute with great dedication to improving outcomes for young people at risk. What is apparent is that NSW has not yet reached a balance in ensuring that young people, and particularly young people aged 14 – 17, are receiving the appropriate intervention and support when it is required. NSW needs to ensure that there is progressive realisation towards achieving better outcomes for these young people, and to date that has not been the case.

Youth Action supports the inquiry, in its report, to reflect the repair needed in the system and bring back a balanced and metered approach to the needs of *all* of those in need of protection and support, as required of the child protection system.