

## Committee on Children and Young People: Support for children of imprisoned parents in New South Wales

The NSW Government thanks the Committee on Children and Young People for its inquiry and report into *Support for children of imprisoned parents in New South Wales*, and acknowledges the contribution by individuals and organisations that participated in the inquiry. The NSW Government recognises the traumatic effects of separation of families due to parental incarceration, and the possible negative flow-on impacts on children of imprisoned parents. Of the Committee's 40 recommendations, the Government supports or supports in principle 21 recommendations, has agreed to consider five recommendations and notes 13 recommendations. One recommendation is not supported.

Many children of imprisoned parents currently come into contact with the NSW Government through the child protection and out-of-home care (**OOHC**) systems, and are provided supports and services in the course of casework provided by the Department of Communities and Justice (**DCJ**). The creation of DCJ, which combines traditional justice agencies with the child protection and care systems, provides an opportunity for staff across DCJ to work more collaboratively to support shared clients to improve their individual circumstances and life trajectory. To address the Committee's findings in relation to service delivery gaps, the NSW Government will consider options for ensuring appropriate monitoring and advocacy for children of imprisoned parents, including by reference to existing roles and functions. For children in contact with the criminal justice system themselves, this will include consideration of any recommendations made following the ongoing whole-of-government review of youth crime and anti-social behaviour, co-chaired by the Department of Premier and Cabinet (**DPC**) and the NSW Police Force (**NSWPF**), which has identified that a high proportion of young people in contact with the justice system have a parent who has been in custody, and assessed the availability of relevant supports.

Data presented to the inquiry suggests that Aboriginal people are overrepresented as both imprisoned parents and their children. The NSW Government has committed to the National Agreement on Closing the Gap (**National Agreement**), including the criminal justice-related Targets 10 and 11, to reduce the rate of Aboriginal adults held in incarceration by at least 15 per cent and the rate of Aboriginal young people (10-17 years) in detention by 30 per cent, respectively, by 2031. Implementation of the Committee's recommendations will align with work already underway by DCJ seeking to have a positive impact on Aboriginal overrepresentation in the criminal justice system. The NSW Government recognises the important support that Aboriginal community-controlled organisations (**ACCos**) provide for parents in prison and their children and has committed, under the 2022–2024 NSW Implementation Plan for Closing the Gap, to Priority Reform Two of the National Agreement – Building the Community-Controlled Sector.

The Committee made a number of recommendations aimed at improving the availability of diversionary and non-custodial alternatives to help to prevent parental incarceration where appropriate. The NSW Government recognises the importance of early intervention, diversionary and non-custodial programs in addressing offenders' criminogenic needs and preventing their entry into custody and reoffending. As part of the NSW Government Response to the Special Commission of Inquiry into the Drug 'ice', the NSW Government will be making a landmark investment of almost \$500 million over four years to fund a range of rehabilitation services and justice initiatives. This includes \$141.1 million to expand justice initiatives including the Magistrates Early Referral into Treatment (**MERIT**) program (\$35.1 million), Circle Sentencing (\$4.2 million), Justice Reinvestment (\$9.8 million), the Drug Court (\$82 million) and the Youth Koori Court (\$5.8 million). This substantial investment will deliver positive outcomes for priority populations identified by the inquiry, particularly Aboriginal people and communities.

Where parental incarceration is unavoidable, the Committee made a number of recommendations to help imprisoned parents maintain contact and develop positive relationships with their children, such as through improving visits, expanding parenting programs and accommodation to allow children to live with imprisoned parents. Work underway by Corrective Services NSW (**CSNSW**) will help address these recommendations, including a review being undertaken of the Mothers and Children's Program. The Mothers and Children's Program includes residential accommodation at Parramatta Transitional Centre and Jacaranda Cottages at Emu Plains Correctional Centre. CSNSW has engaged the University of Newcastle to undertake a review of the program to explore ways to enable a larger cohort of women to participate, which may include women in higher security classifications and remand inmates. CSNSW is also working to increase the availability of current remand programs and will consider the expansion of parenting and other well-being programs, which are currently only available for sentenced inmates, to remandees to support their immediate needs. The Contact Coordination and Support Service (**CC&SS**) and the Family, Friends & Children's Visitor Support Service (**FF&CVSS**), which provide travel brokerage, family case work, information, and advocacy to support families, friends and children to maintain contact with an inmate, both received an indexation payment of 5.5% increase during FY2022-23 under the CSNSW Funded Partnership Initiative and improvements to service delivery will be considered as part of contract extensions.

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Rec	Recommendation	Government Response
1	The Committee recommends that more consideration is given to whether someone is a parent, particularly a primary carer, when making the decision whether to sentence them to a custodial sentence. For example, this may include a standalone provision, or amending the current provisions, in s 21 of the <i>Crimes (Sentencing Procedure) Act 1999</i> .	<p><b>Noted</b></p> <p>The <i>Crimes (Sentencing Procedure) Act 1999</i> already gives sentencing courts broad discretion to consider specific aggravating and mitigating factors in sentencing, as well as any other objective or subjective factor that affects the relative seriousness of the offence, including under common law.</p> <p>Common law already permits sentencing courts to consider hardship to family and dependants in highly exceptional circumstances. The NSW Government will keep this under review.</p>
2	The Committee recommends that, in situations where a primary care giver would be sentenced to less than 12 months in prison, every alternative must be demonstrated to be exhausted before they are given a custodial sentence.	<p><b>Noted</b></p> <p>The <i>Crimes (Sentencing Procedure) Act 1999</i> already provides that a court must not sentence an offender to imprisonment unless it is satisfied, having considered all possible alternatives, that no penalty other than imprisonment is appropriate. Where a court sentences an offender to imprisonment for 6 months or less it must provide its reasons for doing so.</p>
3	The Committee recommends that the Department of Communities and Justice collect information on sentencing patterns to monitor whether alternative options are being used to avoid imprisoning primary care givers.	<p><b>Noted</b></p> <p>The NSW Government will consider further.</p>
4	The Committee recommends that the Attorney-General amend section 18(1) of the <i>Bail Act 2013</i> to mandate the consideration of a person's parenting and caregiving responsibilities, and the impact on the children of the person facing bail decisions.	<p><b>Noted</b></p> <p>Bail decision-makers may already consider an accused person's parenting/caregiving responsibilities under section 18(1), including subsections (a) and (m), of the <i>Bail Act 2013</i>. Courts have considered the potential impact of bail decisions on children when determining what the accused person's parenting/caregiving responsibilities are. The NSW Government will keep this under review.</p>
5	The Committee recommends that Corrective Services NSW provide more support to parents who are being held on remand, including having access to parenting programs that are currently reserved for sentenced prisoners, or providing programs that have been specifically developed for parents who are being held on remand.	<p><b>Supported in principle</b></p> <p>Corrective Services NSW (<b>CSNSW</b>) is working to increase the availability of current remand programs such as Real Understanding of Self-Help, CONNECT (a program that builds the resilience of offenders), Remand Addictions and Remand Domestic Violence.</p> <p>A remand version of 'Mothering at a Distance', an educational program which aims to enhance the mother-child relationship and increase the mother's knowledge and skills to care for her infant, is available in female correctional centres.</p> <p>CSNSW will consider the expansion of parenting and other well-being programs to remandees to support their immediate needs.</p> <p>In relation to young people in Youth Justice Centres who are parents, Youth Justice NSW (<b>YJNSW</b>) provides a range of programs and activities which are available both to young people on remand and those sentenced, including for example, a parenting program at Reiby Youth Justice Centre which supports visits from young people's children and teaches parenting skills, including information about attachment, early childhood, parenting and tips about communicating with babies and young children. These young people may also, whether or not they are on remand, access parenting classes through the Justice Health and Forensic Mental Health Network (<b>Justice Health NSW</b>) Antenatal and Parenting Coordinator Role.</p>
6	The Committee recommends that the NSW Police Force review its guidelines for arrest protocols to ensure that proper consideration is given to the experience of children at the time of the arrest of a parent.	<p><b>Noted</b></p> <p>When arrest of a parent or guardian results in a child needing care, NSW Police Force (<b>NSWPF</b>) protocols provide that police are responsible for the child's safety and wellbeing until suitable arrangements are made. Police are required to make all reasonable attempts to transfer the child into the custody of another parent, guardian, relative or other approved person. In the absence of another carer, police</p>

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		will contact the DCJ. On arrest of a parent or guardian, police also generate a child at risk report, and where a risk of significant harm ( <b>ROSH</b> ) outcome is identified, DCJ is advised directly.
7	The Committee recommends that the Department of Communities and Justice uses the time of the arrest of a parent as a starting point to develop and provide support services to these children moving forwards.	<p><b>Supported in principle</b></p> <p>Child Wellbeing Units (<b>CWUs</b>) are located within NSWPF, the Department of Education (<b>DoE</b>) and the Ministry of Health (<b>NSW Health</b>), and consider level of harm risks, strength-based responses and other concerns for vulnerable children and young people. CWUs ensure that all concerns that reach the threshold of suspected risk of significant harm (<b>ROSH</b>) are reported to the Child Protection Helpline. CWUs also provide advice and referrals to appropriate services.</p> <p>The time of arrest of a parent or guardian is often the catalyst for engagement with the Police CWU. The Police CWU is the primary internal response for Police regarding the safety, welfare and wellbeing of children and young people. The Police CWU can identify services and interventions to address risks and needs, provide support in aligning and coordinating services for families, and communicate with other agencies and service providers to advocate for and assist families to get the support they need.</p> <p>Under current NSWPF instructions, where police are unable to place the child of a parent or guardian being arrested with another parent, relative, guardian or other approved person, police will contact DCJ to arrange custody of the child. On arrest, police will also generate a child at risk report, and where a ROSH outcome is identified, DCJ is advised directly. Children who have an open child protection or out-of-home care case with DCJ are provided appropriate supports and services in the course of general casework, based on assessment of their needs.</p> <p>In the context of parental health concerns, such as mental health and drug and alcohol concerns, the NSW Health CWU can share key information with Police, DCJ and DoE to support the provision of coordinated services to children and young people. The Health CWU also supports Justice Health NSW staff, who regularly identify the need for support for children at the time of a parent or carer's arrest and thereafter.</p>
8	The Committee recommends that a specific role be created in the Department of Communities and Justice that monitors and advocates for children of imprisoned parents. This position should have responsibility for liaising with other Departments and agencies, including Corrective Services, Health, Education, and Family and Community Services, on how to support children of imprisoned parents.	<p><b>Agree to consider</b></p> <p>DCJ will consider options for ensuring appropriate monitoring and advocacy for children of imprisoned parents, including with reference to existing roles and functions.</p> <p>The Advocate for Children and Young People (<b>ACYP</b>) is an independent statutory appointment which advocates for and promotes the safety, welfare, well-being and voice of all children and young people in NSW aged 0-24 years, with a focus on the needs of those who are vulnerable or disadvantaged. The ACYP regularly engages with children with imprisoned parents as part of its current role given the particular vulnerability of this cohort.</p> <p>Many children with imprisoned parents come to the attention of DCJ through the child protection and out-of-home care systems, and are provided supports and services in the course of DCJ casework. The creation of DCJ, which combines traditional justice agencies with the child protection and care systems, provides an opportunity for staff across DCJ to work more collaboratively to support shared clients to improve their individual circumstances and life trajectory.</p>
9	The Committee recommends that the Department of Communities and Justice consults with children with a lived experience of parental incarceration to consider policies and programs to best support children of imprisoned parents.	<p><b>Supported</b></p> <p>DCJ supports consultation with impacted children to inform service delivery, subject to practicalities of access and privacy of children in the consultation process.</p> <p>The DCJ Youth Consult for Change program (or <b>You CC</b>) is a group of 14 young people aged 14-17 with lived experience in out-of-home care who act as a consultative group and provide advice and feedback to DCJ. These young people have a wide variety of backgrounds and experiences.</p> <p>You CC meet for consultation every six weeks and provide advice on policies and strategies designed to improve outcomes for children and young people in OOHC, which may include programs about, for example, contact with parents who are in prison.</p>
10	The Committee recommends that additional mother and children residential facilities, similar to the Jacaranda Cottages facility at the Emu Plains Correctional Centre, be built in other prisons in NSW. At least one of these	<p><b>Agree to consider</b></p>

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	<p>facilities should be established in a suitable regional location with a view to increasing the ability for Aboriginal mothers to stay with their children.</p>	<p>The CSNSW Mothers and Children’s Program, which includes residential programs at Jacaranda Cottages and the Parramatta Transitional Centre, was established to advance the best interests of the child. It is recognised that continuity in the relationship between the primary carer and child is of great importance to the child’s emotional, intellectual, and social development.</p> <p>CSNSW regularly reviews infrastructure and program needs to ensure programs, inmate accommodation and security meet the needs of a growing and diverse prison population including Aboriginal women with children.</p> <p>CSNSW has engaged the University of Newcastle to undertake a rapid review which examines the benefits of the Mothers and Children’s Program to explore ways to enable a larger cohort of women to participate in the program. This may include women in higher security classifications, or remand inmates. The best interests of the children will continue to be paramount to any changes made to the existing program criteria. The needs of Aboriginal mothers in custody will be an important consideration of this work.</p> <p>In relation to young mothers in Youth Justice Centres, YJSNW will explore, in the context of any new construction/major re-fit, the practicality of facilities that can be readily modified for this purpose if required, noting the small size of this cohort.</p>
11	<p>The Committee recommends that the Jacaranda Cottages be expanded to house more inmates, and that the current requirements that restrict eligibility to enter this facility be reviewed and the barriers removed where practicable.</p>	<p><b>Supported in principle</b></p> <p>Jacaranda Cottages at Emu Plains Correctional Centre is dedicated to the Mothers and Children’s Program. Jacaranda Cottages ordinarily has a capacity of 45 beds, and there is bed capacity to expand the placement cap if the need arises, subject to consideration of necessary changes to staffing and security measures. It should be noted that from 2020, the Mothers and Children’s Program at Jacaranda Cottages has been impacted by COVID-19 related restrictions on external leave, suspension of visits, fewer eligible women due to the impact on court operations and reduced movement of inmates due to COVID-19. As noted above in relation to recommendation 10, CSNSW has engaged the University of Newcastle to undertake a rapid review which examines the benefits of the Mothers and Children’s Program to explore ways to enable a larger cohort of women to participate in the program, which may include women in higher security classifications and remand inmates.</p>
12	<p>The Committee recommends that Corrective Services NSW consider providing residential mother and child accommodation, similar to Jacaranda Cottages, for mothers on remand.</p>	<p><b>Supported in principle</b></p> <p>As part of the research being undertaken by the University of Newcastle into the benefits of the Mothers and Children’s Program, the suitability and viability of extending eligibility of the program to women on remand will be considered by CSNSW.</p> <p>Adult remandees are generally held in maximum or medium security environments. These are often challenging environments for accused and the impact on children must be carefully considered.</p> <p>One significant challenge in housing children in a maximum security remand environment is ensuring continuity of care. The management of inmates on remand involves frequent and significant disruptions to daily routines due to legal interviews, preparation and court attendance.</p> <p>In relation to young mothers in Youth Justice Centres, YJNSW will explore, in the context of any new construction/major re-fit, the practicality of facilities that can be readily modified for this purpose if required, noting the small size of this cohort.</p>
13	<p>The Committee recommends that Corrective Services NSW provide more breastfeeding and lactation support to imprisoned mothers, including women on remand, during visits by their children. This should include the collection and storage of breastmilk for infants of imprisoned mothers living in the community.</p>	<p><b>Agree to consider</b></p> <p>NSW, along with other states and territories and the Commonwealth Government, is responsible for implementing the Australian National Breastfeeding Strategy, which includes an action to provide breastfeeding and lactation support and maternal health care to families in exceptionally difficult circumstances, including incarcerated mothers.</p> <p>Justice Health NSW already has a policy and guideline to support lactation decisions for new mothers in custody in the post-natal period. Justice Health NSW midwives are alerted to any new mothers in custody from the time of admission and provide advice and support on decisions to suppress or continue lactation – whether that be for breastfeeding a new infant or expressing breastmilk for storage and use at a later date. Breast pumps are available in the two larger female correctional centres and can be sent to other centres as required. CSNSW collaborates with Justice Health NSW to ensure expressed breastmilk is provided to babies in the neonatal intensive care unit (NICU), in the correctional centre visitor area, or in the community.</p> <p>The NSW Government will also consider further ways to improve lactation continuity for new mothers in custody with babies in the community.</p>

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14	The Committee recommends that, where possible, efforts should be made to place imprisoned parents in correctional centres near their children. This is especially relevant for Aboriginal parents.	<p><b>Supported</b></p> <p>When classifying women in custody, CSNSW considers family connections including children, relatives and kin, especially for Aboriginal women, as well as safety, security, program, vocational and education needs. Factors such as security and offender associations also play a role in placement decisions. Wherever possible, CSNSW will place an offender in a correctional centre that best enables engagement with family and children.</p> <p>CSNSW has a dedicated senior position within the Classification and Placement branch to ensure that the specific program and wellbeing needs of Aboriginal offenders can be considered when being placed in a correctional centre.</p> <p>In relation to young people in Youth Justice Centres who are parents, YJNSW recognises the importance of maintaining contact with family, community and supportive networks for any young person and considers a range of factors when placing young people in Youth Justice Centres.</p>
15	The Committee recommends that additional funding is provided for transport for children visiting their parents, with priority given to those areas where there is limited public transport.	<p><b>Noted</b></p> <p>The CSNSW Family, Friends &amp; Children's Visitor Support Service (<b>FF&amp;CVSS</b>) supports contact between parents in custody and their children, including transporting vulnerable children with no other means to travel and assessing the logistical requirements required to deliver a contact visit with an inmate parent.</p> <p>FF&amp;CVSS is delivered by SHINE for Kids and received funding of \$841,447.98 in the 2022-23 financial year (excl. GST) under the CSNSW Funded Partnership Initiative. SHINE for Kids is contracted to deliver the FF&amp;CVSS service in nine locations across NSW.</p> <p>The current contract for this service was recently extended to 30 June 2024. The service model and allocation of funding will be reviewed prior to contract expiry to seek service improvement opportunities.</p> <p>In relation to young people in Youth Justice Centres who are parents, YJNSW has a <i>Personal visits and contact</i> policy which recognises and facilitates the emotional and social protections provided by parents, family, and kinship ties. YJNSW currently considers any financial or geographical hardships families may face in visiting a centre. Proactive measures are taken to increase visitors for young people including providing financial assistance for costs associated with travel and or accommodation by family.</p>
16	The Committee recommends that Corrective Services NSW develops a system to promptly notify visitors if there are changes to visiting arrangements and to assist to rearrange the visit.	<p><b>Supported in principle</b></p> <p>JUST Connect, the CSNSW online scheduling system, notifies visitors of key changes to scheduled visits.</p> <p>Once a visit is approved, JUST Connect will send an email and SMS reminder and also advise if the visit booking is cancelled. This system has been used during the COVID-19 pandemic to update visitors of changed conditions.</p> <p>Since the beginning of COVID-19, there have been approximately 482,000 social visits scheduled via Just Connect; feedback, based on when video visits were first introduced at the beginning of COVID-19, has been very positive.</p> <p>For bookings made directly with the correctional centre, administration staff contact the primary visitor if changes to visits are known in advance. Staff will also advise of any opportunity to make an alternate booking. However, changes to visits may also occur at the last minute and contact cannot always be facilitated prior to the scheduled time.</p> <p>In relation to young people in Youth Justice Centres who are parents, the YJNSW <i>Personal visits and contact</i> policy provides a framework for the facilitation, management and supervision of personal visits at Youth Justice Centres and Community Offices. Visitors are notified as soon as practicable when arrangements need to change and have procedures in place for arranging visits by family outside of scheduled visiting hours.</p>
17	The Committee recommends that the Department of Communities and Justice put systems in place to ensure that, where appropriate, children in out-of-home care are supported to visit their parents if they want to.	<p><b>Supported</b></p> <p>DCJ policy already supports children in OOHC to visit incarcerated parents and the Caring Through Contact protocol aims to increase contact between women in custody and their children in OOHC. This occurs through OOHC case planning and includes visits in person and via video conference.</p>
18	The Committee recommends that Corrective Services NSW provide additional funding to relevant organisations	<p><b>Agree to consider</b></p>

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	<p>who support children of imprisoned parents to expand their operations into additional correctional centres. This should include ensuring that Aboriginal community controlled organisations are funded to provide support to Aboriginal children of imprisoned parents.</p>	<p>In relation to services in correctional centres, the Contact Coordination and Support Service (<b>CC&amp;SS</b>) provides travel brokerage, family case work, information, and advocacy to support families, friends and children to maintain contact with an inmate. CC&amp;SS is funded under the Offenders' Children and Family Stream of the CSNSW Funded Partnership Initiative and is delivered by the Community Restorative Centre (<b>CRC</b>) service state-wide.</p> <p>In addition, the FF&amp;CVSS, delivered by SHINE for Kids, offers a range of services to children, family and visitors across nine metropolitan and regional correctional centres and complexes.</p> <p>The current contracts for these services commenced 1 July 2019 for a three-year period and were recently extended to 30 June 2024. Both service providers received an indexation payment of 5.5% increase during the 2022-23 financial year. The service model and allocation of funding for these services will be reviewed prior to contract expiry to seek service improvement opportunities.</p> <p>In relation to support to Aboriginal community-controlled organisations (<b>ACCos</b>), the NSW Government is committed to enhancing and increasing this type of collaboration in the planning and provision of services and programs. The NSW Government has committed to the National Agreement on Closing the Gap, which includes Priority Reform Two – Building the Community-Controlled Sector, to deliver services to support Closing the Gap.</p>
19	<p>The Committee recommends that Corrective Services NSW, in collaboration with relevant organisations, establishes policies and procedures to improve the visiting experience for children. This collaboration should include input from Aboriginal community-controlled organisations.</p>	<p><b>Supported</b></p> <p>The CSNSW Children and Families of Offenders Steering Committee (<b>CFOSC</b>) reviews CSNSW policies relating to child visitors. The CFOSC includes internal stakeholders, including the Manager of CSNSW Aboriginal Strategy and Policy, as well as representatives from community and other external stakeholders. A key part of their work is to consider ways to improve children's visit experience to corrections and access to their parents in custody.</p> <p>In relation to young people in Youth Justice Centres who are parents the YJNSW <i>Personal visits and contact policy</i> recognises and facilitates the emotional and social protections provided by parents, family, and kinship ties. This policy provides a framework for the facilitation, management and supervision of personal visits at a Youth Justice Centre and/or a Youth Justice Community Office, including visits conducted via Audio Visual Link (<b>AVL</b>).</p>
20	<p>The Committee recommends that Corrective Services NSW provide training to Correctional Officers on how to interact with children during visits.</p>	<p><b>Supported in principle</b></p> <p>The CSNSW Brush Farm Corrective Services Academy (<b>BFCSA</b>) is responsible for the development of learning resources and the facilitation of training to CSNSW staff. BFCSA delivers child protection workshops as part of primary training for Correctional Officers, upon commencing employment with CSNSW.</p> <p>As a Registered Training Organisation, BFCSA ensures systematic evaluation of their accredited programs for the purpose of monitoring associated outcomes, continuous improvement, benchmarking activities, and collation and submission of learner and employer satisfaction results in accordance with the Data Provision Requirements 2020.</p> <p>Consideration will be given to providing training for all Correctional Officers regarding how to positively interact with children during visits in a correctional setting.</p>
21	<p>The Committee recommends that Corrective Services NSW develop best practice guidelines for spaces for family visits to imprisoned parents, to be used in new builds or refurbishments.</p>	<p><b>Supported in principle</b></p> <p>The CSNSW CFOSC plays a role in the review of CSNSW visit facilities and examines visit practices in other jurisdictions. Recommendations from CFOSC's reviews inform the development of CSNSW's best practice guidelines for new and refurbished visit facilities (for example, space, seating, activities, play areas).</p> <p>In relation to young people in Youth Justice Centres who are parents, YJNSW recognises the importance of personal visits, both for young people in detention and their families, and will provide best practice visitor spaces in new builds and any significant refurbishments of Youth Justice Centres.</p>
22	<p>The Committee recommends that children of imprisoned parents be offered specific counselling services to help them cope with the experience. This should include a</p>	<p><b>Noted</b></p> <p>Children of imprisoned parents are currently able to access counselling services at various points of contact with NSW Government departments:</p>



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	<p>culturally appropriate service for Aboriginal children and could also involve an optional mentoring service.</p>	<ul style="list-style-type: none"> <li>• DoE offers counselling services for all students in public schools. DoE produces and delivers Trauma Informed Practice (<b>TIP</b>) training for public school teachers which allows participants to recognise the signs that students have experienced trauma and develop a repertoire of inclusive strategies to mitigate its impact at school, both as individuals and through the implementation of school-wide systems.</li> <li>• Children of imprisoned parents who are in OOHC are supported to access counselling, mentoring and other therapeutic services, including culturally appropriate services for Aboriginal children when identified as a need as part of their case plan.</li> <li>• Young people in Youth Justice Centres who are children of imprisoned parents have access to physical and mental health services, including psychological services and counselling. YJNSW staff, caseworkers, psychologists and counsellors, respond to the needs of each individual young person.</li> </ul> <p>NSW Health New Street and Safe Wayz programs support children and young people who have engaged in harmful sexual behaviour, including those who have imprisoned parents, to address children and young people’s behaviour and achieve safety and wellbeing. Approximately half of the young people seen by New Street are in OOHC, and many of these young people are Aboriginal. Services support children and young people to explore their identity and connect or reconnect with family of origin, where safe to do. Services collaborate with OOHC providers and justice facilities to achieve these objectives. Safe Wayz is a new program rolling out across NSW to support children under 10 with problematic and harmful sexual behaviours. Safe Wayz is receiving a NSW Government investment of \$15.2 million over five years.</p>
23	<p>The Committee recommends that the Department of Communities and Justice provide training or guidelines to all staff who may interact with children of imprisoned parents, including foster carers and out-of-home care managers, on how best to support and interact with these children.</p>	<p><b>Supported in principle</b></p> <p>The NSW Practice Framework governs how DCJ works with children and families in NSW. DCJ’s view is that current training and implementation of the NSW Practice Framework equips relevant staff with the appropriate capabilities to support children of imprisoned parents.</p> <p>Learning programs for child protection practitioners currently explore the skills and knowledge needed to support all children who are separated from their parents.</p> <p>The Caseworker Development Program (<b>CDP</b>) is an entry level, 17-week training program for new caseworkers who join DCJ. The CDP includes modules on understanding the needs and experiences of children, and communicating and partnering with children to meet these needs, including</p> <ul style="list-style-type: none"> <li>- understanding the impact of trauma on a child’s development; and</li> <li>- the impact of children being separated from their parents.</li> </ul>
24	<p>The Committee recommends that the Department of Education devise new training for teachers who may have students with imprisoned parents, or promote existing accredited courses on how best to support and interact with children of imprisoned parents. Priority should be given to those schools which may have more of these children.</p>	<p><b>Supported in principle</b></p> <p>DoE will promote existing training to public school teachers to build and/or maintain their capability to identify and support students experiencing hardship or challenge. This training is not specific to children whose parents are incarcerated, however, the TIP training in particular builds capability to support these children.</p>
25	<p>The Committee recommends that the Department of Communities and Justice release more de-identified data on children of imprisoned parents.</p>	<p><b>Agree to consider</b></p> <p>While not all children of imprisoned parents are in OOHC, the Committee’s report noted a significant overlap of these cohorts. The Linked Data Asset (<b>LinDA</b>) managed by the NSW Bureau of Crime Statistics and Research (<b>BOCSAR</b>) contains data on child protection/OOHC and justice contacts, including custodial episodes and can indicate the number of children known to the child protection system with a parent in prison at a given point in time.</p> <p>Consideration will be given to sharing deidentified data from this dataset publicly, either as a one-off analysis or as a regular report.</p> <p>While this dataset does not reflect all children of imprisoned parents in NSW, it provides valuable insights into shared clients within DCJ which inform service delivery.</p>

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26	The Committee recommends that Corrective Services NSW collect more information from inmates on whether they have children and the nature of their relationship with those children.	<p><b>Noted</b></p> <p>As noted in response to recommendation 27, CSNSW will develop a survey of the experiences of people in custody in NSW which will include questions of family connections and relationships. This will provide a further source of information on inmates' parent status.</p> <p>The use of the Intake Screening Questionnaire (<b>ISQ</b>) to gather further information about inmates' parent status is not supported. The purpose of the ISQ is to collect essential information around the immediate management and care of inmates. The health and safety of the inmate together with the good order and security of the correctional centre are the critical priorities. The information in the ISQ is also self-reported and voluntary.</p> <p>A number of sections of the ISQ contain questions about any immediate concerns for children of inmates coming into custody. CSNSW staff notify appropriate services (child protection staff or NSWPF) if they believe any child may be at risk or if there are concerns for a child's safety. Adding information about other topics such as where children live to the ISQ would add time to the process and may delay the processing of other inmates who also require screening. Additional information about sentenced inmates' children may be collected during the case management process.</p> <p>In relation to young people in Youth Justice Centres who are parents, YJNSW will collect as much information as possible from a young person when they are admitted to a Centre, which may include where that young person is themselves a parent.</p>
27	The Committee recommends that Corrective Services NSW conduct annual surveys with inmates to find any changing circumstances in their relationships with their children and about the services needed for the prisoner or their children.	<p><b>Supported</b></p> <p>CSNSW will develop a survey of the experiences of people in custody in NSW. This survey will be conducted annually and will include questions of family connections and relationships.</p>
28	The Committee recommends that the Department of Communities and Justice improves the reliability of data from the Intake Screening Questionnaire, including cross-referencing data held by other agencies. This should include engagement with Aboriginal community-controlled organisations in the administration of data collection tools.	<p><b>Not supported</b></p> <p>The purpose of the CSNSW ISQ is to collect information around the immediate management and care of inmates. The health and safety of the inmate, together with the good order and security of the correctional centre, are the critical priorities.</p> <p>While the ISQ is regularly reviewed and continually improved to ensure it remains fit for purpose, adding information and cross-referencing data about other topics such as number of children and where they live, would add time to the ISQ process and risks delaying the processing of other inmates who require screening.</p> <p>As noted in response to recommendation 27, CSNSW will develop a survey of the experiences of people in custody in NSW which will include questions of family connections and relationships.</p>
29	The Committee recommends that the Department of Communities and Justice maintain a consistent dataset or data system on all children whose parents are in prison. Specific consideration should be given to identifying and supporting those children who are in out-of-home care.	<p><b>Noted</b></p> <p>The dataset proposed by the Committee raises complex issues around the collection and use of personal information and may not be possible within the current NSW privacy framework. Under the <i>Privacy and Personal Information Protection Act 1998</i> and the <i>Health Records and Information Privacy Act 2002</i>, a public sector agency that holds personal or health information must not use the information for a purpose other than that for which it was collected, except in limited circumstances.</p> <p>The development and maintenance of a new data system would need to occur as part of a broader proposal to join up existing human services datasets for operational reasons, which is beyond the scope of this Government response.</p> <p>The NSW Government recognises the benefits of using insights from linked human services data to inform service delivery and policy development. For example, the Human Services Dataset (<b>HSDS</b>) has brought together over 27 years of data and over seven million records about children, young people and families, from across government.</p> <p>There are other sources of deidentified data that could be used for the purposes set out in this recommendation, including the LinDA managed by BOCSAR. Per the Government response to recommendation 25, consideration will be given to releasing data from that dataset.</p>
30	The Committee recommends that the Department of Communities and Justice shares this data across the	<p><b>Noted</b></p>



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	Department, and with other Departments and non-government service providers, where appropriate, to develop and support policies and programs that focus on children of imprisoned parents.	As per recommendation 29.
31	The Committee recommends that Corrective Services NSW promptly notify relevant Departments, and other organisations where appropriate, when an inmate with children enters a correctional centre.	<p><b>Noted</b></p> <p>Currently, CSNSW staff notify appropriate services (child protection staff or NSWPF) if they have any concerns for the safety of an inmate's children and they believe any child may be at risk.</p> <p>As set out in the response to recommendation 8, DCJ will consider options for ensuring appropriate monitoring and advocacy for children of imprisoned parents, including with reference to existing roles and functions. Depending on the outcome of that, further consideration may be given to when it would be appropriate to for such notifications or referrals to be made in circumstances where there are no specific concerns about risk to the child/ren.</p>
32	The Committee recommends that the Department of Communities and Justice develop guidelines and protocols on the management of data on children of imprisoned parents, so that respect for the privacy of children and parents is balanced against the need to ensure that service providers have access to accurate, timely and useful data.	<p><b>Noted</b></p> <p>As per recommendation 29.</p>
33	The Committee recommends that, depending on the results of the evaluation, the Department of Communities and Justice expand the co-located child protection caseworkers program to additional correctional centres in NSW.	<p><b>Supported in principle</b></p> <p>An evaluation is currently planned of the existing co-located child protection case workers employed by DCJ, which are currently based in women's prisons in NSW.</p> <p>The program evaluation will explore issues and outcomes for both children in contact with the child protection system and mothers in women's prisons in NSW. Further work will be needed to confirm whether the positive outcomes for children evidenced in the current model involving mothers in women's prisons would also be illustrated in a model involving fathers in men's prisons.</p>
34	The Committee recommends that the Department of Communities and Justice provide additional funding for services that provide alternatives to custodial sentences, such as residential drug and alcohol treatment programs.	<p><b>Supported</b></p> <p>The NSW Government recognises the importance of early intervention, diversionary and non-custodial programs in addressing offenders' criminogenic needs and preventing their entry into custody and reoffending.</p> <p>As part of the NSW Government Response to the Special Commission of Inquiry into the Drug 'ice', the NSW Government will be making a landmark investment of almost \$500 million over four years to fund a range of rehabilitation services and justice initiatives. This includes \$141.1 million to expand justice initiatives including the Magistrates Early Referral into Treatment (<b>MERIT</b>) program (\$35.1 million), Circle Sentencing (\$4.2 million), Justice Reinvestment (\$9.8 million), the Drug Court (\$82 million) and, relevant for young offenders with children, the Youth Koori Court (\$5.8 million).</p> <p>This substantial investment will deliver positive outcomes, including support for drug and alcohol issues, for priority populations identified by the Inquiry, particularly Aboriginal people.</p> <p>CSNSW provides relevant programs, for example the Compulsory Drug Treatment Correctional Centre (<b>CDTCC</b>), which involves a multidisciplinary team ensuring treatment, rehabilitation and reintegration of male participants who have repeatedly offended to support severe drug dependence. The CDTCC was evaluated in 2010 and found to have a positive effect on the physical and mental health of participants. The NSW Government is considering options to increase the number of potential participants in the CDTCC.</p> <p>For young offenders, who may be parents themselves, there are specific programs, including <i>Youth on Track</i> which provides intensive case management and tailored behaviour and family interventions to meet the needs of young people at risk of long-term involvement in the criminal justice system.</p>
35	The Committee recommends that the Department of Communities and Justice make particular efforts to	<b>Supported</b>

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	ensure that there are diversionary and non-custodial programs available for Aboriginal people that are culturally appropriate and close to their communities.	<p>The NSW Government has invested \$9.8 million to expand the Justice Reinvestment Program, which aims to divert Aboriginal people away from the criminal justice system by investing in evidence-based community-led initiatives that address the underlying causes of crime. This funding will trial Justice Reinvestment in new locations, build program infrastructure and create Aboriginal identified roles.</p> <p>The NSW Government has provided additional funding to expand the Youth Koori Court and Circle Sentencing (\$5.8 million and \$4.2 million, respectively) as part of the NSW Government Response to the Special Commission of Inquiry into the Drug 'ice'.</p> <p>In addition, the expansion of the MERIT program (\$35.1 million), announced as part of the NSW Government Response to the Special Commission of Inquiry into the Drug 'ice', will increase Aboriginal participants' engagement with the program. This expansion will increase accessibility for those living in regional areas and will consider culturally safe and appropriate service delivery practices, including noting the complexity of issues faced by Aboriginal people, who may require longer duration when engaging with services; and at a higher intensity which may require family centred, rather than individually-focused treatment approaches.</p>
36	The Committee recommends that the Department of Communities and Justice provides more support to Aboriginal community-controlled organisations, with a focus on a potential reduction in recidivism of parents and intergenerational contact with the justice system.	<p><b>Supported</b></p> <p>The NSW Government works with a range of ACCOs and is committed to enhancing and increasing this type of collaboration in the planning and provision of services and programs.</p> <p>The NSW Government has committed to the National Agreement on Closing the Gap, which includes Priority Reform 2 - Building the Community-Controlled Sector. As outlined in the <i>2022–2024 NSW Implementation Plan for Closing the Gap</i>, the NSW Government is progressing three key Action Areas to contribute towards Priority reform 2:</p> <ul style="list-style-type: none"> <li>• ACCOs have a dedicated, reliable and consistent funding model designed to suit the types of services required by communities;</li> <li>• there is a dedicated and identified workforce in ACCOs which has wage parity; and</li> <li>• ACCOs have strong governance and business processes.</li> </ul> <p>Socio-economic Target 10 of the National Agreement is, by 2031, to reduce the rate of Aboriginal and Torres Strait Islander adults held in incarceration by at least 15 per cent. Socio-Economic Target 11 of the National Agreement is by 2031, to reduce the rate of Aboriginal and Torres Strait Islander young people (10 to 17 years) in detention by 30 per cent.</p> <p>The NSW Government will work with and support ACCOs to progress projects with a focus on reducing recidivism as part of work to meet these targets. The Government has committed \$1.1m to develop the Aboriginal Throughcare Strategy to design by 2024, a culturally appropriate model to support Aboriginal people in and after release from prison, including increased involvement of ACCOs.</p> <p>The NSW Government has also committed to \$1.1m to co-design and establish therapeutic responses that meet young people's individual needs as an alternative to and/or to work alongside the justice system.</p>
37	The Committee recommends that Corrective Services NSW develop additional specific prison-based programs for Aboriginal parents. Any existing programs should also be reviewed by Aboriginal people to ensure that they are culturally appropriate.	<p><b>Supported in principle</b></p> <p>CSNSW currently offers programs in custody for Aboriginal parents including the Dads and Family (Babiin-Miyagang) Program and the Aboriginal Cultural Strengthening Program (<b>ACSP</b>).</p> <p>The CSNSW Program Development and Integrity Team, which is responsible for developing new programs and reviewing existing program content, ensures that Aboriginal staff review all newly developed program content (including for existing parenting programs).</p> <p>The work of the Program Development and Integrity Team will also strengthen the program accreditation process by establishing a review panel consisting of subject matter experts, including Aboriginal people.</p>
38	The Committee recommends that Corrective Services NSW monitors and thoroughly evaluates all parenting programs, to ensure that they are relevant, effective and available.	<p><b>Supported</b></p> <p>All CSNSW behaviour change programs (including parenting programs) are reviewed on a scheduled basis by the CSNSW Program Development and Integrity Team to ensure content aligns with the current evidence base.</p> <p>Corrections Research, Evaluation and Statistics (<b>CRES</b>) provide information, analysis and advice to CSNSW which is used to monitor and evaluate the relevance and effectiveness of CSNSW programs and inform future practice.</p>
39	The Committee recommends that the Department of Communities and Justice develop more programs and	<p><b>Supported in principle</b></p>

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	<p>make more services available to parents, and their families, when they are released from prison, to assist them transition back to life as a parent in the community.</p>	<p>The NSW Government recognises the importance of ensuring that offenders are assisted to safely reintegrate into the community on release from custody.</p> <p>For adults leaving custody, Community Corrections partners with Housing NSW to support accommodation for people released from custody (see further information on housing support in response to recommendation 40 below).</p> <p>Co-located child protection case workers discuss release planning with inmates, particularly as it relates to reunification with children.</p> <p>Where required, Justice Health NSW provides post-release pathways for parents into drug and alcohol programs supported by Justice Health NSW clinicians and Child and Family Health Services, Aboriginal Maternal and Infant Health Services (antenatal and postnatal services) and Building Strong Foundations services (child and family health services) available across NSW.</p> <p>As part of work underway under the 2022–2024 NSW Implementation Plan for Closing the Gap, the NSW Government has committed \$1.1m to develop an Aboriginal Throughcare Strategy to design, by 2024, a culturally appropriate model for pre and post release support to Aboriginal adults and young people.</p> <p>For young people in Youth Justice Centres who are parents, transition out of custody is planned to maintain continuity of service provision and facilitate young people’s successful integration into their community, which may include services that build parenting skills.</p>
40	<p>The Committee recommends that the Department for Communities and Justice make more services available to provide accommodation for parents on their release from prison to assist them to be reunited with their children, where appropriate.</p>	<p><b>Noted</b></p> <p>The NSW Government is committed to assisting people exiting custody to access suitable accommodation. DCJ Housing has a range of schemes and programs available to assist clients exiting custody to secure suitable housing.</p> <p>The Inmate Early Assessment Scheme (<b>IEAS</b>) involves social housing providers and CSNSW working closely together, with a view toward securing suitable housing post release and allows for inmates being released on parole to apply for housing assistance up to three months from release.</p> <p>Set to Go is a collaboration between Link2Home and CSNSW that provides pre-booked accommodation to CSNSW clients who are being released imminently from prison and are at risk of homelessness upon release. Link2Home will aim to find a suitable Specialist Homelessness Service (<b>SHS</b>) provider, so that additional supports can be put in place to support the client in their reintegration into the community.</p> <p>The SHS program includes two specific services which support men exiting custody and provides residential programs with intensive case management support for three months and post crisis support for up to two years. Both services support men to reconnect with their families as well as work with Community Housing Providers to facilitate long term housing outcomes for clients.</p> <p>The Reintegration Housing Support Program is a \$4.5 million two-year initiative delivered by the Community Restorative Centre to connect people who are leaving custody and are at risk of homelessness with specialist support workers, who assist with securing access to suitable accommodation, as well as wrap around psychosocial support, including alcohol and drug support, physical and mental health services, and connection with friends or family in the community. An external evaluation of the program is expected in March 2023.</p> <p>DCJ also funds the Women in Prison Advocacy Network (<b>WIPAN</b>). WIPAN provides a targeted response for women in the Sydney, South Eastern Sydney and Western Sydney Districts who have been involved in the criminal justice system.</p>