



LEGISLATIVE COUNCIL

GENERAL PURPOSE STANDING COMMITTEE NO. 2

BUDGET ESTIMATES 2010-2011

QUESTIONS ON NOTICE

General Purpose Standing Committee No. 2

Community Services and State Plan

Wednesday 15 September 2010

Answers to be lodged by: Monday 11 October 2010

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Hearing date	Portfolio	Answer to be lodged by
13 September 2010	Health	7 October 2010 [21 days]
13 September 2010	Ageing	7 October 2010 [21 days]
13 September 2010	Disability Services	7 October 2010 [21 days]
13 September 2010	Volunteering	7 October 2010 [21 days]
13 September 2010	Youth	7 October 2010 [21 days]
15 September 2010	Education and Training	11 October 2010 [21 days]
15 September 2010	Community Services	11 October 2010 [21 days]
15 September 2010	State Plan	11 October 2010 [21 days]

Questions relating to the portfolios of Community Services

15 September 2010, 2:00 pm – 6:00 pm

Questions from Mr Cohen

DoCS

The Government has allocated \$36 million to early intervention and prevention programs as part of Keep Them Safe. Of this amount, \$10 million has been allocated to run a new early intervention program for children from Kindergarten to Year 2 who have disruptive behaviours – Getting on Track in Time or ‘Got It!’ (\$2.5 million in 2010-11). This program will be available in three regions in NSW – Mt Druitt, Newcastle and Dubbo.

1. What is the model being used for the program? Is the model based on an existing program and, if so, has it been evaluated?
2. How many schools will the program be run in this year and where are these schools?
3. Have any funds been set aside to evaluate the implementation and outcomes of the program in NSW?
4. Are there plans to make this program more widely available if it proves to be successful?

As the Minister is aware, Community Services is undertaking the Community Services Grants Program Realignment to create a service continuum which is called the Early Intervention and Placement Prevention Services. What is the total amount of funding (including the investment of new funding from Keep Them Safe) that is allocated to each of the streams in 2010-2011?

5. Child and Family Advice, Support and Parenting Skills
6. Youth and Family Advice, Support and Parenting Skills
7. Brighter Futures (0-8)
8. Intensive Family Support
9. Intensive Family Preservation.

Questions from Ms Parker

10. How many children were removed from their families and then restored and subsequently died as a result of neglect or abuse?
11. How many children died while in the care of foster carers as a result of neglect or abuse?
12. How many acting managers has Broken Hill CSC had in the past nine months?
13. How many parental responsibility contracts have been agreed and signed in 2009?
14. Did any fail to achieve the required outcome and if so, what alternative action was taken?
15. Staying Home Leaving Violence
16. Has there been any quantitative, systematic data collected from clients of SHLV, to enable evaluation of the impacts of SHLV on women’s lives?
17. Please provide a copy of the complete evaluation – not the summary of the evaluation that is available on the website - carried out on the Bega and/or Eastern Sydney pilot studies.
18. How many exit surveys were completed out of the 36 women who participated in the Eastern Sydney pilot study?
19. Is there any evidence that the women being case managed by SHLV in Eastern Sydney were at high risk of homelessness when they entered the program?
20. Do SHLV clients resemble Supported Accommodation Assistance Program (SAAP) clients in terms of vulnerability factors like unemployment and multiple complex needs?
21. Is there any evidence, or has the view been expressed by practitioners for instance, that SHLV clients are likely to be at low risk of experiencing severe violence.

22. Of the clients who participated in the Bega and Eastern Sydney programs had any experienced breaches of exclusion orders/AVOs)?
 - a) If so, how many?
23. Do you have any quantitative data to show that SHLV clients were at high risk of homelessness and/or severe violence?
24. Are there any characteristics that differentiate between women who enter the program and stay in their home, and women who enter the program but then reconcile with their partner or move house or have an outcome other than staying in their home with the perpetrator excluded?
25. Has SHLV been successful in engaging with Indigenous clients?
26. How many Indigenous women have gone through the program, and how many Indigenous women managed to remain in their own home?
27. Has a cost-benefit analysis of SHLV been conducted?
28. Is there any evidence that the successful implementation of SHLV relies on close geographical proximity of SHLV workers to other services, for example police and courts?
29. Has the need for co-location with other services and proximity to police been taken into account, in terms of the rollout of the program in other areas?
30. Are there any concerns about the ability of SHLV to meet levels of demand?
31. Does SHLV have any impact on AVO breaches, or on how police respond to breaches?
32. Can you tell me what data you have on that?
33. In cases where personal alarms have been activated or where police are called out to help a SHLV client, what was the average police response time, for both the Eastern Sydney and Bega pilots of SHLV?

Brighter Futures

34. What was the average number of referrals in a month made to the Brighter Futures program in 2009 and how does that figure compare with one month in 2010?
35. How has the previous allocation of out-of-home care funding (from the \$1.2b) been used to fund contracts with NGOs?
36. What is the breakdown of out-of-home care places by region and by service type?
37. Regarding the cost of the upgrade to the KiDS computer system, how much has been allocated to deal with:
 - a) Child protection, due to go online in June 2011
 - b) Contract management online in December 2011
 - c) OOHC case managements system due online in June 2012
38. In the 2010/11, there is an allocation of \$680.2 m for OOHC services in comparison to \$337.7 m for secondary intervention programs including early intervention and placement prevention programs and Brighter Futures.
39. Can the Minister provide a breakdown of the expenditures allocated to administration and coordination in both cases in comparison to the expenditures allocated to direct service delivery?
40. Can the Minister indicate the amount of funding allocated to prevention and early/primary intervention programs to support families before they reach crisis point?
41. Under KTS, can the Minister/the Department indicate the amount of money allocated to referral and coordination services (including Child Wellbeing Units and Family Referral Services) in comparison to the amount of money allocated to direct service delivery?
42. One of the main recommendations of KTS is sector development. Can the Minister/ the Department indicate how much money is allocated to sector development and what is the plan for this money?
43. Does the Minister have statistics in relation to the number of parents who have been notified to the Department after voluntarily seeking assistance under the Brighter Futures Program?
44. Could it be concluded that if parents are afraid to approach Brighter Futures for assistance, that the monies and resources provided by these programs are not being effectively utilised?

45. How many children have been removed from their parents at birth during the last year?
46. If these statistics are rising, what would be the reason for this?
47. Are statistics kept in relation to the reasons for such removals?
48. How many cases have been taken by parents to the Equity Division of the Supreme Court in the last twelve months?
49. If such cases have occurred, what have been the outcomes?
50. How many cases of child removal have been appealed to the District Court in the last twelve months?
51. What has been the outcome of these cases?
52. How much money does Community Services spend on legal services, including external contractors such as barristers. Could a breakdown of these figures showing internal and external services be provided?
53. It is expensive for families to mount a legal defence in relation to children's court matters. Some parents need to sell or extend mortgages on their homes, in order to do so.
54. Does the Minister regard it as inequitable that parents are engaged in dispute with a department which might appear to have endless resources in relation to legal matters and the removal of children?
55. How many children with special needs have been removed from their parents in the last 12 months?
56. What percentage of the total number of children removed are these?
57. If this is a high percentage, is the minister concerned that children who have special needs comprise such a high proportion of the total?
58. How much money has the Department spent for counselling children who have been abused in out-of-home care?
59. Could you please provide the following figures for 08/09 and 09/10:
The number of children in:
 - a) Docs Foster care
 - b) NGO Foster Care
 - c) Statutory kinship arrangements
 - d) Residential care
 - e) Supported kinship with order
 - f) Supported kinship with no order
 - g) Other
 - h) Voluntary
60. Could the department provide the average cost of care per child per service per year listed above per year required?
61. Could the number of cases per case worker be listed for each category?
62. Could the department indicate the number of caseworkers 08/09 and 09/10 - could this number be represented by full-time equivalent (FTE) as well?

Well-being Units

63. Assuming that all well-being units are scrutinised by the Department of Community Services (Human Services) the overarching authority in child protection services,
64. How many well being units have been established in each of the government agencies, Health, Education, Police and Human Services?
 - a) Where are they located?

Adoption

65. In the period January 2009 until December 2009, how many children in out-of-home care were formally adopted by foster parents?
66. In the same period, how many children who were not in out-of-home care were formally adopted?

Fees for inter-country adoption

67. Given that fees payable direct to Community Services for a child to be adopted from China are around \$9,300 with the total cost of the adoption conservatively estimated to be close to \$25,000 how does this compare with costs levied in other states and territories in Australia?

Carers

68. How many foster carers are there currently in NSW?
69. How many foster carers did Community Services have in 2009?
70. How many kinship carers are there?
71. How many kinship carers were there in 2009?

Homelessness

72. What steps are being taken to prevent domestic violence perpetrators who are excluded from the home, from themselves becoming homeless?

Monitoring of NGOs

73. Since the tender/expressions of interest process in 2007 for children in out-of-home care in NSW, which included residential care and foster care and the resulting contracts that were issued has there been a measurable improvement in the key performance areas of care such as stability of placement and education?
74. How much did the process cost the department?
75. If there have been improvements in the delivery of care, what areas have improved and if not, why not?
76. Did any of the NGOs fail to be appointed following the 2007 process?
77. Apart from auditing the finances of the NGOs who deliver out-of-home-care what other ongoing measures are taken to ensure accountability and best practice?
78. How much is Community Services spending on supervised contact via Header Agreements?
79. How many children in care are participating in supervised contact by another agency other than their placement agency?
80. How many calls to the Helpline have been determined to be not at risk of significant harm?

Review into the Structure of the Department of Human Services

81. Can the Minister confirm if a review has been undertaken by a private consultancy firm to determine the best structure for the NSW Department of Human Services?
82. If such a review has been undertaken, can you tell us what were the review's terms of reference, has the review been completed and, if so, what are its recommendations?
83. Can you also tell us how much the review has cost and whether the report will be made available to the public?
84. If the report is not being released to the public, why not?
85. I understand \$11.1m has been allocated from Keep Them Safe funding for projects related to Keep Them Safe and the Boston Consulting Group Review of out-of-home care.
86. Can the Minister or the department outline what work each of these projects entail, what consultancy firms have been contacted to do this work and what are the individual costs for each of the projects?

87. With regard to these projects, can the Minister specify what work is being undertaken that relates to foster carer allowances and can the Minister give an indication of whether these allowances will be increased or decreased as a result?
88. Within the budget for out-of-home care funding for Community Services, how much is allocated to funding Aftercare services?
89. Can the Minister and/or Community Services provide details about whether any of the projects (related to the expenditure of \$11.1m outlined previously), will involve a review of Aftercare expenditure? And can the Minister give an indication of whether we can expect funding allocations for Aftercare to be increased or decreased as a result?

Munchausen Syndrome by Proxy (MSBP)

90. How many children in the last year have been temporarily or permanently removed from their parents on the basis of medical child abuse or Munchausen Syndrome by Proxy (MSBP)? (or any of its pseudonyms such as fabricated and induced illness, factitious disorder by proxy etc).
91. If records have not been kept in relation to these allegations, what would be the reason for this?
92. Is the department continuing to remove children on the basis of MSBP?
93. Is the minister aware of any cases where parents are being profiled as MSBP, without the label being used in court, as it is known to be discredited?
94. Is there any plan to review cases where MSBP has been involved?
95. Is the Minister aware that Munchausen Syndrome by Proxy is not a recognised disease or illness and is not a definitive diagnosis in the DSM IV and was found to be inadmissible in R v LM [2004] QCA 192?
96. Is the minister aware of the reasons why MSBP was found to be inadmissible as evidence in this case?
97. Can the minister explain why this syndrome is being used by psychiatrists and psychologists in the removal of children from their parents?
98. Is the Minister aware that the evidence of discredited medical practitioner, Sir Roy Meadow, has been used in NSW courts?
99. Is there any plan to review cases which specifically involved Sir Roy Meadow?
100. In cases of alleged medical child abuse, how many cases have involved conflicting medical evidence between expert witnesses?
101. If the Minister does not have these statistics, why not?
102. Is the minister aware that a number of cases in the UK which involved conflicting medical evidence between expert witnesses were placed under review?
103. Is the minister planning to place similar NSW cases under review?
104. Does the Minister have statistics of the number of parents who have been notified to the Department who have been identified as seeking 'complementary' or 'alternative medicine', biomedical/nutritional health care and/or have consulted 'integrative medical practitioners'?
105. If not, why not?
106. What is the Department's position in relation to this type of health care?
107. Is such health care regarded as 'illegitimate' and a basis of risk, despite being legal?
108. Does the Minister plan to issue guidelines to parents in relation to the health care practices it regards as legitimate?
109. Is the Department targeting patients of medical practitioners of this ilk despite the highly successful implementation of integrative medicine in countries such as the US?
110. As quoted by you in October, 2008, "Neglect is the failure of a parent or a caregiver to provide a child with basic things like, food, medical and dental attention, and emotional support....." Are you prepared to concede that removing a child from his/her family (when the reason is the implementation of a special diet or other biomedical intervention) has resulted in the parent/caregiver being unable to provide emotional support and that neglect has therefore been caused by inappropriate removal?

111. According to the 2010 Access Economics Report, two-thirds of Australians use complementary medicine every year – does this mean that two-thirds of parents are at risk of notification to the department?
112. In cases of medical child abuse, could the Minister identify the procedures used by the Department to undertake independent medical investigation ie. an independent medical review not undertaken by the original notifiers – as recommended by Justice Butler-Sloss in relation to the false allegations of child abuse in Cleveland, UK.
113. How many children have been removed from their parents during the last year, based on emergency removal?
114. If this number has increased, what is the reason for this?
115. How much notification is given to parents to prepare their legal defence in such cases?
116. Are parents given the opportunity to get a second opinion of their children's illnesses after removal from the home?
117. If not, why not?
118. Does the Minister have a record of the educational qualifications of all case workers who have the power to assess families and/or remove children from their families?
Could the Minister describe the specific training provided to such workers in relation to the following:
119. rare illnesses e.g. KBG syndrome, or other genetic illnesses
120. rare infections such as dendolimiasis
121. serious illnesses or conditions such as spina bifida or Down's syndrome
122. multiple chemical sensitivities and allergies
123. mitochondrial disorders
124. asthma
125. autistic spectrum disorders
126. cancer sufferers
127. gastro reflux
128. premature babies
129. Could you describe the level of medical training held by case workers who are diagnosing parents with medical child abuse before seeking a medical practitioner's opinion?
130. If a medical practitioner's opinion is then sought by caseworkers, how many involve a diagnosis of the mother without the mother and/or children being interviewed?
131. Do you regard a medical or psychiatric assessment without consultation as a valid medical assessment?
Could the Minister describe the specific training provided to foster carers who look after children with special needs including:
132. rare illnesses e.g. KBG syndrome, or other genetic
133. illnesses
134. rare infections such as dendolimiasis
135. serious illnesses or conditions such as spina bifida or Down's syndrome
136. multiple chemical sensitivities and allergies
137. mitochondrial disorders
138. asthma
139. autistic spectrum disorders
140. cancer sufferers
141. gastro reflux
142. premature babies
143. Could the Minister describe the process whereby the Department's case workers inform foster carers about the specific medical needs of children with these special difficulties?
144. If this is not a formal process, why not?

145. In relation to temporary removals and a mother accused of medical child abuse, (where the department does not believe there is anything wrong with the child), is the foster carer still informed about the possibility of such illness and the treatment required, in consideration that the court case has not yet reached a conclusion about the existence of such illness?
146. If not, why not?
147. Could the Minister provide statistics for the number of parents who have been denied access to their children during the process of temporary removal?
148. If so, what were the reasons for this refusal?
149. Is the Department considering an inclusion in forthcoming budgets for possible legal action in relation to wrongful removal of children for medical child abuse or MSBP, in consideration of the fact that children in the UK have been advised that they can sue for wrongful removal upon reaching the age of 18 years.
150. Could the Minister provide statistics for the numbers of children abused in foster care in the last twelve months?
151. If not, why not?
152. Could the Minister provide statistics in relation to the amount of time it took the Department to move children abused in foster care to another carer?
153. If not, why not?
154. Could the Minister provide statistics in relation to the number of children cared for by each foster carer at any one time?
155. Is there a limit for the number of children cared for, at any one time, by a foster carer?
156. Does the Minister have a policy in relation to parents video—taping access visits with their children?
157. If parents are disallowed from video-taping their children, what are the reasons for this?
158. How many cases of MSBP or Parent Alienation Syndrome in the children's courts are also involved in family court disputes where the mother has accused the father of sexual abuse of the children?
159. In cases of restoration of children with special needs to their parents, can the Minister explain why certain services such as speech therapy and occupational therapy are denied during foster care, but reinstated when returned to their parents' care?
Can the Minister explain why children may also be denied access to day-care or pre-school during foster care, but have this service re-instated on restoration?
160. Can the Minister explain why a child who has been prescribed a gluten-free, dairy-free diet by a qualified medical practitioner is forced to eat a 'normal' diet by case workers not trained in nutrition or medicine?
161. In cases of parental supervision of children with serious illness by the Department, can the Minister explain why a child with terminal cancer might be forced to attend school by the department, despite being seriously ill and in severe pain?
162. How much money is spent by the Department in relation to enforcement of such protocols?
163. How many department caseworkers have been investigated for breaches of protocol and procedure in the last twelve months?
164. What have been the outcomes of these investigations?
165. Is the Minister aware of the potential legal possibility that individual department case workers could be held personally liable for their actions – if the employee has used an unauthorised method to undertake an authorised task and/or has engaged in discriminatory or harassing behaviour?
166. Is the Minister aware that the department could be held jointly liable (vicarious liability) if found not to have taken reasonable steps to prevent the discriminatory and harassing behaviour?
167. What procedures does the Department undertake to make sure that parents are not 'verballed' by department caseworkers during interviews, in consideration that interviews are taped in criminal cases to protect against police 'verballing'.

168. What procedures are provided by the Department to make sure that parents are not 'verballed' during supervised access visits by parents?
169. What procedures does the Department undertake to make sure that affidavits written by caseworkers are accurate and based on evidence?
170. How much importance does the Minister place on hard evidence in children's court proceedings, as opposed to profiling, innuendo and hearsay?

Helpline

171. Is Community Services predicting a continuing decline in reports, and if so, to what extent?
172. In the budget allocations for 2010-2011, what actual savings (compared with the previous year) have been projected for the reduced level of anticipated reports of risk of significant harm to the Helpline?

Information exchange

173. Has there been any evaluation on the implementation of Chapter 16A in the Children and Young Persons (Care and Protection) Act 1998 that allows for easier information exchange between government and non-government agencies?

Cost of a pair of spectacles

174. Is the Minister aware of the process involved when a child in out-of-home care requires a pair of spectacles that cost more than \$500?
175. The process is as follows: eye test, quote for glasses, quote provided to caseworker who makes a submission for approval to the casework manager, who then provides same to the Manager of the CSC. If approved the caseworker receives a submission which is passed on to the optometrist who makes the glasses which unfortunately cannot be collected until the Caseworker submits a submission for payment to the Casework Manager who then passes it to the Manager CSC who then transmits the information to head office from whence the cheque is sent.
176. Has there been any costing done on this process?

Carers

177. At a case conference that involves a child, parents and staff why is the carer they only person not entitled to have a support person particularly given that a staff member can be accompanied by a union representative?

Accounts

How many invoices payable by Community Services are:

178. 0 – 30 days
179. 30 – 60 days
180. 60 – 90 days
181. More than 90 days?

Family Case Management

182. Are there any interim evaluation results available for the Family Case Management project?

Victims of Crime Compensation

183. How many FTE staff are engaged in pursuing Victims of Crime compensation on behalf of child victims of abuse or neglect. If there is no dedicated legal officer, what is the estimated staff effort involved in pursuing Victims of Crime compensation?
184. Cost of relocating a child in OOHC
185. What is the cost of relocating a child, who does not have special needs, to an alternative carer if a placement breaks down?

186. Can the department provide statistics on the number of placements that broke down in 2009, including information about multiple placements for children in that time frame?
 187. What is the cost of relocating a sibling group that comprises, for instance 3 children?
 188. If a contingency amount is allocated to a carer to accommodate a sibling group and that placement breaks down, what becomes of furniture and other belongings, such as beds, that may have been purchased by Community Services for that family?
- In relation to the Supported Accommodation Assistance Program (SAAP)
- a) Did the program cease on 30 June this year?
 - b) What guidance or directives have been given to NGOs which received funding under the SAAP?
 - c) Will a new program replace the SAAP?
 - d) Where can NGOs which previously accessed funding under the SAAP apply for funding?
189. What is the NSW Government doing to support the Hope Food Barn in Warrawong?
 190. What Community Services programs are designed specifically for the 8-12 year old bracket, which is known as 'the missing years' within the sector? How much funding was allocated to programs for 'the missing years' each financial year from 2003-04 to 2010-11 and what percentage was allocated to Western Sydney?

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There were no additional questions on notice lodged by members relating to the portfolio of State Plan.

Questions relating to the portfolios of State Plan

15 September 2010, 2:00 pm – 6:00 pm

Questions from XX