

**Submission
No 57**

INQUIRY INTO CHILD PROTECTION

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From: Barnardos Australia

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Introduction

Barnardos Australia (Barnardos) is pleased to contribute to the NSW Legislative Council Child Protection Inquiry 2016. Barnardos is a major non-government organisation (NGO) and provider of full range child protection programs and interventions. We have strong presence in NSW and ACT including large scale contracts with government to deliver child abuse services, including integrated community based prevention strategies, early intervention programs, and specialist out-of-home care (OOHC). We directly assisted 11,109 children through our programs in 2014/15 in addition to providing short and long-term foster care for 947 children and young people and successfully achieving open adoption orders for 21 children. Barnardos actively works to prevent abuse and neglect of children through our Children's Family Centres which are specifically located in areas of high child abuse and neglect reporting rates.

We wish to draw the attention of the Inquiry and Committee members to important issues that are obstructing the protection of vulnerable children in NSW within the specific Terms of Reference areas for the Committee, as follows:

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

Barnardos Children's Family Centres are at the forefront of notifying children at risk and assisting NSW Family and Community Services (FaCS) in actively responding to the needs of children and families. Our Centres report that the process of notification is assisted by the NSW Mandatory Reporter Guide. However, Barnardos holds concerns relating to a number of issues about notification, investigation and assessment of children and the high level of re-reporting of children known to NSW FaCS, and poor responses by government agencies to NGO notifications.

Re-reporting

We are concerned by the limited effectiveness of assessment of child abuse notifications and services available to children suffering chronic abuse and neglect and who are repeatedly re-reported to the FaCS Helpline. Our crisis foster care programs report that they are regularly referred children needing care who have had a high number of Risk of Significant Harm (ROSH) reports made, and who by the time they are removed into care have suffered significant trauma.

Whilst there is limited public data available on children re-reported, we note the difference between the number of reports and assessments undertaken, and the experience of Barnardos staff that there are a large number of children subject to re-reporting who are placed into OOHC. We have not found reliable data on re-reporting in NSW and must draw on some approximations. For example, in 2008 the Wood Special Commission of Inquiry into Child Protection estimated in that *3% of reported families accounted for a quarter of all reports, and 12% of families accounted for half of all reports* (Sammut 2015 p.62). In the most recently available statistics (*Australian Institute of Health and Welfare 2016*), we note that one in five children were the subject of multiple substantiations of abuse throughout Australia and that 73% of children who received a child protection service were repeat clients, that is they had been subject to an investigation, care and protection order or OOHC placement in the previous twelve month period. The figures for NSW (*AIHW Table 3.2*) indicate that over 17 % of children have three or more substantiations of abuse via re-report.

Barnardos believes that more effective assistance should be offered to these children. We understand that some internal review of child re-notification rates is underway in NSW. Barnardos believes that NGOs with adequate resources could maintain many of these families without child protection involvement via integrated support and direct assistance programs such as are provided in Barnardos Children's Family Centres.

We urge the Committee to establish the true extent of child protection re-reporting in NSW, and implementation of more effective assessment of child needs with concurrent establishment of services to provide meaningful help to these children.

Response to NGO reporting

Our experience is that when Barnardos staff notify children, in families that we are working with, FaCS child protection workers may reduce the priority given to them because of our involvement; this is a long-standing problem which needs to be addressed. There appears to be an absence of understanding within FaCS that when NGOs report children who are existing clients it is most usually the case that that intensive services have already been provided over time, and the capacity to keep children safe exhausted. Such families may have escalating issues such as addictions which mean children are very unsafe, and/or have become disengaged or non-compliant. For example Barnardos Auburn Children's Family Centre recently notified a mother with a new born baby and 2 year old four times, but the family were not allocated for investigation. FaCS responded that, since we were working with the mother, they would not need to respond. The mother then phoned Beyond Blue and told them she was not coping, Beyond Blue made a notification which FaCS ultimately responded to. It would be helpful if FaCS had greater interaction or communication with the agency making the report so that there can be shared understanding of the motivation of making the report and perhaps a shared understanding of the action and the decision-making in relation to screening and assessment of the report. It is acknowledged that there will be times when the expectation of the NGO and the capacity of FaCS will not be aligned but this should not negate the need for shared communication.

Barnardos staff also experience notifications made to the FaCS Helpline which are not always responded to in a timely manner. The Mandatory Reporters Guide (MRG) is a useful tool utilised frequently by NGO staff, however it can be the case that workers using the tool and subsequently making a child abuse report have the expectation that if the MRG is indicating that a report needs to be made then direct action will be taken by FaCS for case allocation. This is not necessarily always the case as the Helpline uses further risk assessment tools to screen reports, and knowledge of these tools is not routinely available to NGO child protection employees, nor is feedback on reports made consistently provided. There needs to be increased information back to agencies about the tools and processes used by FaCS post mandatory reporting to the Helpline.

We urge the Committee to ensure that all notifications by NGO service providers be automatically screened in and investigated, and that there is telephone contact with NGO reporters to explain what is happening re case allocation of the reported family.

Helpline reports for children in OOHC

It is Barnardos understanding that decisions on notifications about children in OOHC are made on the same criteria as other notifications. Whilst of course believing that the State government has particular responsibility for children in OOHC, Barnardos also believes this area requires closer examination in relation to potential overlap in some areas with reportable conduct notification and investigation requirements under the NSW Ombudsman Act. Barnardos experience as well indicates that FaCS treatment of Helpline reports for children in OOHC can be inconsistent between FaCS Districts, some interpret every report of a child in OOHC as requiring statutory investigation, regardless of the nature or seriousness of the report, others do not. Even though the NGO may be holding placement and case management responsibility for the reported child in OOHC (*and in the case of Barnardos also Parental Responsibility under Deed of Delegation from the Minister for Children in our permanent care*), the NGO placement agency may not be told of a report to the Helpline for many months, and sometimes not at all. This potentially leaves already vulnerable children at further risk if the placement agency is unaware that a report has been made, and also jeopardises Ombudsman Act reportable conduct requirements.

B. The adequacy and reliability of the safety, risk and risk assessment tools used at Community Service Centres

Barnardos Centres regularly receive safety and risk assessments from FaCS for all our Intensive Family Support and Intensive Family Preservation matters. However, our staff report that these assessments can lack detail and that the questions are designed in such a way that when the assessment indicates ‘this danger not identified’ there is no requirement to give further information to explain that decision.

We therefore recommend that the Committee seek redesign of safety and risk assessment assessments and associated reports to provide greater detail to NGOs who are providing direct services to these families.

Barnardos is unaware of current research on the effectiveness or otherwise of the current safety and assessment tools used by FaCS. Our Centres report that the initial assessment tool does a reasonable job in culling initial notifications, however we have a general concern that these risk assessment tools can be used in ways that distort safety decisions and skills in child protection (*Gillingham 2009, Gillingham and Humphreys 2010, Gillingham 2011*). It is Barnardos considered opinion that NSW government should be investing in systems that lead to a thorough assessment of the family leading to more effective and co-ordinated responses to children and families experiencing difficulties. Several agencies (*including Barnardos*) have developed tools, for example Barnardos MyStory guided practice case management system for OOHC which may assist government in this area. Barnardos understands that the FaCS ChildStory project is being developed to promote more efficient administrative management, however Barnardos is unclear as to how the system will provide direct case management for increased child safety. FaCS appears to have limited ability to implement guided practice professional case management systems.

One of the challenges when FaCS assesses risk in relation to families is that it is undertaken on an incident or immediate and/or imminent risk basis, as opposed to assessing the long-term impact of an ongoing traumatic environment. For example, boys who are regularly and persistently exposed to violence in the family home are more likely to develop mental ill- health, use violence as an emotional response, misuse substances and use violence as adults in their parenting strategies and this long-term impact needs to be considered. It is challenging for FaCS workers to be able to assess, respond and implement early interventions with families with complex and entrenched family issues unless there is comprehensive, responsive and flexible service systems to respond to these issues. Risk and safety assessments involving domestic violence need to have greater emphasis on family systems and trauma based relationships not just child risk and safety analysis focused on children without full consideration of family context. The mother (*usually the target of male violence*) is often placed at the centre of risk assessment and identified as the lynchpin to child safety in domestic violence via leaving the perpetrator; this is frequently an unrealistic solution and results in child entry to OOHC, also deflecting responsibility away from the violent offender who may be a male caregiver within the family.

We urge the Committee to examine the availability of practice-based case management solutions in addition to risk assessment actuarial system currently used by FaCS, to meet the needs of government and NGO child protection workers in both assessment and monitoring of both risk and services provided to vulnerable children within their families.

Assessment of risk for NSW children aged under twelve years and placed in residential OOHC settings in Barnardos opinion requires immediate attention. Our experience as an accredited OOHC provider over many years is that it is not adequately safe for children under twelve years of age to be in residential care unless it is essential because they are part of a large sibling group and no other option is available. Children aged under twelve and placed in residential care are at higher risk of systems abuse via lack of opportunity to form long-term continuing relationships with adult carers, and also at risk of contamination of behaviour as a direct result of being placed with older and

potentially more disturbed young people in care. In NSW at the present time roughly one quarter of the residentially placed OOHC children are under the age of twelve years, Barnardos is deeply concerned at this high proportion of young children in residential care and believes this to be unacceptable on the grounds stated. Residential care does not offer the level of individual support that a young child needs, it is highly stigmatising and young children can also witness behaviour that they experience as confronting and distressing. The issue of 'peer on peer' sexual assault is also more likely and has been increasingly noted by the current NSW Royal Commission into Institutional Responses to Child Sexual Abuse (2016).

We urge the Committee to review the number of children aged under twelve currently in NSW residential care, and to consider alternative responses in order to reduce risk to vulnerable children in OOHC.

C. The amount and allocation of funding and resources to 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

Barnardos wishes to raise a number of points related to failure of ongoing implementation of key government policies affecting funding and resources of the Department, in particular failure to reduce Departmental OOHC staff in line with the transfer of children in OOHC to the NGO sector following the Wood Special Commission of Inquiry (*Wood 2008*), and failure to increase staffing for open adoption following amendments to the Care Act in 2014.

Transition of NSW foster care from government to NGOs following recommendations of the Wood Special Commission of Inquiry (2008) has been slow as a result of an absence of sufficient growth in NGO OOHC contracts, despite government commitment that all OOHC would be provided by NGOs over time. The most recent figures available indicate that the NGO sector still has less than 60% of total OOHC placements, and FaCS continues to retain staff to provide OOHC. There is an absence of available information regarding whether and how FaCS OOHC staffing numbers have been reduced since the initial stages of OOHC transition, and such figures are not available through Annual Reports.

We urge the Committee to seek information on future plans to move the remaining proportion of children still in FACS OOHC to the NGO sector.

Barnardos believes there is an urgent need for FaCS staffing in the specialist area of open adoption from OOHC. We draw Committee attention to the absence of progress in employing caseworkers able to achieve adoption of children from FaCS long-term foster care placements despite legislative amendments that indicate that adoption should be the highest priority care plan for non-Aboriginal children unable to be restored or live with kin. NSW FaCS undertakes a limited number of adoptions for children who are living in long-term foster care, yet there does not appear to be effective practice in place to implement moving babies and older children out of the

care system when they clearly will never return home. Adoptions in 2012-13 numbered only 78, in 2013-14 numbered 82, and in the 2014-15 financial year period only 87 children were adopted from OOHC (*FaCS Annual Report 2014/15*). Barnardos is particularly concerned to see that young children and babies entering care are not adopted in a timeframe relevant to the child. We would be interested for the Inquiry to establish how many care plans for adoption have been achieved in the Department within the required 6 months for children under aged 2, and within a year for older children. We would also urge the Inquiry to investigate why NGOs other than Barnardos are not taking up the challenge of adopting children from care when it is a clear priority of NSW government.

The most recent AIHW figures suggest that 71.6% of New South Wales children in care on 30 June, 2014 had been in care for two years or longer (*Table 5.2*). Barnardos knows that adoption can be life changing for vulnerable and abused non-Aboriginal children who have been removed by the Courts and can never return home, and that there are potential adoptive parents available to accept the care of these children.

We urge the Committee to set regional targets for the number of children adopted from OOHC, and to assess the numbers of babies and very young children with long-term Court Orders to 18 years who remain in foster care.

Barnardos believes that the current use of FaCS staffing and resources to develop a Quality Assurance Framework is potentially wasteful of resources as we believe it may duplicate the role of the NSW Office of the Children's Guardian. Over the past two years FaCS resources have been allocated to a consultancy project to improve the monitoring of outcomes for children placed in OOHC. This project in several ways duplicates the accreditation and auditing work of the NSW Office of the Children's Guardian, which already comprehensively assesses the performance of agencies in meeting standards of care. FaCS currently remains an OOHC provider itself and is undergoing accreditation, Barnardos strongly believes that it would be best to move these children still in FaCS care to NGO accredited OOHC providers (*as recommended by the 2008 Wood Special Inquiry*).

We urge the Committee to conduct analysis of development of the Quality Assurance Framework in the light of existing NSW Office of the Children's Guardian standards and accreditation requirements.

Barnardos supports the employment of FaCS casework specialist positions and believes this to be a better use of funds than simply increasing the number of statutory front line child protection staff. Reports from Barnardos Children's Family Centre programs indicate a strong positive outcome as being that case work specialists are enabling greater use of interagency wraparound services for children, as a direct result of better facilitated case reviews and enactment of strongly child focussed safety plans.

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

We draw Committee attention to the point made in Section C about failure to move FaCS staffing resources to the NGO sector in line with NSW OOHC transition. Some specific points related to NGO OOHC funding are that NGOs can be affected adversely by the current NSW OOHC Unit Cost funding methodology in the following ways:

- Foster care costs are impacted by age of the child in care ie we must pay more to carers for older children, however the current Unit Cost is a flat fee without reference to age of the child in care
- Payment (other than carer allowance for direct costs) for carer and casework support for young people over the age of 18 years who are still in education is not made, yet NGOs have an ethical responsibility to support these young people until they are able to leave school and further studies
- The amount and allocation of OOHC contract funding has failed to meet the growing demands required by Regulation including OOHC Accreditation processes, Carer Register requirements and NSW Office of the Children's Guardian audits.

Specialist OOHC programs for family restoration are required to maximise reunification possibilities for children newly removed from family into OOHC. Barnardos has previously run such specialist programs but over time increasing pressure to take high risk FaCS referrals with increased assessment requirements for Court related work has eroded the ability of these programs to undertake early restorations in a timely manner according to children's developmental needs as they have become 'clogged' with children waiting for the Court to make determinations. We strongly believe that dedicated 'first entry to care' programs with intensive family support and respite care options should be trialled in NSW. Such programs are best placed in the NGO sector because this is less threatening to families and because these programs should ideally be run in conjunction with intensive family support programs which families are encouraged to attend on a voluntary basis.

Barnardos is concerned at the absence of standard regulation and monitoring of early intervention and family support programs. We believe that intensive intervention and early intervention programs should be subject to the development of Standards and monitoring similar to that undertaken in OOHC by the NSW Office of the Children's Guardian.

We also draw Committee attention to point G below as we believe that more resources should be put into interventions early in a child's life amongst targeted communities where there are high levels of child abuse reporting and large numbers of children known to be at risk.

We urge the Committee to recommend the review and development of fairer more comprehensive funding formula for OOHC and restoration services provided by the NGO sector. We would also urge investigation of the potential for development of standards for early intervention services especially those services which intervene early in the lives of very vulnerable children.

Barnardos would like to see more work done in the area of supporting kinship care placements. We note that the majority of OOHC placements in NSW are now relative/kinship placements (*AIHW 2014-15, Figure 5.3*) yet these placements often do not have the ability to call for caseworker support and older, poorer carers (*usually grandparents*) cannot access the services that they need. Barnardos currently has programs which work specifically with kinship carers and we have learnt of the very complex needs of these specific OOHC placements.

E. The support, training, safety , monitoring and auditing of carers including foster carers and relative/kin carers

Whilst NSW leads the way in Australia in terms of child safety (*via Ombudsman's Act reportable conduct system and requirements*) and has a comprehensive system of accreditation for OOHC, there is considerable administrative bureaucracy required for NGOs and duplication of some processes.

NSW has introduced the Carer Register from 2015 and the required processes are cumbersome and time intensive. Barnardos believes that timely review of the Carer Register is needed to see how many inappropriate carers have been 'caught by the system'. We would like to see the process streamlined eg currently National Police Checks are undertaken as part of NSW Working with Children Check but also duplicated in the Carer Register requirements.

The process of reporting an allegation of abuse in care to the NSW Ombudsman is poorly connected to NSW Office of the Children's Guardian and Carer Register requirements. For example OOHC NGOs receiving an allegation of abuse in care must report to the NSW Ombudsman on the investigation process, and in addition may need to make three separate notifications to the NSW Office of the Children's Guardian. Depending on the nature of the allegation, separate reports may need to be made to Accreditation section, Working with Children Check section and Carer Register. This process requires considerable NGO time and resources and we believe that there should be only one process involving the Ombudsman informing the NSW Office of the Children's Guardian which then advises its relevant internal sections. In this way the NGO would report once, and the burden of administrative data sharing would be appropriately borne by relevant better resourced government departments. Implementation of the NSW Carers Register has increased staffing needs for NGOs to complete checks in addition to the staff required by the NSW Office of the Children's Guardian. We would like to see an evaluation of cost effectiveness of this mechanism for protecting children in care, including but not restricted to determination of whether the number of Ombudsman notifications decreases over time.

We also draw Committee attention to the high number of foster carers in Australia who have multiple children in placement, and suggest that the Inquiry seek information on NSW carers who have multiple unrelated children in their care, and the associated impact on sequential numbers of placements and also outcomes for children. Whilst figures are not available in the AIHW report for NSW it is generally accepted as most important that sibling groups are kept together. Barnardos strongly believes that it is detrimental to the individual care needs of children to have unrelated groups of

children from multiple families placed together in OOHC, and that this issue warrants further investigation by the Committee.

Barnardos has experienced the transfer of FaCS kinship carers as a component of NSW OOHC transition, many of whom were unallocated cases within FaCS and as a result carers had not seen a FaCS workers for over 5 years, and had no current training and/or home safety assessment. The majority of these carers transferred without the relevant assessments completed, or with assessment that did not recommend them to care for the children however, children were left there for years without monitoring.

We urge the Committee to consider ways to streamline the NSW Ombudsman reportable conduct and NSW Office of the Children's Guardian processes, create a more streamlined Carer Register process, consider ways for the Carer Register to track unrelated children placed together in foster care, and investigate how many foster (*including kinship*) carers are currently remaining with FaCS unallocated and without satisfactory current and required safety checks.

F. The structure of oversight and interaction in place between the NSW Office of the Children's Guardian, Department of Family and Community Services, and non-government organisations regarding the provision of services for children and young people at risk of harm, and children in out of home care

In relation to FaCS and NGO provision of services there are ongoing issues in relation to the implementation of case management. Workers in Barnardos Children's Family Centres report that they are not always provided with full histories of children due to not being 'parties to proceedings' when children from families we are working with have matters before the Children's Court. The level of information shared with NGOs is crucial in order to maximise safety for children, and also ensure that the Court has access to the most recent and relevant information about a child. This is particularly important when a child is in NGO OOHC, Barnardos has experienced numerous cases where a FaCS worker does not consult with the NGO caseworker who is directly supervising the child in placement when preparing the Care Plan to be presented to Court.

Barnardos is also concerned about some aspects of the interaction between NGOs and the NSW Office of the Children's Guardian, see Section E above on multiple reporting required of NGOs to state government instrumentalities. Barnardos must report allegations to the NSW Ombudsman and may then, in some circumstances, have to report up to three times to the NSW Office of Children's Guardian Working with Children Check, Accreditation and Carer Register sections. There are also difficulties in ensuring some young people in a carer household undertake a Working with Children Check once they turn 18 years of age, as per current NSW Office of the Children's Guardian requirements. Our experience being that some children of carers who have grown up alongside foster brothers and sisters in care find this Working with Children Check requirement unacceptable as they consider the OOHC children their siblings.

G. Specific initiatives and outcomes for at risk Aboriginal and Torres St Islander children and young people

Barnardos notes with extreme concern the ongoing high rate of Aboriginal children with substantiated abuse and neglect (*AIHW Table 3.5 indicates that there were 4,691 in 2014-15*) and also in OOHC. Despite these figures Barnardos finds it very difficult to find funding for services to support Aboriginal children and young people. With the exception of the Australian government funded HIPPI program and some supported playgroups, we find it impossible to find resources from government to directly assist vulnerable Aboriginal and Torres Strait Islander children and families. We fund these programs with corporate support and would very much like to expand this work particularly in rural and regional areas, however are unable to do so without the financial commitment of government.

Barnardos Aboriginal Learning Centres which cater for young primary school aged children after school and assist them with homework, food and family support are a current practical innovation which is meeting with some success (*Tracey, Craven et al. 2015*). These Centres attract no government funding and consequently we are unable to take the numbers of children on waiting lists or open new Centres in areas of high child vulnerability and disadvantage. Currently we have Learning Centres in Redfern-Waterloo, Wellington and Queanbeyan.

Our Parents as Teachers (PAT) program for new Aboriginal parents in rural and remote NSW receives no specific funding and we are unable to further operationalise this program in other areas or undertake formal program evaluation. Our trial projects have had strong attendance by new Aboriginal parents and staff believe that they have been highly successful in developing parenting capacity.

Barnardos currently also provides the Beyond Barbed Wire program in NSW, this unfunded service keeps Aboriginal mothers who are incarcerated connected with their children and prevents entry to OOHC by supporting kinship placements until they are released from custody in gaol. We have a trial program which has shown very positive results in a NSW rural prison.

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 the risk of harm to children and young people

In addition to the points made in Section G above, Barnardos is concerned with two issues in the area of targeted and universal prevention services.

Firstly, that the level of resources allocated to 'secondary prevention' (*that is targeted services to children with known abuse and neglect*) is not adequate to the task and has been limited compared to the development of early intervention programs for children who are not at such immediate risk of significant harm. **We attach a paper** on the subject of the balance between universal, early intervention and prevention of entry into OOHC. Barnardos is not aware of research indicating that there is a proven relationship between early intervention services and prevention of serious abuse and neglect that may cause a child to enter OOHC (*Tregeagle and L.Voigt 2013*). We applaud recent changes to the NSW Brighter Futures program which means that

children at greater risk should receive priority services. Barnardos strongly believes that the provision of integrated and co-located geographically based Family Centres providing programs such as crisis family accommodation, domestic violence support, voluntary use of foster care, and intensive family support are the most important services to maximise opportunities to keep children safely with their own families and prevent entry to OOHC. Please note previous comments in Section D on the absence of required standards for services providing intensive targeted prevention and early intervention programs, and family support.

Secondly, we note the increased difficulty of accessing early education and care for vulnerable children under the age of five, who are at risk. This is largely because of changes at the Federal level whereby childcare is seen as primarily for promoting workforce participation. However, because of the importance of childcare in providing regular monitoring of safety and care, and reversing the impact of neglect in the early years, we believe that the State government should act to increase access to early education and care for this very young vulnerable group.

We urge the Committee to consider adequate funding for secondary services and increasing access opportunities for at risk children to participate in early learning and child care.

Thank you for the opportunity to provide this submission.

Deirdre Cheers
Chief Executive Officer
Barnardos Australia

Attachment:

What Intensity of Service is needed to prevent children's entry to care? Addressing the pressures on early intervention and prevention services – Tregeagle and Voigt.

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