

INQUIRY INTO CHILD PROTECTION

Organisation: NSW Council of Social Service - NCOSS

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About NCOSS

The NSW Council of Social Service (NCOSS) works with and for people experiencing poverty and disadvantage to see positive change in our communities.

When rates of poverty and inequality are low, everyone in NSW benefits. With 80 years of knowledge and experience informing our vision, NCOSS is uniquely placed to bring together civil society to work with government and business to ensure communities in NSW are strong for everyone.

As the peak body for health and community services in NSW we support the sector to deliver innovative services that grow and evolve as needs and circumstances evolve.

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NCOSS can be found at:

3/52 William St, WOOLLOOMOOLOO NSW 2011

phone: (02) 9211 2599

email: info@ncoss.org.au

website: www.ncoss.org.au

facebook: on.fb.me/ncoss

twitter: [@ncoss](https://twitter.com/ncoss)

Summary of Recommendations

- 1. As part of this Inquiry process, General Purpose Standing Committee No. 2 should provide a point in time check on progress in NSW against previous recommendations arising from similar inquiries into child protection and out-of-home care.*
- 2. Investment in community building, prevention and early intervention should be increased, with additional funding targeted to population groups experiencing the greatest level of need, and to regions where there has been an historical underinvestment of funds.*
- 3. The NSW Government should invest an additional \$500 million in early education and care to ensure that quality early education is accessible to all families.*
- 4. The NSW Government should invest \$25 million per annum to expand existing nurse-led home visiting programs and ensure full coverage across the state, beginning with locations with high concentrations of disadvantage.*
- 5. Adequate funding and resources should be allocated to both the Department of Family and Community Services for the employment of frontline workers and to NGOs to facilitate appropriate responses to all children and young people reported at risk of harm.*
- 6. Processes should be reviewed and streamlined to ensure there is appropriate follow-up of referrals.*
- 7. Every effort should be made to identify and locate appropriate family members and create a plan before a child or young person needs to be removed from his or her family.*
- 8. The Committee should examine current pilot testing of assessment tools and resources developed by Aboriginal people, and subject to the outcomes of these pilots, recommend the state-wide roll-out of these tools.*
- 9. When a child is removed from his or her family, parents should have access to immediate support to help them make the changes needed to provide a safe environment for their child.*
- 10. The NSW Government should investigate the legislative and policy changes needed to protect Aboriginal children from being permanently disconnected from their families and communities, and to improve compliance with the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles.*
- 11. The monitoring of children in foster care should be strengthened with support services provided where needed to help avoid placement breakdowns.*
- 12. All children in out of home care should have access to appropriate support regardless of the type of placement, as should their carers.*
- 13. The NSW Government should develop a plan to ensure out-of-home-care leavers have priority access to appropriate support services at key transition points in their lives.*
- 14. The NSW Government should appropriately resource implementation of the Absec/FACS co-designed 'Plan on a Page for Aboriginal Children and Young People 2015-2021'.*

- 15. Sustained and systematic training is needed to ensure non-Aboriginal families and non-Aboriginal agencies working with Aboriginal children are providing culturally appropriate services and care.*
- 16. The NSW Government should develop a project to improve participation by children and young people in decision-making processes.*
- 17. The NSW Government should deliver long-term certainty to the sector through longer contracts that include sufficient resources to cover the full cost of service delivery (including networking, administration and training).*
- 18. The NSW Government should develop a comprehensive workforce development strategy for child protection and out-of-home care.*
- 19. The NSW Government should establish a sector-led 'Centre for Excellence' focused on identifying, measuring and disseminating good practice within the sector.*

Introduction

NCOSS believes that all children deserve the very best start in life. But the life outcomes of too many of our children and young people are being limited by circumstances beyond their control.

We know that those children and young people who experience poverty and disadvantage are more likely to have health and behavioural problems, experience housing and food insecurity, and not achieve their full potential at school. And we know that long-term, this experience will shape their employment prospects, their health outcomes and their sense of wellbeing.¹

We also know that for children and young people who come into contact with the child protection system, the outlook is even worse.²

And of particular concern is the well-being of Aboriginal families, who experience disadvantage on multiple fronts. This is reflected in the massive over-representation of Aboriginal children and young people in the out-of-home care (OOHC) system, with Aboriginal children in NSW more than 10 times more likely than their non-Aboriginal peers to be in OOHC.³

Although it is widely recognised that we are achieving very poor outcomes for vulnerable children and young people, we are not doing enough to stop the cycle of disadvantage. In NSW, there has been a steady increase in both the number and rate of children entering out of home care, and we now have the second highest rate of children in out of home care of all the States and Territories.⁴

Rather than address each of the terms of reference for this Inquiry individually, this submission is divided into a number of sections:

- Section 1 focuses on better supporting families before they reach crisis point;
- Section 2 focuses on improving outcomes for those children and young people at risk and those who come into contact with the child protection system;
- Section 3 looks more closely at the outcomes for at risk Aboriginal and Torres Strait Islander children and young people;
- Section 4 identifies system enablers that will facilitate improvement across the service system.

In discussing each of these issues, this submission draws on the expertise of our members and incorporates their feedback, which in turn is informed by extensive experience working directly with vulnerable children, young people and their families. In particular, this submission takes into account the 27 consultations we recently conducted across NSW as part of our Pre-Budget Submission consultation process, a call-out for additional input

¹ Australian Institute of Health and Welfare (2011). *Headline Indicators for Children's Health, Development and Wellbeing*. Canberra: AIHW.

² Osborn, A. & Bromfield, L. M. (2007) *Young people leaving care* (Research Brief No. 7). Melbourne: National Child Protection Clearinghouse, Australian Institute of Family Studies.

³ Productivity Commission (2016) Report on Government Services, Child Protection Services.

⁴ AIHW (2016) Child protection Australia 2014-15, Cat. no. CWS 57

from our members who deliver children and family services, and discussions with other peak bodies. It is also informed by our participation in ongoing discussions with other peak organisations and the Department of Family and Community Services (FACS) as part of the Targeted Earlier Intervention Reform process.

While we welcome this opportunity to collectively examine the child protection system in NSW, we note that there have been numerous inquiries into child protection and out-of-home-care in recent years. Of particular relevance to this Inquiry are:

- The 2007/08 Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry).
- The 2014/15 Senate Standing Committees on Community Affairs Inquiry into Out of Home Care.
- The 2015 Auditor-General's Report, *Transferring out-of-home care to non-government organisations*.
- The 1997 Report *Bringing them Home: National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*.

Collectively, these processes represent the investment of considerable resources, and extensive community and stakeholder consultation. We therefore ask that in focusing on delivering better outcomes for children and young people in out-of-home care throughout Australia, the Committee builds on rather than replicates this previous work, and provides a point in time check on progress against previous recommendations.

Recommendation 1: *As part of this Inquiry process, General Purpose Standing Committee No. 2 should provide a point in time check on progress in NSW against previous recommendations arising from similar inquiries into child protection and out-of-home care.*

1 Support before crisis

We know that providing vulnerable families with the support they need can give children and young people greater stability in their home environment, help avoid crises, minimise the impact of trauma, and reduce the number of children and young people being removed into care. But although there is widespread agreement about the value of investing in early intervention, we also know that we are still failing too many children, young people and families. Our members tell us that:

- Many children and young people are feeling disconnected from their communities. They do not have access to safe spaces and places where they can connect with peers and adults outside their families.
- Families are struggling to access the support they need before they reach crisis point. In particular, there is a significant gap in support for families at the pre-crisis stage, made more acute by the repositioning of Brighter Futures from an early intervention program service to a statutory child protection activity.
- Where families do reach out, they are too often finding that they (a) are not eligible for existing programs, (b) must wait too long before help becomes available, (c) are being referred to services on the basis of what is available rather than what is appropriate to their needs.

Where to from here?

While we recognise that work is currently underway to improve the efficiency, effectiveness and flexibility of existing services through the Targeted Earlier Intervention (TEI) reform process, we consider that the effectiveness of this reform process – and of existing investment – will be undermined if the system as a whole is

not adequately resourced. Our members consistently tell us that current funding levels are not adequate to meet the level of need. We therefore recommend that additional funding be injected in community development and early intervention activities as part of the TEI reform process, with the view to reducing the need for spending on more resource intensive interventions over the long-term. In particular, we recommend that increased funding be targeted to population groups, such as Aboriginal people, that are experiencing the greatest level of need, and to regions where there has been an historical underinvestment of funds.

There is broad support and a strong evidence base for an approach that would see a greater proportion of funding invested in community building, prevention and early intervention. For example:

- The National Framework for Protecting Australia's Children 2009-2020 sets out a long-term approach to reducing child abuse and neglect, aspiring to a public health model of services that emphasises universal and secondary interventions, with tertiary interventions as a last resort.
- The 2007 Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) observed that: "The child protection system should comprise integrated universal, secondary and tertiary services, with universal services comprising the greater proportion".⁵
- The FACS Targeted Earlier Intervention Programs Sector Consultation Paper states that: "There is unambiguous proof that evidence based prevention and early intervention can lead to measurable and substantial reductions in the factors that place children and families at risk of poor outcomes."⁶

In the NSW context, we have yet to achieve the desired mix of services and there remains significant disparity between resourcing for tertiary interventions and secondary and universal interventions. Even after adjusting for population size, we now spend significantly more on child protection and out-of-home care than any other State or Territory,⁷ while funding for prevention and early intervention has eroded over time.

Recommendation 2: Investment in community building, prevention and early intervention should be increased, with additional funding targeted to population groups experiencing the greatest level of need, and to regions where there has been an historical underinvestment of funds.

FACS defines early intervention as both intervening early in age and early in the course of an issue.⁸ In addition to investing in FACS-funded early intervention services we need to better support children in the first years of life. Two priorities for increased investment are early education and care and sustained nurse home visits. The recent review of prevention and early intervention programs, *Better Systems Better Chances*, conducted by ARACY, identifies these two categories of intervention as those with the strongest level of evidence in improving outcomes for children and achieving significant return on investment.⁹

Early Education

The NSW Government spends less –per child– on early childhood education and care services than any other State or Territory NSW. As a result, we have the lowest proportion of children attending early childhood

⁵ Wood (2008) Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry), page v

⁶ FACS (2015) Targeted Earlier Intervention Programs Sector Consultation Paper, page 7

⁷ Productivity Commission (2016) Report on Government Services, Child Protection Services.

⁸ FACS (2015) Targeted Earlier Intervention Programs Sector Consultation Paper, page 11

⁹ Fox, S., Southwell, A., Stafford, N., Goodhue, R., Jackson, D. and Smith, C. (2015). *Better Systems, Better Chances: A review of research and practice for prevention and early intervention*. Canberra: Australian Research Alliance for Children and Youth (ARACY).

education in the year before school (82%), are the state with the worst performance on the proportion of disadvantaged children in early childhood education (72%), and have the least affordable fees.¹⁰

Recommendation 3: *The NSW Government should invest an additional \$500 million in early education and care to ensure that quality early education is accessible to all families.*

Nurse Home Visits

Nurse-led home visiting programs have a range of benefits for vulnerable children and their families. They can lead to better pregnancy outcomes, support mothers to breastfeed for longer and improve women's experience of motherhood. Ultimately, nurse home visits can improve a child's health and developmental outcomes and help cultivate a safe and nurturing home environment.^{11,12,13} While nurse-led home visiting programs are currently available in some areas of disadvantage in NSW, many areas – including those experiencing significant levels of disadvantage – are missing out.¹⁴

Recommendation 4: *The NSW Government should invest \$25 million per annum to expand existing nurse-led home visiting programs and ensure full coverage across the state, beginning with locations with high concentrations of disadvantage.*

2 Better outcomes for vulnerable children

In recent years there has been considerable effort directed towards reforming the out-of-home care sector and improving outcomes for children and young people who come into contact with the child protection system. The NSW Premier has identified 'Protecting Our Kids' as one of his 12 priorities, and is working towards a goal of decreasing the percentage of children and young people re-reported at risk of significant harm by 15%. To this end, the 2016-17 Budget included a significant injection of funding into the child protection and out of home care systems. We recognise that current reform processes and increased funding has the potential to bring about significant improvement in child protection and OOHC. However, the current situation is that:

- The response to children being reported at risk of significant harm is often inadequate.
- There is a lack of forward planning for children at imminent risk of being removed from their families.
- Assessment tools that support important decisions are not always fit for purpose, particularly in the case of Aboriginal children.
- Once a child has been removed, there is an absence of support to help parents make the changes needed to reunite their family.

¹⁰ NSW Auditor-General (2016) Report to Parliament: Early Childhood Education

¹¹ Kemp et al (2011) "Child and family outcomes of a long-term nurse home visitation programme: a randomised controlled trial", *Archives of Disease in Childhood*. Available at <http://adc.bmj.com/content/early/2011/03/23/adc.2010.196279.short>

¹² Early Childhood, MECOSH Trial Outcomes. Available at <http://www.earlychildhoodconnect.edu.au/home-visiting-programs/mecosh-public/mecosh-trial-outcomes>

¹³ Australian Nurse-Family Partnership Program, Evidence of Program Effectiveness. Available at <http://www.anfpp.com.au/proven-results/evidence-of-program-effectiveness>

¹⁴ *Sustaining NSW Families* was established in 2009–10 in Fairfield/Liverpool, Cessnock/Kurri Kurri/Maitland, and Wyong. In 2011 it was rolled out to Kyogle/ Lismore/Richmond Valley and Arnccliffe/St George/Sutherland. Additional sites in the early stages of implementation are at Canterbury, Auburn/Parramatta and Campbelltown. The Australian Government-funded *Australian Nurse Family Partnership Program* also serves Aboriginal and/or Torres Strait Islander people in Wellington, Dubbo, Narromine and Gilgandra.

- The current emphasis on permanency is out of step with a focus on achieving the best possible outcomes for children and young people, and compliance with the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles is inconsistent.
- Placement breakdowns are not being identified early, and there is a lack of support for foster families when a placement does being to break down.
- There is a lack of oversight and support for children in kinship placements and under guardianship orders.
- Adults who have been through the out-of-home care system remain vulnerable but are not being well-supported once they have exited the out-of-home care system.

Where to from here?

Better support for children at risk of harm:

Our members are concerned that the response to children who have been assessed as being at risk of harm and reported accordingly is in many cases inadequate. Many at risk children and young people are not being accepted into casework – nor referred to appropriate services – and there is a perception that decisions are being informed by the availability of resources rather than by a proper assessment of a child's situation. As a result, early intervention services – that are not funded to provide casework or deal with very complex cases – are left working with families that would benefit from more intensive support. The system should be resourced to provide appropriate responses to all children and young people reported at risk of harm.

Also of concern is the lack of follow up for clients who are referred to an agency. If an agency's attempts to engage the client are unsuccessful, there is no mechanism to link them back into FACS unless a new report is made. Where possible, processes should be reviewed and streamlined to ensure appropriate follow-up of referrals.

Recommendation 5: Adequate funding and resources should be allocated to both the Department of Family and Community Services for the employment of frontline workers and to NGOs to facilitate appropriate responses to all children and young people reported at risk of harm.

Recommendation 6: Processes should be reviewed and streamlined to ensure appropriate follow-up of referrals.

Finding family:

Given the benefits of keeping children in the care of their families, we consider that every effort should be made to identify and locate appropriate family members. This process should begin before a crisis point is reached and a plan created before a child or young person needs to be removed.

Recommendation 7: Every effort should be made to identify and locate appropriate family members and create a plan before a child or young person needs to be removed from his or her family.

Assessment tools:

Culturally appropriate assessment tools are needed to support and improve decision-making processes and the implementation of these tools must be supported by appropriate training. We ask that the Committee examine current pilot testing of tools and resources developed by Aboriginal people, and subject to the outcomes of these pilots, recommend the state-wide roll-out of these tools.

Recommendation 8: *The Committee should examine current pilot testing of assessment tools and resources developed by Aboriginal people, and subject to the outcomes of these pilots, recommend the state-wide roll-out of these tools.*

Supporting family reunification:

When a child is removed from his or her family, parents should have access to immediate support to help them make the changes needed to provide a safe environment for their child, and to increase the likelihood that attempts at family reunification will be successful.

Recommendation 9: *When a child is removed from his or her family, parents should have access to immediate support to help them make the changes needed to provide a safe environment for their child.*

Stability is not the same as permanency:

While children require stability, we do not think this should be conflated with legal permanency. Legal permanency is only one mechanism through which stability can be achieved, and the current emphasis on permanency is not consistent with principles of Aboriginal self-determination. We support Absec's response to the recent permanency reforms in OOHC.¹⁵

Recommendation 10: *The NSW Government should investigate the legislative and policy changes needed to protect Aboriginal children from being permanently disconnected from their families and communities, and to improve compliance with the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles.*

Supporting foster families:

More effort is needed to ensure the appropriate monitoring of children in foster care and to provide families with wrap around support services as soon as a placement begins to break down.

Recommendation 11: *The monitoring of children in foster care should be strengthened with support services provided where needed to help avoid placement breakdowns.*

Kinship care and Guardianship orders:

Kinship care arrangements can be of substantial benefit to children who are unable to live with their immediate families, resulting in greater stability and fewer placement moves, preservation of identity, better behavioural

¹⁵ Absec (2015) Guardianship orders for Aboriginal children and young people. Available at <http://www.absec.org.au/images/pdf/Submissions/GuardianshipOrdersPositionPaperNovember2015.pdf>

development and maintenance of connections with family and community.¹⁶ But while they have many of the same needs as children in foster care, these children do not receive the same level of support. In addition kinship carers have complex needs and must navigate complex relationships and should be supported accordingly. We consider that all children in out-of-home care, regardless of the type of placement, should have access to the same level of support, as should their carers.

Recommendation 12: *All children in out of home care should have access to appropriate support regardless of the type of placement, as should their carers.*

Supporting vulnerable adults

We can help to break the intergenerational cycle of disadvantage by ensuring that adults who have been through the out-of-home care system have access to appropriate supports, particularly during challenging periods in their lives. For example, parenthood can be a time of difficult adjustment for anyone: people who have been through the out-of-home-care system face additional challenges at this time, yet frequently have been disconnected from their family and community support networks. We therefore recommend that a plan be developed to ensure out-of-home-care leavers have priority access to appropriate support services.

Recommendation 13: *The NSW Government should develop a plan to ensure out-of-home-care leavers have priority access to appropriate support services at key transition points in their lives.*

3 Aboriginal children and young people

We consider that achieving better outcomes for Aboriginal and Torres Strait Islander people and communities can only be achieved through an approach that recognises the importance of self-determination. To this end, we support Absec's *Plan on a Page for Aboriginal Children and Young People 2015-2021* and their proposal to redevelop the Aboriginal child welfare sector in NSW through the evolution of accredited Aboriginal community-controlled OOHCA agencies into holistic Aboriginal child and family services. We commend the NSW Government – particularly FACS – for entering into a process of co-design with Absec and other Aboriginal agencies, and will continue to advocate that the NSW Government support proper implementation of this plan.

Recommendation 14: *The NSW Government should appropriately resource implementation of the Absec/FACS co-designed 'Plan on a Page for Aboriginal Children and Young People 2015-2021'.*

In addition to supporting the transition of Aboriginal children and young people to Aboriginal agencies, effort is needed to ensure *all* services and agencies are able to provide culturally appropriate services. This will require sustained and systematic training, led by Aboriginal people, at both the staff and the organisational levels. Efforts should also be made to build the Aboriginal workforce across all levels within an organisation (including at Governance levels), and to ensure this workforce is appropriately supported (see Section 4.3 below).

Recommendation 15: *Sustained and systematic training is needed to ensure non-Aboriginal families and non-Aboriginal agencies working with Aboriginal children are providing culturally appropriate services and care.*

¹⁶ Benevolent Society (2013) Support Kinship Care: towards a new practice framework.

4 SYSTEM ENABLERS

This section outlines key enablers we believe are required to drive system-wide improvement in the delivery of early intervention, child protection and out-of-home care services.

4.1 Embed participation in service delivery

Children and young people should have a say in decisions that affect them. Yet while there is strong support for approaches that empower children and young people, and this is reflected in the NSW Child Safe Standards for Permanent Care, we are yet to find effective ways of systematically embedding participation in service delivery.

The Senate Inquiry into Out Of Home Care recommended that the third action plan of the National Framework for Protecting Australia's Children include a project to improve participation by children and young people in decision-making processes, including:

- entry into care (where appropriate)
- placement decisions;
- family contact and reunion: and
- transition from care.

Given the third action plan was developed before the Senate Inquiry's recommendations were finalised, it does not include such a project. The NSW Government therefore has the opportunity to lead the way by taking up this recommendation and developing the strategies required to embed participation more firmly in the delivery of child protection, out-of-home care, and related services.

Recommendation 16: *The NSW Government should develop a project to improve participation by children and young people in decision-making processes.*

4.2 A supporting funding environment

The funding environment has a significant impact on the way in which services – both individually and collectively – can work together towards better outcomes for vulnerable children and families.

Our members tell us that:

- The uncertainty of funding contributes to high staff turnover, a lack of continuity, the loss of valuable relationships, and an inability to forward-plan effectively.
- The inadequacy of funding contributes to high staff turnover and unsustainable workloads.
- Strong relationships between young people and frontline workers are one of the most important factors in effective service delivery. These relationships take time to build, and are difficult to achieve where there is high staff turnover.
- The inflexibility of funding contributes to a service system that is not responsive to need and in which individual cases continue to fall through the gaps.

Where to from here:

In our [Fair Deal for our Community Services campaign](#) we have outlined a set of recommendations for Government to adopt in order to build a stronger partnership between government and our sector and to develop fair and reasonable reform and procurement processes. Of particular relevance to this inquiry are the recommendations relating to procurement, commissioning and contracts, specifically that, the NSW Government should:

- Deliver long-term certainty through longer contracts that are fair and proportionate to the risk and size of the contract
- Include sufficient resources to cover the full cost of service delivery, and
- Promote relationships of collaboration rather than competition.

Recommendation 17: *The NSW Government should deliver long-term certainty to the sector through longer contracts that include sufficient resources to cover the full cost of service delivery (including networking, administration and training).*

4.3 A properly resourced and supported workforce

Frontline workers play a critical role in supporting vulnerable children, young people and families. As above, strong and supportive relationships with stable adults – who may include youth workers, support workers, caseworkers and other community service workers – can help provide children and young people with the stability they require in order to improve outcomes. However, our members report that:

- Support workers are workin with increasingly complex cases but are not resourced to do so.
- Caseworkers are not able to spend adequate time on each individual case due to high caseloads.
- There is a lack of appropriate support for frontline workers.
- There is a lack of investment in capacity building.

Where to from here:

An increase in funding across the service spectrum would address a number of the issues outlined above, while greater certainty of funding would assist with staff retention. In addition, we recommend that a comprehensive workforce development strategy be developed that considers, amongst other things:

- The critical importance of personal qualifications in addition to formal qualifications.
- The development of the Aboriginal workforce.
- The establishment of appropriate support structures for frontline workers, for example, structures that provide workers with an opportunity to seek advice and perspectives from peers and colleagues.
- Investment in capacity building, including youth participation; working with Aboriginal children, young people and families; and cultural competency. We note that there are a number of agencies already equipped to deliver training in these particular areas, but that resourcing does not allow for the systematic roll-out of training.

Recommendation 18: *The NSW Government should develop a comprehensive workforce development strategy for child protection and out-of-home care.*

4.4 A focus on industry development

We believe it is important to both further strengthen the evidence base in relation to improving outcomes for vulnerable children and young people, and to build the community sector's capacity to draw on and contribute to this evidence base.

We consider that a sector-led 'Centre for Excellence' focused on identifying, measuring and disseminating good practice within the sector should be established. We recommend that this be modelled on the Centre for Excellence and Outcomes in Children and Young People's Services (C4EO) in the UK - a sector led and run initiative that provides a range of products and supports to the children's services sector, including supporting organisations to validate existing practice.

Recommendation 19: *The NSW Government should establish a sector-led 'Centre for Excellence' focused on identifying, measuring and disseminating good practice within the sector.*

CONCLUSION

We thank the committee for this opportunity to provide input into the Inquiry into Child Protection. We look forward to the Committee's findings and trust that this will contribute to a process of change towards improving outcomes for vulnerable children and young people in NSW. We would be happy to discuss any of the issues raised in this submission with you in greater depth. Should you have any questions, please do not hesitate to contact Deputy CEO, John Mikelsons on (02) 8960 7916 or via email at john@ncoss.org.au

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