

Submission
No 92

INQUIRY INTO CHILD PROTECTION

Organisation: The Benevolent Society

Date received: 31 July 2016



NSW Legislative Council's inquiry into child protection

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1. Introduction

The Benevolent Society welcomes the opportunity to contribute to the General Purpose Standing Committee No.2's inquiry into the role of the Department of Family and Community Services (FACS) in relation to child protection in New South Wales (NSW).

The Benevolent Society recognises the central and critical role that FACS plays in the NSW child protection system. We collaborate closely with FACS across numerous child protection programs throughout NSW. We respect the hard work and dedication of FACS workers in what is a difficult, dangerous and often thankless field. However, FACS and the child protection system overall are over-stretched and under-resourced due to the overwhelming demand for assistance for vulnerable children in New South Wales.

Previous attempts to reform the system have not worked and have in fact lead to increasing numbers of children coming within the state's protective care. Costs associated with the system have sky-rocketed, primarily directed to covering the costs of the increasing number of children in out of home care. Additional funding in itself is not necessarily the answer- we need to ensure that funding is being directed to the areas that are effective (based on evidence) in bringing about real change.

The Benevolent Society believes that to make real improvements to the sector in terms of keeping children safe in the immediate term, and improving their longer-term prospects, there should be greater focus on efforts to keep children with their families where it is safe to do so. This means providing more focus on, and funding to, intensive family support to high risk and vulnerable families to enable them to provide the necessary protective environment for their children. We accept that there will be extreme cases where there is no alternative but to remove children from their parents to ensure their safety, however we believe in many cases that additional, intensive support targeted to the needs of the family may enable the parent/s to provide the care and support needed to keep the family together.

On a relatively small scale, The Benevolent Society has achieved good results helping families to avoid out of home care following intensive family support delivered through the Resilient Families program (funded under a social benefit bond). Whilst we are providing similar, effective services under other programs, the rigorous performance measurement system established under the bond which compares our results under the Resilient Families program to a control group of matched families (rather than a randomised control group), enables us to demonstrate sound evidence based results. Whilst we are working from a small sample size, we believe the outcomes from Resilient Families are applicable and scaleable so we are interested to work with the New South Wales government, and FACS in particular, to see what lessons can be learned from this program which can applied more broadly across the state to help families stay together and keep children out of out of home care.

We also urge the NSW government to address the over representation of indigenous children in out of home care across NSW. We encourage continued placement of children in accordance with the Aboriginal Placement Principle.

Our central recommendation to the Committee is for the NSW government to increase funding for intensive family support programs which target vulnerable and at risk families to give them the skills and the support to provide the necessary protective environment for their children.

2. About The Benevolent Society

The Benevolent Society is Australia's first charity. We're a not-for-profit and non-religious organisation and we've helped people, families and communities achieve positive change for 200 years.

We help people change their lives through support and education, and we speak out for a just society where everyone thrives.

The Benevolent Society helps the most vulnerable people in society, and supports people from all backgrounds including Aboriginal and Torres Strait Islanders and people from culturally and linguistically diverse communities. We believe that building stronger communities will lead to a fairer Australia.

Our focus is to foster wellbeing throughout life – from infancy to older age – with services that:

- prevent problems or reduce their negative impact
- tackle problems early before they become entrenched
- help people use their strengths to solve their own problems
- give priority to people experiencing social and financial disadvantage.

Snapshot

- The Benevolent Society is a secular non-profit organisation with 912 staff and 588 volunteers who, in 2014/15, supported more than 75,270 children and adults primarily in New South Wales and Queensland.
- We deliver services from 62 locations with support from local, state and federal governments, businesses, community partners, trusts and foundations.
- We support people across the lifespan, delivering services for children and families, older people, women and people with mental illness, and through community development and social leadership programs.
- Our revenue in 2014/15 was \$108 million.
- In 2014/15, 79% of our income came from government sources. Private fundraising, trust and foundation grants provided another 4%, client fees generated 7% and investment income contributed 10%.
- The Benevolent Society is a company limited by guarantee with an independent Board.

3. Context of the submission

One of the primary objectives of The Benevolent Society is to increase the safety of children in their families and communities to reduce the number of children in out of home care. The Benevolent Society is concerned that at present there are over 22,000 children expected to be in out of home care in New South Wales in 2016-17.

Children and young people living in out of home care are one of the most disadvantaged groups in our society. Research indicates that growing up in care in Australia has negative impacts on children's educational experiencesⁱ and their self esteemⁱⁱ, and that there are higher than average levels of poor mental health, teenage pregnancy, drug and alcohol abuse and criminal behaviour in adult out of home care populations.ⁱⁱⁱ The problems are exacerbated for Aboriginal and Torres Strait Islander children who continue to be over represented in the child protection system, with the rate of indigenous children in out of home care OOHHC being 9.5 times the rate for non-indigenous children. For many indigenous children, entry into out of home care means losing touch with their indigenous heritage, the impact of which may be profound.

The dire state of the child protection system is not news to government at all levels across Australia. The problems in child protection in Australia have been highlighted through a raft of recent incidents and high profile inquiries^{iv}. There is a National Framework for Protecting Australia's Children 2009-2020, and a 3 year action plan for 2015-2018 which sits below it. The New South Wales Government has just launched a Strategic Plan for Children and Young People which lists improving child safety amongst its 6 key objectives. The Strategic Plan supports new funding announced by the NSW Government in the 2016/17 budget of \$190 million over 4 years to reform child protection and out of home care systems through targeted early intervention and building on Safe Homes for Life, and \$370 million to fund additional out of home care placements. We are also aware that the NSW government has commissioned a review of the current out of home care system by a retired senior public servant, David Tune (the Tune Review) although this has not yet been made public.

The Benevolent Society is keen to see that this inquiry clarifies how it relates to previous inquiries and reviews, especially the Tune Review, and builds on, rather than duplicates, the recommendations for reform of the child protection system in New South Wales from previous reviews.

4. Observations on the current system

The Benevolent Society works with FACS across a number of universal services, targeted and intensive family support services throughout NSW.

From our experience, FACS workers, and their counterparts in the non-government sector, are hard-working, dedicated and committed to assisting vulnerable children in what is often a difficult and thankless job. However, we have seen that the current child protection system is stretched beyond capacity and FACS, and the system as a whole, is not resourced to deal with the sheer volume and complexity of cases that require attention.

Based on our work with FACS within the sector, we make the following observations on the state of the system in response to the Commission's Terms of Reference:

- **Narrow response to highest level risk of significant harm (ROSH)**

The child protection system is not currently resourced or staffed to deal with the full spectrum of reports of risk of significant harm (ROSH). As a result, FACS appears only able to respond to the highest levels of risk.

As well, there seems to be limited capacity for the staff of the FACS Helpline to fully check the history of new reports made to the Helpline. This has a number of implications, but the most concerning is that under the current system low or moderate cases are not referred on for support – they are closed at the Helpline and children and young people fall through the gaps.

- **Failure to record and review information about cumulative harm**

As a result, the system as it currently operates, is failing to pick up patterns which indicate cumulative harm- that is issues that when reported in isolation may appear less significant, but when considered cumulatively, build a more complete and more concerning picture of a child or young person's everyday experience. In instances where reports which are not categorised as ROSH escalate to meet the ROSH threshold, services then have to manage at crisis-level and potentially deal with more entrenched risks rather than responding when the risks were more moderate.

We are also concerned that ROSH e-reports have been lost by the FACS Helpline or have taken several weeks to be processed.

- **Adequacy of the Safety Assessment Risk Assessment (SARA) tool**

Across the board responses to reports, investigations and assessments of children and young people are inconsistent despite the actuarial risk assessment tool – the Safety Assessment Risk Assessment (SARA). The foundation of Structured Decision Making (SDM) based on an actuarial risk is sound. However, it appears that the way SARA is used to support assessment and critical thinking is inconsistent across the state as we have seen different responses from FACS to similar case types.

We are concerned that a child's experiences are not taken into account through the SARA process, and anecdotally we are aware that often children are not sighted by FACS case workers when SARAs for them are being conducted.

- **Communication and collaboration:**

We believe that the system as a whole would work better if there was greater genuine collaboration and coordination between all stakeholders, but particularly between FACS and NGO service providers. As a starting point, this could include greater sharing of information. Presently there is inconsistency about receiving feedback from Helpline reports and in receiving details of reports that have come through for families that we are working with through our services. For example, often we do not receive a SARA for a child we are working with, or any information about work which has already been done with the family.

The Benevolent Society encourages greater access to and sharing of data and information about children and their families across all services (such as FAC, police NGOs etc) consistent with relevant privacy laws. Access to FACS data also enables services to better measure the outcomes of their services – see the case study on Resilient Families below.

The Benevolent Society is involved in a number of new and pilot initiatives which seek to foster collaboration and integration of child protection services between government and non-government organisations which we would like to highlight.

The Central Coast Multi-Agency Response Centre

Commencing mid-November 2015, the Central Coast district is trialling trial a multi-agency response centre covering the Gosford and Wyong Local Government Areas. The response centre is manned by a FACS Child Protection team member, a child health and wellbeing officer, education officers and child and family specialists from The Benevolent Society. Reporters will be able to call the Child Protection Helpline (133 627) and select option 4, where they will be able to speak to a local case worker, with local knowledge for a local response.

This collaborative approach will help provide the right service, for the right person, at the right time. It is about creating better outcomes for children and families on the Central Coast through:

- Tapping into the local knowledge for more effective responses, staff become known to local reporters and building knowledge of the local service sector;
- A quicker more efficient and empowering process
- Linking kids and their families to the help and support they need
- Ensuring that kids and their families who require a statutory response receive one through more comprehensive and timely joint assessment.

The Central Coast Multi-Agency Response Centre has won a prestigious award for Good Design in Social Innovation.

The Benevolent Society is also working with the police Child Welfare Unit in Tuggerah. A staff member from The Benevolent Society sits with the Child Wellbeing Unit at Tuggerah police station one day a week and liaises with police regarding appropriate responses. The Benevolent Society staff member provides referral pathways and coordinates a state wide response for Family Referral Service Units. In some locations The Benevolent Society also has a caseworker from FACS sit in our office assisting with referrals of children in need.

- **Workforce issues**

As noted above, there are not enough case workers to meet the demands of the system and as such many caseworkers are over worked which impacts on their responsiveness. Non-government organisations are also struggling to meet the needs of clients, particularly since the Brighter Futures program now deals with more complex, high risk clients. Funding for NGO service providers do not reflect the complexity of issues being faced by their staff, and therefore the need for more experienced and well-trained staff to work on programs such as Brighter Futures.

Staff-turnover is an issue in the child protection sector, as it is in most sectors. NGOs working in this field however, are unable to compete with government in terms of salaries, and therefore lose staff that they have trained to government. Increasing funding to NGOs to enable payment of more comparable salaries would address this issue. The Benevolent Society caseworkers have commented that they would like to receive more intensive training in issues such as drug and alcohol abuse and dealing with child sexual assault to be better equipped to deal with the increasingly complex issues faced by clients. The Benevolent Society caseworkers in regional areas have also noted the lack of training provided by FACS in regional areas, and the need for regional service providers to travel to metro areas for training at their own expense.

- **Service gaps: parental support**

There are limited service supports available to parents following the removal of their children, particularly in regional areas. Often the removal of children is the catalyst for parents to acknowledge the risks to their children and seek out support. Service providers are restricted from providing individualised case management and targeted support to parents in these circumstances. Parents who are wanting to get assistance in order to facilitate reunification with their children often only get generalised support which may not be adequate to address the issues they need to rectify in order to give them the best possible chance of reunification with their child/children.

- **More flexible service delivery**

One of the areas where child and family support services fail to meet the needs of their client base is with regard to the flexibility and availability of support services. A relatively straight forward change to the way services are delivered to ensure that they are 'fit for purpose' would be to provide services when families actually need them. For families under pressure and who are struggling to provide an adequate protective environment for their children, this may be during the evening or over the weekend rather than during regular 'office hours' of 9am-5pm Monday to Friday. Services designed for these families may already be available during these standard times- but if they are not accessible at times of crisis then their effectiveness will be limited. Government funding currently doesn't support flexible working arrangements which enable service providers the opportunity to provide services at times when families are most likely to need them.

- **Funding : brokerage and support for kinship carers**

From working with disadvantaged families across the state whose children are at risk, The Benevolent Society has seen that is often relatively minor expenses which cause hardship and

exacerbate vulnerability for children. The Benevolent Society would like to see more brokerage funding available to enable case workers to assist with everyday items or costs that most of us take for granted but which can make such a difference for vulnerable families struggling to make ends meet and provide a safe and effective environment for their children. This may include funding for furniture, a washing machine, transport, food security or participation in community activities.

Also, ensuring funding is available to help kinship carers, particularly grandparents who take on responsibility for their grandchildren, is imperative. Often family support payments or services sit with the parents and are not automatically available to kinship carers. This can place strain on the placement and may cause financial hardship, particularly on grandparents, who may not have alternative avenues of income to support their needs and the needs of a child or young person in their care.

- **Funding: evidence based intensive family support programs**

In NSW, funding under the current system is geared towards the out of home care system as the number of children taken into protective care continues to increase each year. Funding for prevention and early intervention has declined over time.

The Benevolent Society believes that funding should be directed towards programs which have the best chance of being effective and of keeping children with their families where safe to do so. From our experience, and from evidence available from organisations such as The Parenting Research Centre, intensive family support programs provide the best possible prospect for helping parents to create a safe, protective environment for their children which enables them steer clear of the out of home care system.

We accept that there are cases when parents are engaging in criminal activity and children must be removed to ensure their safety, however we believe in the majority of cases, direct, targeted support for parents which will help them to better understand how they can prioritise their child/ren's interests and help them to become better parents may prevent their child/ren entering into the statutory child protection system.

The Benevolent Society has direct experience with intensive family support services through a number of programs across NSW. Many of these programs provide similar quality services but we are best able to demonstrate the effectiveness of these programs with reference to the Resilient Families program which has a robust performance measurement framework given it is established under a social benefit bond.

Case study: Resilient Families Program

Resilient Families is an intensive family support service designed to keep children with their families where safe to do so and away from out-of-home care. Resilient Families is funded under the \$10 million social benefit bond established by The Benevolent Society in conjunction with Westpac and the Commonwealth Bank.

Resilient Families provides intensive, in-home practical and therapeutic support to families for up to 12 months, with an initial 12 week intensive period that includes 24/7 support.

The performance measurement system for the Resilient Families Program is underpinned by results generated by the FACS data system. The progress made by families referred to the Program (the Intervention Group) is compared against the progress made by a Control Group who share similar characteristics but do not receive the type of intensive support provided by the Resilient Families Program- although they do receive standard support provided by FACS. Based on the data, at 30 June 2015, the Resilient Families Program had achieved improvement in the key performance

measure – reducing the number of entries into Out-of-Home Care by 27% in comparison to the Control Group.

Having access to the data from FACS enables the establishment of a robust performance measurement system which is crucial for the delivery of the bond where returns to investors are linked to results achieved. However, having access to government data is important for measuring the outcomes and impacts of, and improving the delivery of, all social services regardless, of whether they are being delivered by innovative or traditional funding mechanisms.

The sample size of the Resilient Families program is relatively small, however the results are robust given they are based on comparison to a matched family, and not a randomised control group. An independent mid-term review of the program has also found that the costs of the Resilient Families program is comparable to (or under) the funded cost per family for other intensive family service programs in NSW.^v

The Benevolent Society is keen to continue to work with the NSW government, particularly FACS, to work out how we can leverage the evidence-based results from the Resilient Families program to attract greater support to, and funding for intensive family support programs which are demonstrating that they can contribute to keeping children away from out of home care.

5. Aboriginal and Torres Strait Islander children and young people

As with all other jurisdiction in Australia, Aboriginal and Torres Strait Islander children are over-represented in the child protection system in NSW. In 2014-5, 6,581 indigenous children were on care and protection orders in NSW, representing 71.5 per 1,000 children aged 0-17, compared to 7.4 per 1,000 children for their non-indigenous counterparts.^{vi}

The Benevolent Society is committed to improving the protective environment for children in Aboriginal and Torres Strait Islander communities and supporting indigenous organisations which take the lead in this area.

To this end, we support the Family Matters campaign led by the Secretariat of National Aboriginal and Islander Child Care (SNAICC). Family Matters aims to eliminate the over-representation of Aboriginal and Torres Strait Islander children in Australia's child protection systems within a generation (by 2030). Family Matters supports initiatives which are designed and led by Aboriginal and Torres Strait Islander peoples which aims to:

- **Strengthening Families:** Governments increasing support for families and communities, including through targeted and intensive support services, and Indigenous leadership in the design and delivery of integrated child and family services.
- **Participation:** Government embedding processes of Aboriginal and Torres Strait Islander participation in decision-making for the care and protection of children – through guardianship models, family and kin decision-making and Indigenous support services.

The Benevolent Society is also keen to see improvements in the application of the Aboriginal Child Placement Principle. In 2015 79% of children in NSW were placed in accordance with the Aboriginal Child Placement Principle,^{vii} which was the highest rate amongst all states and territories, however we would like to see even greater compliance to ensure the best interests of indigenous children are being met.

6. Other issues: Learning from the New Zealand actuarial approach to child and family services

The Benevolent Society is watching with interest the developments in New Zealand where the actuarial or ‘investment approach to welfare’ is being trialled and has recently been introduced to New Zealand’s Child Youth and Family sector. New Zealand recognises that not only do children and young people who have required the intervention of the care and protection and youth justice system have dramatically worse outcomes as young adults than the rest of the population, but that fiscal analysis shows that the government spends a considerable amount in lifetime costs for children and young people subject to the child protection and juvenile justice system^{viii}. In relation to children and youth, New Zealand’s reforms will:

- adopt a formal investment approach that will set ambitious targets and use an actuarial model, collect evidence about what works and for whom, measure the impact on outcomes including future liability across the system, and inform potential reallocation from existing baselines;
- extend the range of services provided and ensuring more effective evidence-based service provision, by intervening earlier through targeted prevention and intensive support for families, improved access to universal services;
- provide funding following the child, rather than being ‘siloeed’ in individual agency processes or thresholds. This will involve a move to direct purchasing and acting as a broker so immediate action can be taken to meet the assessed needs of children and young people.^{ix}

We note that adoption of the New Zealand actuarial model was one of the recommendations of the McClure review of Australia’s welfare system. ^x In response, Australia’s Federal Government has introduced a similar approach designed to reduce long-term reliance on income support for people of working age.

The New Zealand actuarial approach is not without its detractors.^{xi} The Benevolent Society recognises that the motivation for the actuarial approach to child protection in New Zealand is as much about decreasing the government’s future financial liabilities as improving the situation and prospects for children and their families subject to the child protection system, however, we are extremely interested to see the results from this approach, particularly the funding following the child aspect. We are also keen to monitor whether there is an accompanying increase in up-front investment to ensure, in this case, children and families receive the right type of support at the right time to give them the best possible chance of avoiding the child protection system and the potential downstream negative impact that has on a child’s immediate and long term future.

The limited information currently available about the Tune Review suggests that it is adopting and advocating the use of the investment approach in NSW, as it highlights the need to identify families and children that have the poorest outcomes and prioritise targeted intervention.^{xii} However, as noted above, the Tune Review has not yet been released and scant information about it is available so we are unable to determine the exact details of this proposed approach for NSW.

Given the current state of child protection in Australia, and the long term outcomes for children subject to the child protection system, The Benevolent Society encourages exploration of any reforms which seek to extend and improve access to universal services and targeted prevention and intensive support for families, and which directly fund the needs of children in an attempt to keep them away from out of home care where safe to do so.

7. Conclusion

The Benevolent Society encourages the total overhaul of the NSW child protection system, to ensure there is a genuine shift to providing resources upfront for universal and secondary services like intensive family support which evidence shows can be effective at keeping children away from out of home care. Continuing business as usual is not an option if we are genuinely interested in ensuring the immediate safety and long-term prospects for vulnerable children across New South Wales.

ⁱ Create. (2006). *Australian Children and Young People in Care: Report Card on Education*. Sydney: Create Foundation.

ⁱⁱ Fernandez, E. (2006). *Children's Wellbeing in Care- Evidence from a Longitudinal Examination of Outcomes*. University of New South Wales, Presented at the Association of Child Welfare Agencies Conference August 14-16 2006.

ⁱⁱⁱ Mendes, P. (2008). *Abuse and neglect in care- then and now*, Centre for Policy Development., Maunders, D, Liddell, M., Liddell, M., & Green, S. (1999). *Young People Leaving Care and Protection*. Hobart: National Youth Affairs Research Scheme, Cashmore, J. and Paxman, M. (1996). *Wards Leaving Care: A Longitudinal Study*. Sydney: Department of Community Services.

^{iv} For example the 2007/08 Special Commission of Inquiry into Child Protection Services in NSW (the Wood Inquiry); the 2012 Queensland Child Protection Commission of Inquiry in Queensland ; the 2014/15 Senate Standing Committee on Community Affairs Inquiry into OOHC

^v ARTD Consultants, *Evaluation of the Resilient Families Service: Interim Report*, May 2016
<http://www.benevolent.org.au/~media/Benevolent/About/SBB/Interim%20Report%20-%20RFS%20Evaluation%20pdf.ashx>

^{vi} Productivity Commission, Report on Government Services 2016: Child Protection, Table 15A
<http://www.pc.gov.au/research/ongoing/report-on-government-services/2016/community-services/child-protection#indigenous-data>

^{vii} Productivity Commission, Report on Government Services 2016: Child Protection, Table 15A.24 <http://www.pc.gov.au/research/ongoing/report-on-government-services/2016/community-services/child-protection#indigenous-data>

^{viii} Office of the Minister for Social Investment, *Investing in New Zealand's Children and Their Families*, Submission to New Zealand Cabinet Social Policy Committee
<http://www.msd.govt.nz/documents/about-msd-and-our-work/work-programmes/investing-in-children/overview-paper.pdf>

^{ix} Office of the Minister for Social Investment, <http://www.msd.govt.nz/documents/about-msd-and-our-work/work-programmes/investing-in-children/overview-paper.pdf>

^x Reference Group on Welfare Reform, *A new system for better employment and social outcomes: report of the Reference Group on Welfare Reform to the Minister for Social Services*, Commonwealth of Australia, February 2015, p. 27.

^{xi} Michael Fletcher, 'Australia should think twice before adopting NZ welfare model', The Conversation, 9 March 2015 see at <http://theconversation.com/australia-should-think-twice-before-adopting-nz-welfare-model-38105>

^{xii} NSW Government, 'NSW Budget: Reforms for kids needing care', Media Release, 18 June 2016