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REPORT OF PROCEEDINGS BEFORE

STANDING COMMITTEE ON SOCIAL ISSUES

INQUIRY INTO CHILD PROTECTION SERVICES

At Sydney on Wednesday, 20 November 2002

The Committee met at 9 a.m.

PRESENT

The Hon. Jan Burnswoods (Chair)

The Hon. Dr A. Chesterfield-Evans

The Hon. Amanda Fazio

The Hon. J. M. Samios

The Hon. I. W. West

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BRUCE ALEXANDER BARBOUR, New South Wales Ombudsman, Level 24, 580 George Street, Sydney, and

GREGORY ROBERT ANDREWS, Assistant Ombudsman, 580 George Street, Sydney, affirmed and examined, and

ANNE PATRICIA BARWICK, Assistant Ombudsman, 580 George Street, Sydney, sworn and examined:

Mr BARBOUR: I have received a summons and I am conversant with the terms of reference for the inquiry.

CHAIR: We do not have a submission?

Mr BARBOUR: No.

Mr ANDREWS: I received a summons this morning and I am conversant with the terms of reference for this inquiry.

Ms BARWICK: I received a summons this morning and I am conversant with the terms of reference for this inquiry.

CHAIR: Mr Barbour, would you like to make an opening statement to us?

Mr BARBOUR: Yes, I would, if the Chair allows, and can I say that what I would like to say by way of opening statement is a little more than I would normally say in a forum such as this, but the length should not be more than about 10 minutes, and the reason for that is that there is much happening in this area, particularly in respect of my office and my office's role, and I think it is very important and would be of assistance to the Committee to set some context in relation to that before we get to formal questioning.

As you are aware, the traditional role of the Ombudsman relates to receiving complaints, investigating conduct and making recommendations. Prior to January 2001 our perspective on DoCS was confined to a relatively small number of cases that came our way as a consequence of reviews under the Freedom of Information Act and our review of the handling of child abuse allegations and convictions made against employees of DoCS, including foster carers and employees of other organisations where DoCS was involved. The Community Services Commission prior to that time was the main body that dealt with all other issues and complaints regarding DoCS. In late 2000, however, legal advice from the Crown Solicitor resulted in much of the DoCS work being regarded as outside that commission's jurisdiction and, since that time, the Ombudsman has again commenced dealing with complaints about the conduct of DoCS when exercising its statutory child protection and out-of-home care responsibilities.

In the financial year 2000-01 we received 103 formal complaints about DoCS and 491 oral complaints in addition to the 99 notifications of child abuse allegations and 10 requests for external review under the Freedom of Information Act.

In the financial year 2001-02 these numbers increased: There were 141 notifications regarding child abuse allegations, eight requests for external review under the Freedom of Information Act, 181 formal complaints and 659 oral complaints about the conduct of DoCS staff.

So from the position of having a very limited insight into DoCS, from 2001 the significant increase in complaints meant that my office had far greater opportunity to inquire into and form opinions about the systems and conduct of the department.

While recognising and being very conscious of the extremely challenging work that DoCS is confronted with, through handling the variety of complaints and notifications that we received, we quickly

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identified some major systemic concerns about the functioning of DoCS. Those concerns were articulated in my report, DoCS - Critical Issues, Concerns Arising from Investigations into the Department of Community Services, which was a special report prepared and served in Parliament in April this year. I am aware that the Committee has examined that report and I do not need to go over it except to say that I was prompted to make the report because of the significant dysfunctions that we identified in DoCS compared to the many other government departments and agencies that we regularly dealt with.

From my reading of the Committee's interim report, it appears that many of the issues we identified in that special report to Parliament have been reiterated in evidence from various witnesses to the Committee's inquiry.

As we have concluded specific investigations, some of which were mentioned in that report, we have continued monitoring the department's response to and compliance with the recommendations that we have made. In addition, we have been having regular quarterly meetings with senior DoCS management to monitor progress on some broader projects and initiatives that relate to the recommendations in those specific reports or which are fundamental to bringing about major improvements in the basic systems of DoCS. In particular, we have been monitoring with interest the development of the new client information system and the department's attempt to gain enhancement funding to implement an electronic document management system.

As a number of witnesses have stated clearly to the Committee, there are no quick fixes for some of these systemic problems. It will take some time to introduce the new systems, train staff in the use of the new systems and further time to see the positive impacts or outcomes of them.

I have been encouraged by the positive approach of both the new minister and the new director general in my dealings with them and I am hoping for and look forward to a continuing cooperative relationship with them. As an indication of that, I am meeting next week with the minister and director general and other key stakeholders in this area to identify issues relating to information access and exchange to better facilitate our ongoing functions relating to the oversight of the department.

The Committee should also be aware that the Ombudsman's capacity to have a comprehensive oversight of DoCS will be significantly increased in the next few weeks when amendments to the Ombudsman Act and the Community Services (Complaints, Reviews and Monitoring) Act are proclaimed. One of the principal changes that these amendments bring about is the establishment of a community services division within my office. The division will comprise the Community and Disability Services Commissioner and other staff who will carry out most of the existing functions of the Community Services Commission, as well as some new expanded functions, under my delegation and direction.

The functions are very extensive. If the Committee would like, I am happy to go through those functions, or would you prefer me to move to my next point?

CHAIR: We did in fact include a question about that, so by all means.

Mr BARBOUR: It might be helpful. The functions are very extensive, as I say, and they are as follows: To promote and assist the development of standards in the delivery of community services; to educate service providers, clients, carers and the community generally about those standards; to monitor and review the delivery of community services and related programs, both generally and in particular cases; to make recommendations for improvements in the delivery of community services and for the purpose of promoting the rights and best interests of persons using or eligible to use community services; to inquire, on my own initiative, into matters affecting service providers and visitable services and persons receiving or eligible to receive community services or services provided by visitable services; to receive, assess, resolve or investigate complaints; to assist service providers in improving their complaint procedures; to assist in the making of complaints by persons receiving or eligible to receive community services; to provide information, education and training, and to encourage others to do so, relating to the making, handling and resolution of complaints about the delivery of community services; to promote access to advocacy support for persons receiving or eligible to receive community services and to ensure adequate participation in decision making about the services they receive; to review the causes and

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patterns of complaints made under the legislation and identify ways in which those causes could be removed or minimised; to review the situation of a child in care or a person in care or a group of children in care or a group of persons in care; to review the systems of service providers for handling complaints, and to review the causes and patterns of reviewable deaths and identify ways in which those deaths could be prevented or reduced.

Unlike the Community Services Commission, which had quite restricted powers to conduct investigations or reviews, for the majority of those functions the full powers of the Ombudsman will be available. These range from right to access and the ability to require production of documents and answers to questions in writing to the royal commission powers that we are able to exercise which allow us to compel people to attend and to produce documents and also to give evidence under oath. Moreover, it will bring under one roof the oversight function of the former Community Services Commission as well as the existing oversight functions of the Ombudsman.

Currently our functions include oversight of DoCS' handling of child abuse allegations and convictions against its employees; DoCS' handling of child abuse allegations against employees of other agencies; DoCS' handling of applications under the Freedom of Information Act; DoCS' conduct when exercising its statutory child protection and out-of-home care powers, and also the work of the joint investigation response teams that comprise DoCS and police staff.

As I said before, these amendments not only transfer to the Ombudsman the previous function of the Community Services Commission but they also incorporate some entirely new functions. Principal among these is the systemic review of deaths of children at risk of harm, children in care or other persons in care.

Effectively, under these new provisions, the Registrar of Births, Deaths and Marriages, the Director General of the Department of Ageing, Disability and Home Care and the State Coroner are bound to provide notifications to me about the deaths of children, particularly children who fall within the category of reviewable deaths. These involve a wide range of children, including children in care and children in respect of whom a report was made under the Children and Young Persons (Care and Protection) Act, essentially children that are known to DoCS; children who are siblings of the child in question; children whose death is or may be due to abuse or neglect or that occurs in suspicious circumstances. It will also include a person, whether or not a child, who at the time of their death was living in or temporarily absent from residential care provided by a service provider and authorised or funded under the Disability Service Act.

Therefore, this function not only picks up the review work currently conducted by the disability death review team within the Community Services Commission, but also some of the work currently undertaken by the child death review team which is currently convened by Gillian Calvert, the Commissioner for Children and Young People.

Under this new legislation I will be charged with monitoring and reviewing these reviewable deaths, formulating recommendations as to policies and practices to be recommended by Government and service providers for the prevention or reduction of deaths of children in care, children at risk of death due to abuse or neglect and children in detention centres, correction centres or lock-ups, or persons in residential care. I will also be required to maintain a register of the reviewable deaths occurring in New South Wales classifying them according to various indicators described by the regulations.

As you can see, in amalgamating under one roof the existing functions of the Ombudsman and the Community Services Commission, and also expanding those functions to include the review of reviewable deaths, the Ombudsman will be positioned to take a comprehensive and proactive monitoring role over the Department of Community Services and community services in general. Hopefully this will enable better prioritisation of issues that warrant intervention and investigation by the Ombudsman relating to the department as well as sensible advice and recommendations that are based on an in-depth understanding of the functions and operational capacity and limitations on the department. Hopefully it will also lead to some clarity and efficiencies in the department which will have only one main watchdog body with which to deal.

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We have been working towards a proclamation date of 1 December and we are hopeful that this will be achieved. The review and negotiations that led to the passage of this new legislation through Parliament took some considerable time and there has been wide consultation with a range of stakeholders, and I am pleased to say that most now in the community sector seem to support this move.

I have also had extensive contact with Neil Shepherd in the development of the proposal and legislation in his former role as deputy director general of the Cabinet Office and I will continue to have contact with him in his new role as director general of the department. This partly underlies my previous comment when I expressed confidence in the positive response thus far of the director general since taking office to the issues raised in my special report to Parliament.

The Committee has heard evidence of a culture of secrecy in DoCS and it is encouraging to see that some of the initiatives taken by the director general to encourage transparency and openness have been canvassed to some extent in his submission to the Committee in August 2002.

I do not underestimate, however, the challenges that are before me, the senior management and staff of the department and this Committee in grappling with the extremely challenging issues relating to child protection in this State. I can only say that my office will continue to do its best to assist the department and other service providers in improving the system as far as our functions and resources allow.

Thank you for indulging me with that relatively long opening statement. I have to say, though, on reading it again, I feel somewhat daunted at the new responsibilities which my office has.

I am very happy to answer any questions that the Committee has.

CHAIR: Given how comprehensive your statement was and also that perhaps it has told us of things that we had not realised about the breadth of responsibilities and powers, we may have some questions before we go to question 3 of the questions that were sent to you where we really wanted to go into quite a bit of detail about the particular internal practices and other issues in DoCS that your reports have raised. Other members of the Committee may have questions as well, but I had a couple arising from what you have said. One is about your role, if any, in relation to the services delivered by the non-government sector where DoCS obviously may, for instance, arrange for children to be in foster care, but where the actual services are not delivered in DoCS. I just wondered if you could tell us something about how your office does and will play a role in relation to the non-government sector?

Mr BARBOUR: There are two ways in which we play a role in relation to the non-Government sector, and it is rather unusual in a sense because traditionally the Ombudsman's role has always been in relation to the Government sector. The first area of input came in 1999 when we were charged with the responsibility of dealing with notifications and ensuring there were appropriate systems in place for the investigation of allegations of child abuse against anyone working in the State which was effectively in an area that dealt with children. That for the first time brought our office into a role with non-Government organisations and non-Government service providers, and people who deal with children are caught by those provisions. That is a very specific area of jurisdiction.

In relation to the more traditional service of child protection and out-of-home care, the Community Service Commission currently has a broad role in relation to those functions and it will continue under our office once the division is constructed after 1 December, and so we will have exactly the same role, in fact to some extent a slightly broader role, as a result of these amendments that the commission currently has.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You are going to have the Community Services Commissioner there presumably for the long term; that is a long term job. Will there be a sort of corporate memory within the Ombudsman's Office so that you can look at changes in DoCS over time?

Mr BARBOUR: Certainly. In fact, one of the things that I was impressed to see from

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submissions made to the Committee was the detail and depth of knowledge and historical material that the Community Services Commission was able to put in its commission, much of which I had not seen before. All of that will come with the Community Services Commission and will reside in our office, and the enhanced ability to do what you suggest will come from the fact that our corporate memory in relation to child abuse allegations and investigations will be there as well, as well as police related issues and other more general administrative conduct issues within the department, and so we will be able to put together a much more comprehensive view and picture, not only of the past, but of the current situation, and that will inform what recommendations we will be able to make in relation to the future.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I am interested as a medical person in the idea of the longitudinal studies where you see what has happened over time. What you could do as far as those sort of things are concerned, what key indicators would you use of performance and how would you monitor those over time in order to get critical evaluation of the departments in a long term view? Everyone seems to look at these things in a snapshot of time without the antecedents, and then of course you do not understand why that is so at that point of time, so that if you are suggesting changes, it becomes a matter of what is fashionable at the time rather than based on any evidence. Do you see your office as being able to address that issue systemically for the long-term?

Mr BARBOUR: I think we will be able to. Certainly, there is an inherent tension in an organisation like ours or the Community Services Commission as to where you most appropriately put resources, whether you put them into investigations of immediate and urgent problems or whether you put them into systemic reviews that are going to inform the future. I would like to think that we can endeavour to get that balance right. Certainly it is a balance that currently exists within the commission, and also within my office, and certainly the approach of our office in terms of DoCS has been to date to focus on investigations and matters that actually relate to systemic issues and to develop ways and to assist in developing ways of improving those particular systems. There is no doubt that we will have a lot of information that will be able to support that.

In terms of the new functions, if I can draw an analogy with our reviews in a systemic sense of the deaths of the people and children that I raised in the opening, the purpose of that is to allow us to develop and maintain a data base of issues surrounding particularly deaths to inform how we might improve the systems which might have contributed to those deaths, and that is the very purpose of that particular function. It is not to re-investigate the individual death. So I am confident that that function as well, which is a new function, will do exactly the sort of thing that you are talking about.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Every investigation is a mosaic of the department's history?

Mr BARBOUR: Absolutely, and really in all of our work we are dealing with mosaics. We are picking up pieces of information and material, we are gaining information as a result of investigative practices, and our job is to put that together and try to recommend the best thing we can to the agencies involved, whether it be DoCS or whether it be the Department of Health.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: There seems to be a lack of people who have formally studied departments' histories critically, in other words who list where changes that were made were good or were not good and that therefore these changes should be made. Obviously, that is a role that we would like you to take or I would like you to take.

Mr BARBOUR: The other area that I think we need to look at very closely once the commission comes on board is the research component of all of this as well, not just in terms of our holdings, but in a broad sense of what needs to be done, looking towards making recommendations that are going to achieve best practices at the end of the day.

CHAIR: Mr Barbour, you said you had four categories of statistics which you gave us before. Can you please put on the record, to just make it clear, what the difference is between the formal complaints, the ones you termed the oral ones which were very much larger and then you talked about notifications and reviews. Can you just explain to us particularly the difference between the formal one

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and the oral one?

Mr BARBOUR: The larger figure is basically contacts, inquiries, advice being sought by people of the Office, and they are matters that generate little work. We might refer them to more appropriate agencies. We might suggest a particular avenue very quickly, and we deal with those very quickly.

The more formal line of inquiries is where we actually do some specific inquiries, and they range from being relatively minor, they might be telephone contacts with people within the department to establish information, the writing of correspondence, right through to fairly detailed exchanges of correspondence and perhaps visits to the agency to gather information.

The other category then is formal investigations and they are generally going to be matters where we believe that it is necessary to formally investigate, because the issues are either demonstrative of a significant abuse of power or a problem or, alternatively, they demonstrate very clearly a systemic problem that needs to be addressed.

The Hon. JIM SAMIOS: If I could just follow on there, you mentioned earlier that there had been a significant increase in complaints prior to, I think, your dialogue with Mr Shepherd and others. Approximately what percentage of that increase has led to formal investigations?

Mr BARBOUR: That is a very difficult question to answer. If I can just start by saying the increase in matters referred to us was really as a result of the commission not being able to deal with matters, so we had a sharp spike in the number of matters that came to us, but most of those matters would have previously gone to the commission, and it is very difficult to determine what percentage of the matters that came to us may or may not have been made to the commission, but certainly in comparing direct numbers, there was a slight increase, I believe, in terms of the numbers that we got as against the numbers of the Community Services Commission.

The percentage of those matters that were the subject of investigation, I cannot give you a figure, because they not only related to that specific increase, but also investigations in a range of other areas, particularly our child protection area, which relates to allegations of child abuse. Certainly, given the total number of matters, and the number of investigations we were conducting, the percentage in comparison to other Government departments, with perhaps the exception of Police, was very high, and that was what led us to prepare the report to Parliament.

The Hon. JIM SAMIOS: What is the percentage of formal?

Mr BARBOUR: The percentage of formal investigations coming out of the number of matters that came to us was very high and, interestingly, as I reported in the report to Parliament, those matters were across a very significant area of the work of the agency. They were not just in one particular area; they were across the board. That was what concerned us particularly.

CHAIR: That probably leads us directly into our third question, where we noted that you have raised significant concerns about poor internal practices that limit the capacity of DoCS to deliver effective child protection intervention, including poor record keeping and file management systems and practices and a range of issues relating to staff supervision and support.

We may have to ask these questions about different areas within DoCS management. What sort of key practical reforms are required to address these deficiencies? Can you make any comments on progress which has been made to date, which you touched on in your opening statement? Are there any comments you might make about the work the Kibble Committee is currently doing to address some of these areas?

We might start off on the client information system, the record keeping area. You have already mentioned that these issues are brought up in the regular quarterly meetings that you have begun having.

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Mr BARBOUR: If I can deal with those matters perhaps in reverse order, one of the practices I am keen to adopt as Ombudsman is not to duplicate the work of others. When we became aware of the terms of reference of the Kibble inquiry and the nature of the areas that it was going to review, we basically took the view that we would not, to any large degree, continue to inquire into or to gather further information in relation to those, we would wait until we saw the results of that inquiry. We saw no benefit in a duplication of resources in the one area.

In relation to the issues that you raised and the concerns that were mentioned, I suppose the key starting point is to indicate that all of those issues were, in our view, fundamental. They are fundamental to any organisation that must manage a high volume workload, irrespective of what that workload is, and it came as some surprise to us to see the lack of what we saw as being very fundamental practices, whether it be in terms of record keeping or whether it be in terms of management of information.

In terms of the CIS, the department had acknowledged to us, as reported in our report, that it accepted that the CIS was a failure that they currently had. It did not work; it did not gather the information; it was not used properly. They did indicate to us that they were in the process of developing a new system and that development is under way, as I understand it, and the anticipated date for it to be up and running is some time midway through next year. We still have concerns to the extent of what that is going to do in terms of fixing problems. I think there is a great expectation that it is going to fix a lot of problems, but until that is actually up and running and until staff have been trained in its use it is going to be very difficult for anybody to reflect upon whether or not it is actually going to provide the outcomes and the results that are expected of it. The other concern I have in relation to it is that, although there is an expectation for it to be operational by the middle of next year, it is not clear to me how long the lead-in time after it is operational is going to be before it is actually working effectively and people are able to use it effectively.

It raises, I suppose, the ongoing concern of short-term/long-term strategies. The CIS is effectively a long-term strategy. It is essential that they get a better system in place to deal with their records and information, there is no doubt about that. If it does take some time, it still leaves the short term, the interim period, and there is a tension between the degree that you put resources and effort into the short term and fixing problems that may or may not be sensible or compatible or able to be linked effectively with a new system that you are spending a lot of money in down the track, and this is one of the very real challenges that we see for DoCS and one of the things that we will be endeavouring to work fairly closely with them on to make sure that in the short term people do not fall through cracks, that children are not adequately looked after, that there are adequate systems in place rather than simply relying on the fact that CIS is going to be rolled out down the track.

CHAIR: Have you made specific suggestions in that regard? Accepting that balance between the need for a good long-term system and the need to make sure that children are protected in the meantime, are there specific suggestions you have made or do some of those perhaps flow out of the other things we wanted to take up, like the performance of the Helpline and the balance between central and local and regional work?

Mr BARBOUR: I think they are all holistic and it is very difficult to separate one from the other. In relation to all of our investigations we have made large numbers of recommendations which we think go to assisting DoCS in better conducting its work and managing its information flows and its record keeping in a more appropriate way and certainly those recommendations are not designed to impact negatively during the process of the development of the CIS.

The other unknown at the moment is the document management system. Clearly it is essential that DoCS has a document management system which is effective and easy to use and clearly understood and applied by its staff. We are not sure at this stage whether or not funding is going to be provided for that, but certainly we believe that system is an essential component to improving the system.

CHAIR: Does much of this come back to the need for more emphasis on staff training and supervision? It is a separate area, but, in terms of the document system, it is important at the moment, but it is going to be even more important with the department embarking on a whole new information system.

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Mr BARBOUR: Absolutely and, interestingly, there are many systems in place at the moment that are not adhered to by staff. One of the challenges I think for management is going to be to not only introduce these new processes but to appropriately train and inform staff and, perhaps more importantly, have staff adhere to them. One of the things that we saw frequently in our investigations was that there were fairly significant differences in practices from one part of the department to the other, from one CSC to the other, and that is not a sensible practice where you have the potential for different systems to lead to negative consequences in terms of issues as important as child protection, so there is already a certain number of systems in place but, if they are not being adhered to, that certainly suggests that in the future that issue is going to be a key issue for management as well.

The Hon. IAN WEST: Have you have been involved in any way in developing the actual details of the system? I find on many occasions systems that are not used are usually systems that, in part, have some difficulty with relevancy as opposed to people not wanting to use them. Have you had any input into what information is relevant and not relevant in the actual development of an information system as opposed to the overall principle that, yes, it is a good idea to have a CIS?

Mr BARBOUR: We have not been formally involved in providing advice about what the content of the system should be and that is certainly something that we would not normally do. We take the view that the agencies that we have jurisdiction over have a responsibility to come up with those sorts of things themselves, but the information which they put into that process is certainly something that we have contributed to through our investigations and our reports and our recommendations. For example, we have highlighted the need for particular information to be available to ensure that case workers are able to do their job properly. Now we would expect that the highlighting of that particular issue would be something that would be taken on board by the agency. We meet regularly with the agency and certainly during the course of those meetings we would be happy to have input at any stage about any of the issues that they might be troubled with or have concerns about, but at the end of the day we are not the experts in child protection, the department is supposed to be, and largely the indicators that they need to do their job properly are ones that they are going to have to determine for themselves.

CHAIR: We are probably in your hands as to the order in which you want to deal with these issues. Some of them are very much in the area of responsibility that you have and in relation to others we would be interested in your comments: The mandatory reporting system, the Helpline. You have said a little about CSCs and we have also heard quite a lot of evidence about the variation in CSCs in terms of the way they function and the level of satisfaction with their functioning and the non-government sector in that area and other agencies, but if there are points you want to highlight, rather than us going through each one, and then we have a number of specific questions, for instance, on out-of-home care, but just in terms of the internal practices of DoCS, there are a number of areas to touch on.

Mr BARBOUR: Certainly most of the concerns that we had about the mechanics of how work was conducted within DoCS over most of its areas of operations we have canvassed in the report to Parliament and there is nothing really that I would want to add to that. I think it sets out fairly clearly what we see as being the significant problems.

In addition to that, we have, as a result of information being provided by the department and looking at some of the evidence given by the director general to the Committee, seen that there is significant progress under way. Our meetings with the agency and senior management of the agency also seem to demonstrate that there are significant things under way. That is not to say that we are confident that everything is being handled appropriately and where particular issues arise that cause us some concern we are continuing to raise those.

One area that I could highlight, for example, is in relation to the way in which the department investigates allegations of child abuse against its own employees. One would think that, as the agency charged with the responsibility in prime of care and protection of children in this State, that would be an area that the department would be very good at, but that is not our experience and we have conducted a number of investigations over a range of issues relating to the way in which the department conducts those investigations leading to a range of fairly significant and comprehensive recommendations, probably the

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most significant of which is a recommendation that they centralise an investigatory unit to effectively deal with these matters in a consistent and appropriate way, and that is something which is currently under consideration by the director general, as I understand it.

So we are continuing to raise those issues, but I think it is in an environment where there is a greater willingness to accept what it is that we are saying. There is certainly a detectable difference in terms of attitude about an external agency raising these issues and a greater willingness to sit back and say, okay, we accept that, now we have to try and work with you to actually improve things.

CHAIR: Perhaps we could move on to the comments that your office has made about DoCS' role in the provision and the supervision of out-of-home care, if you could give us an indication of the most important reforms that you think are required in this area?

Mr BARBOUR: Well, this area is not divorced from other areas in the sense that obviously all of the mechanical issues, the record keeping, the file management, all those sorts of things obviously apply to this as to other areas.

The key areas that we noted in our report to Parliament were more in line with the training that was provided to foster carers, the way in which foster carers were selected to basically care for particular children, the suitability of the match between the children and the foster carers and also making sure that they are approved before children were actually placed with them, because in some cases we saw that that was not the case. We were also concerned in some of these matters that we saw that there were inadequate visits made or checks made or monitoring made of the placements once they were in place. They are all areas that we have raised with the agency.

We also specifically requested details about five matters that had not been referred to us which specifically related to child abuse allegations, and we have received notifications of those.

There has been an audit done by Ernst and Young, I believe in August, of a range of issues which intersect with the matters that we have raised and the department, we anticipate, is going to respond to our recommendations in the very near future following that report. Those issues, once again, are all basic things. They are things that I think many in the community would expect would be done very easily and in a very straightforward and appropriate manner and I guess the comment I made earlier is applicable here as well, that it came as a bit of a surprise to us that those basic and fairly fundamental things had not been done effectively within the agency.

CHAIR: I guess some people would say that, while probably accepting those implicit criticisms you have made in the areas of training and selection and so on, the difficulty of recruiting foster carers has left, say, case workers with the unenviable choice between no foster carer or one who may not properly have gone through the approval process or the training research process, so what sort of choice do they have when faced with that situation? I notice Ms Barwick is nodding. I am wondering what sort of comment you would make about that dilemma which individual DoCS workers tell us that they often face?

Mr BARBOUR: I might make an observation and then I might let Anne Barwick also make an observation in relation to that. There is no doubt that that is a genuine issue and that is a problem, and there is a tension between us placing too many responsibilities that seem to be onerous on foster carers, on the one hand, which are probably good practice, and on the other hand expecting that there is going to be a lot of people who are going to be prepared to foster children, particularly children who have significant behavioural problems or particular needs.

It is an area where we believe there could be much better consultation and learning and exchange of information between DoCS and the non-Government sector. Many of the sorts of problems you see in relation to foster care in the Government sector are not replicated in the non-Government sector. Certainly, that is an area that I know Anne Barwick is very familiar with and I might hand over to her.

Ms BARWICK: What we have seen are symptoms of a larger problem, and that is the

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availability of a mix of services available to match the needs of children. In foster care for some time in New South Wales and in other jurisdictions it has been the preferred option but it seems it is overtaken as the other options just are not available. I have some sympathy for DoCS workers who are faced with the situation of making a choice of either a child staying in a DoCS office or a police station - that is totally unacceptable - or taking a risk. So it is symptomatic of the larger issue of the continuum of care for children and having the choice to actually match the needs of the child with a particular service option.

CHAIR: Does that mean, for instance, that you would support more work on professional care or institutional care like a group home, some of those other sorts of options that certainly people have talked to us about in evidence?

Ms BARWICK: Certainly some creativity in thinking. There is a factor of creativity too. In some instances we see a decision made to remove a child from foster care, for example, or from a kinship placement, where maybe a better alternative would be to hire someone to move into that family, to be there for practical support for the critical period. That is one element.

The intensive family support services have been trialled with some success, but they are not available across the the board. But I do believe there is a case for residential care. There are some children who, because of a number of placement breakdowns, cannot cope with yet another foster care placement or their behaviour, particularly adolescents, is such that foster carers are not able to manage them.

That combination of factors would indicate to me that perhaps residential care is an option, but it has to be carefully monitored. We are talking of good decision-making and the placement needs of a child or the service needs of a child, but also having those particular services.

Mr BARBOUR: I think there is an element also of risk in relation to this and some sort of assessment of risk needs to be taken much more clearly than it is at the moment. What is the greater risk - a child being put into a more professional institutionalised environment or being placed with ill equipped and well meaning foster carers? It is a very difficult call in terms of exercising that risk assessment.

Certainly, as I know the Committee is aware, the Community Services Commission conducted a fairly comprehensive inquiry into out-of-home care and made a number of recommendations, and I think largely those recommendations have been agreed with by the department and they are moving to do a lot of the work consistent with that. I think that is a positive step.

CHAIR: Ms Barwick, you mentioned kinship care, which reminds us that Aboriginal families are extremely over-represented in the whole out-of-home care system but there are issues in relation to them which perhaps are particularly difficult in terms of making that choice that you are talking about between kinship care, even if it is clearly not perfect, as against other issues or other choices closer to the old removal practices. I wonder if you had any comments on that?

Mr BARBOUR: There are certainly tensions, and I might add that at this time kinship care is not a service that we look at. It is not in our jurisdiction, but because we are looking at DoCS investigations of other agencies, it sort of comes up. There is tension in the availability of Aboriginal carers and then the kind of practices, the kind of supervision, the tension around whether we apply the same standards as we would in other foster care placements, and I know that is a dilemma for workers. Again, it is back to risk. How much risk do you take before you place a child outside that kinship system and perhaps in non-Aboriginal placement? There are no easy answers. I think the Aboriginal community themselves and the Aboriginal out-of-home care managers face these issues.

CHAIR: Do you believe that kinship care should be included in the Act? Do you believe you should have a responsibility, some powers in that area?

Mr BARBOUR: I think that is something that we would need to reflect upon after we have been working in this area a little bit more comprehensively. I think it is probably premature for us to be in a position to say yes or no to that. Certainly, I will have no hesitation in due course once the division is

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operational, and we have been going to do a lot of work in this area, if I believe that there are things that are missing in terms of being able to provide a comprehensive approach to looking at these areas, then I would be recommending that that be reviewed.

CHAIR: The next question that we wanted to take up with you is about the announcement that has been made by Dr Shepherd about restructuring the department into three separate streams, which would make out-of-home care one stream, and prevention, which you would know from our interim report we are very keen to see more focus on, and then of course child protection. It would make those three streams, to a very large extent, separate and would quarantine funding to try to avoid some of the way in which the class offenders child protection so often has seemed to swallow up funding and resources and staff. Have you got any comments to make on that structure? Have you been involved in the discussions towards that structure?

Mr BARBOUR: No, we have not been involved, and I think it largely follows the model which was suggested by the Community Services Commission. I do not really have any significant comment to make, except what is perhaps an obvious statement, and that is that there are inherent risks in breaking off parts of what is essentially a single function. Whilst they are broken up into particular areas, they may well in each case relate to the same children over an extended period of time, and the services which the agency provides, to me, if they are going to be severed in that way, are going to require extraordinarily strong communication, they are going to require very good management of issues across boundaries and it is going to be, I think, somewhat difficult to quarantine money in a formal and strict sense, because I think there are going to constantly be pressures on the agencies to deal with what are seen, particularly largely by the community, as being the major pressing issues, which of course are interventions in relation to child protection, and they are the areas that eat up the funds.

Beyond stating that those are some of the things that are very live in terms of this process and are going to need great thinking and consideration by senior management, I do not really think there is anything I can add, other than each of those divisions and the way in which the department operates are clearly going to have to become much more outcome focused, and if there is going to be that separation, I think there is going to need to be a very clear vision or idea about what each of those areas is going to do, and the services in each are going to have to be directed towards that.

That is something that the agency as a whole lacks at the moment and is striving to achieve. Whether in an agency where that is problematic now it is going to be any easier when you divide it up into three areas, I do not know.

The Hon. IAN WEST: In terms of the cases that have come before you that you have mentioned, are you saying that those three divisions and the quarantining of money into those three divisions, you do not see that that would cause any problems in matters coming before you?

Mr BARBOUR: I do not see it causing any problems, the potential for the area to be divided, if those things that I indicated which would be necessary were in place. One of the things that I do not think we can emphasise enough is that the problems we see in DoCS are across all of its areas and there are many similar problems in each of its areas of operation. So it is going to have to fix those up, and if it is going to be separating those, there are going to have to be very clear lines of management and responsibility in terms of how those are going to be addressed.

CHAIR: The other question that strikes me in relation to the comments you have just made is coming back to your earlier point about the variation in the performance of the different CSCs. One point that has been put to us, for instance, is that the smaller CSCs will have considerable trouble in a division into the three streams. Also the comment has been made to us that those CSCs that would seem to be functioning well and are highly regarded in their community are in many ways dealing very well with the sort of continuum that you mentioned, where a child in a tight family may move in and out of the different streams and good case workers working together with the family and the communities, the services within the community. That is the ideal way of doing it but perhaps in managerial terms a bit more difficult across the board.

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Mr BARBOUR: It is difficult, and one of the things that I think we found interesting was that in those CSCs that we visited and where we saw good work happening, it was largely due to very specific systems and management practices being put in within those CSCs. Sometimes those were not only inconsistent with other CSCs, but probably inconsistent with central management practices and what central management wanted, and they were not necessarily what everybody who looked at them would view as being ideal, but they were systematic and there was an approach. I think that is the key to the successful reworking of the department. There have got to be some very hard decisions made. The department cannot simply assist absolutely.

The Hon. IAN WEST: One of the issues of continuing concern, and I am going back to my original question, is the issue of best practice with data collection. In your travels have you come across some data best practice collection, if you like, which you have been able to suggest to the department? What tends to happen is that over the years much money is spent on great technology but the actual data collected and the input of that data becomes irrelevant and unusable because there seems to be no harnessing of the correct data to collect. So I am very interested in whether or not there is any work being done by yourself in a watchdog capacity, if you like, in looking at some best practice data input, because I am concerned, if we spend a whole host of money on whizz bang technology, that there is a whole lot of irrelevance here because we are not hitting the right target.

Mr ANDREWS: Maybe I could try and address that. We have done a number of investigations that have tried to look at some of those basic data systems. We talked about the CIS system which obviously is a fundamental thing, but one of the things that we are surprised and concerned at is that some very fundamental record keeping practices that you would expect to see and assume operate in every organisation are absent in many CSCs.

When we started getting a lot of referral complaints from the Community Services Commission early in 2001, a number of the matters that they referred to us were investigations that they had not completed and some of those concerned deaths of children. We looked at a number of these cases where the commission had already done an investigation and we decided there was no point in us reinvestigating those matters, but we wanted to try and draw out of it if there were any common trends and, in a number of those particular child deaths, we noticed that they related to families who had moved around the State quite a bit and children who moved from areas were at much higher risk than other children. We started to pick up, in a couple of those cases, concerns that the case work in DoCS had not been quickly transferred to the new CSC once they realised the family had moved to a different area. We decided to look at the actual practice of the transfer of DoCS files.

DoCS has an existing policy which says that, when a family moves, the case work file has to be transferred within a certain time. There is supposed to be a hand-over meeting and before the hand-over meeting takes place the file has to be checked to be put in order. We decided we would actually audit what was happening, so we actually visited - I cannot remember offhand how many - a number of CSCs, not only in the metropolitan area but we also visited some in the country areas, and we did an audit of all the transferred files that had come in to those offices over a certain period. What we found was that the record keeping policy was simply not followed in a large proportion of those cases. A lot of basic information like who was the case worker handling the file was not readily discernible; the documents were not in order; there were documents missing. One of the things we realised was that often there was no one file, that there might have been a number of files, some of which were formally registered in a record management system in the office; others were just manila folders that someone had sitting on their desk. That is not a proper record management system and there are huge risks if the basic file management practices are not followed.

CHAIR: Did the people in the different CSCs have good information that a family or a child had actually moved? Is part of the problem simply keeping track of certain families?

Mr ANDREWS: Well, that certainly is a problem.

CHAIR: Are we talking about cases where it was known that the family was--

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Mr ANDREWS: These are matters where the family is known to DoCS as currently being in a case work thing, and then they move to another area.

CHAIR: But it is known that they have moved?

Mr ANDREWS: Yes. One of the problems we also picked up is the reluctance of some CSCs to accept a case from another area, and partly that is understandable, they are already having difficulties coping with their existing workload and suddenly they get rung up and told, well, we have another family, it is actually a difficult family too, that has just moved into your area and you need to take it on. So there were problems not just in file management but also in the arrangements that were made to take over the families, and that is still a continuing problem.

Currently we have been monitoring a case where a family moved from a country area to the Newcastle area two years ago and the two CSCs are still quarrelling about accepting the new file and taking over the management of this family, so this current family has been managed remotely for quite a long time, even though the policy of DoCS is quite straightforward about what should happen, and this gets back to an earlier question. There is a huge problem, and it is a changed management problem, facing DoCS and that is getting staff just to comply with existing policies.

The Hon. AMANDA FAZIO: Did you get a feel, during this audit of file handling, for the reasons behind the lack of compliance with the department's own policies? I mean there are a number of possibilities: The staff may not have been aware of the policy or they may never have been trained adequately or been provided with the information necessary to actually keep a case file up to date and in good order, or was it the usual complaint that the pressure of work did not allow them to attend to what was perceived as not such urgent work?

Mr ANDREWS: I think it is a combination of all those things. One of the recommendations that we made out of that investigation was that they introduce some new record management procedures relating to the transfer of files and one of the current things that they are actually doing in response to that is that they have developed a new file cover for their files, a new front cover and inside cover, that records some very basic information. Now you would assume that that would be a very easy thing to do, you would just say, look, here is the new file cover, start filling it in, but already this project has bloomed into a multi-month project just to get fine-tuning and compliance, and I think it is indicative of being overwhelmed by work and what you think is priorities: Do I spend an hour filling in all the details on this file that is probably closed or do I answer this call that I have just taken from someone who has difficulties?

The Hon. IAN WEST: That is the emphasis of my question. My main concern was the ease and flexibility of the system rather than introducing a new system that is rigid, and we might spend lots of money and IT companies might earn lots of money, et cetera, but the rigidity of the system does not allow the flexibility.

Mr BARBOUR: Yes. Could I address that, because it is a complicated issue and it is one that really rests largely with DoCS. DoCS has to decide what its work is and it has to decide what outcomes it wants to achieve. The system that it then builds to support that work has to have as components to it the very clear and necessary information that is needed to support that work. The only place that that can come from, in large part, is its own staff. They have to present information to central management about what they need to have accessible to them to assist in terms of field work. They have to be able to say what is necessary for them to actually be able to do their job. Conversely, their entry of data needs to be as straightforward and simple and easy as possible to remove the risk that it is going to become so burdensome as to take them away from doing other work. Now that is not an easy task, but it is something that I understand they recognise and, as you suggest, it is vital. It is absolutely vital.

We have been working on a similar process within our own office for the last several years. It is not an easy task, and we are talking about an office of 140 people currently going up to 180. Now with the vastness of DoCS, with the different types of work it performs and responsibilities, that is a very, very difficult system, but I dare say at the end of that process we will see a better system, one which will at least

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tell us how many matters their staff are currently working on, which their current system cannot.

The other thing which I think is important in that regard is one of the things that we noticed in looking at CSCs was the different ways that they managed the work. Some CSC managers and staff took the view that it was better to do a lot of cases and do a little on each and to try and cover the work. Other CSCs took the view that it was much better to do a really solid job on a few matters and make decisions based on judgment about which ones did not get the work done. Now that to me is very interesting and I would suggest that that is actually a decision making process that senior management at DoCS needs to make and needs to import to its areas rather than having different processes in places in the field.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Was there any evidence as to which was the best approach or was there any comparison? Presumably if there is no data system there is no comparison because it would require longitudinal data, would it not?

Mr BARBOUR: Absolutely, and the difficulty with that process was that there was no clarity around how many matters were not being dealt with and how significant those matters that were not being dealt with were.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is there any hope for a web based system? Having been through this exercise with Sydney Water where I tried to get an on-line system and it ended up as a very poor intervention on a paper-based system, and in these days of computers, to ask everyone to fill in a front form, which then changes and does not get filled in again presumably - that is what usually happens to front forms - is there any evidence that the department is actually going to a web-based system which would allow mobility between offices really easily, although then the interface between the web-based or electronic system and the paper system becomes a problem.

Mr ANDREWS: We do not know that. The tender for the new CI system has been let and our understanding is that they are going through the analysis and design phase at the moment and the actual particulars of that I am not aware of, but I think, while we have concerns that the development of the new CI system is going to take some time, one of the things we have to realise and be satisfied with is that they need to get the system right and, if it takes quite a few months of planning to work out what fields they need and things like that, then that is time very well spent, because the implementation of that system will be much easier.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I have a feeling from the investigations we have done that the Government's ability to buy IT systems and develop them is bad generally and I wondered to what extent you would be auditing that process?

Mr BARBOUR: Well, we will not be auditing that process as such, but what we will be monitoring very closely is how the system works and whether or not it is delivering what it is supposed to. I think the other thing that I would add to what Mr Andrews said is that, although it is very desirable to get things as right as possible at the starting point, the reality is that it is almost unachievable. There are obviously going to be ongoing developmental issues and concerns once this system is operational. What we will be looking at fairly closely is trying to, from our perspective, identify some of those as well and to assist in the continued development of it over a period of time, but I think it would be extremely naive of us to think that the moment this is up and running all the problems are going to be solved and we are going to have a whiz-bang information system available. There are obviously going to be problems with it and they will take time to fix.

CHAIR: Looking at the other questions, in one way or another we have probably touched on most of what remains. We have, at least by implication, talked about the need for the department to be more accountable and transparent. I wonder whether you could say a little bit more about the need to look at the department's internal investigation and review processes? We have said a bit about your external monitoring and the roles of others, but, given all that we have said about the variation within DoCS or the failures that have been identified in certain areas, there is obviously something going wrong in DoCS' internal investigation and review processes, its own ability to look at itself and reform.

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Mr BARBOUR: I agree with that observation and it is certainly one that we have made. I think that is another area where it is going to take some time, not only to develop those systems, but to develop a culture within DoCS that actually accepts those as being appropriate. One of the issues that comes up from time to time in the evidence that you have received in this Committee is the culture of the department, and it has for a very long time been a very defensive, closed operation which has largely been reactive to external pressures, media interest, political interest, in a very defensive way.

We have, by way of analogy, been dealing with the oversight of police now for over 20 years and it has taken a long time to get to the point where the police recognise the importance of effective internal complaint management practices. DoCS is learning, but it has a long way to go.

CHAIR: Where would DoCS be on the 20 year timeframe?

Mr BARBOUR: My briefing note said around the 15 year mark, but I am not sure that is necessarily right.

CHAIR: 15 years to go or -

Mr BARBOUR: 15 years to go. It is a complex issue, but one of the things that we try to do across broader agency involvement is to have agencies recognise the enormous benefit for their own management and their own systems in understanding the importance of complaints and dealing with them effectively. They provide, undoubtedly, one of the best tools for proper management of any organisation, and DoCS is no different to any other. So we see a sound, quality, internal investigative process as being a key to the ongoing success of the agency. There is certainly work starting in relation to that. I think there is a greater recognition, as I said earlier, of the importance of that and dealing more appropriately with external agencies. So I think I am more optimistic today than I would have been perhaps 12 months ago in answering that question.

CHAIR: Can I just ask in relation to internal processes, coming back to the point you made before about DoCS' failure to develop good ways of dealing with complaints against staff, DoCS' staff, we have also talked to a number of DoCS' staff who have very serious complaints against their own department and we have certainly heard a lot from a number of people who are very critical about the way the department actually deals with complaints against staff or staff's own complaints perhaps against other staff, particularly those in senior positions. I wondered if you have any comment on that?

Mr BARBOUR: No. To the extent that the complaints are about staff performance issues or internal management issues or employment related issues, they are areas that are outside of our jurisdiction and we are not involved with those. In respect of broader issues of an administrative kind, then certainly there are various mechanisms that staff can use, such as protected disclosures and watchdog agencies, to raise issues if they do not believe they are being handled appropriately within. But one of the things that is a hallmark of our office in the way that we approach issues is to always recommend that the agency itself has first option of dealing with particular matters and we encourage that. So we would certainly be encouraging people to raise problems within the department and working with the department to improve the systems with which they deal with those problems.

CHAIR: We did have a question, which we have not specifically addressed, about those witnesses who have suggested to us that the role of DoCS is just too broad, there really are too many things to do, too much to do, whether or not DoCS or other people should be paying much more attention to defining the core business of DoCS. Do you have a comment to make on that?

Mr BARBOUR: No, not really. I think that is for other people to determine. My role is, as long as DoCS has these functions, to endeavour to assist them to perform it and as best as they possibly can. There are certainly many organisations that have a significantly broad area of responsibility. Ours is one. I do not think that that necessarily transposes to being consistent with inefficiency, improper systems, poor management.

The Hon. IAN WEST: And no conflicts of interest in that core business? The role of the

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department being rather broad, does that in your view create any conflicts of interest?

Mr BARBOUR: I do not think so, but if there are, I think they can be successfully managed by appropriate procedures.

CHAIR: Just coming back to your comment about the timeframe needed for effective reform of DoCS, I am not sure whether your comment about 15 years to go and the police analogy is your definitive statement on the timeframe or whether you want to say a little bit more about the process of achieving the reform that the Minister and the Director General have made very clear you have embarked on.

Mr BARBOUR: I do not think it is a 15 year timeframe. What I think is that there are certainly no quick fixes or short term solutions, sort of overarching problems we are talking about. There are undoubtedly mechanisms that can be introduced relatively quickly and painlessly that are going to improve the operational dynamics of the organisation, but they are short-term, they are not long-term, and the challenges that the department faces, particularly given its role in the overall child protection system, are enormous and they are largely the result of problems that have been perpetuated over a long period of time and it is going to take, in my view, a significant amount of time for those to be improved to the point where people have a degree of satisfaction and certainty about what it is that DoCS does.

On the same token though, I think that there needs to be a better understanding in the broader community about what DoCS is actually responsible for and not responsible for, and I do not think it is ever going to meet what seem to be the expectations of many in the community, because they are literally unrealistic. They are never, no matter how well they perform or how well resourced, going to prevent every child death. It is just simply impossible. It is the same as no matter how many resources you give to the Police Service, they are not going to be able to solve or stop every crime.

I think there needs to be a dose of reality brought to some of the criticism about the department. Much of it is justified, but I think there needs to be a more reasonable perhaps expectation about its role and what it can do, and largely that needs to be set and reinforced and explained by the senior management of the department and by the Minister. There need to be very clear parameters indicated publicly about what it is that DoCS can do and what it cannot do.

The Hon. JIM SAMIOS: When you talk about much of the criticism being justified, in relation to what area would you make that comment?

Mr BARBOUR: I think into the way in which the organisation operates and it functions. From my perspective, our criticism has been largely in relation to the administrative processes adopted by the department, which are not consistent with ensuring appropriate safety for children, which is their responsibility. Other people have had different concerns. As I say, much of it is warranted, but I think that the expectation of the outcome of the process is perhaps the area that we need to review.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: We have dealt with the issue of accountability and transparency, but also we have had quite a lot of evidence that DoCS has a dysfunctional culture. Starting from the position of a dysfunctional culture, I am asking one to jump to transparency. Can you comment on why it is dysfunctional and how it might step from the dysfunctionality to a transparent culture, given the problems of confidentiality of some of its clients anyway?

Mr BARBOUR: I actually think I disagree with what you said in relation to transparency not necessarily being appropriate. Where there is a culture of the type that we all seem to be hearing and seeing, I think transparency early on is probably a very good ingredient in relation to change, and I welcome the fact that the Director General has recognised that as being something that is important. The reason I say that is because much of that culture is going to have to be changed over time through proper leadership and management and very clear vision being set in relation to the organisation, what is expected of it, what the outcomes are.

The fact that the Director General is willing to publicly provide information when issues are now

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aired in the media, I think is a very positive step forward, because what that suggests to the staff is that it is important for the public to have genuine information about what is going on, rather than for it to be perhaps simply a defensive reaction to a particular statement being leaked or particular information being provided, and so I think that is important.

The cultural changes are going to be one very important and significant part of the overall change management process, and once again there is no easy solution to those. A lot of people have been in the organisation for a long period of time, who are very skilled, but have very strong views about what ought to be done and what ought not to be done, and to actually manage those people effectively and in a way that you do not lose their enthusiasm or expertise, but perhaps better guide them about how they do their work is going to be a significant challenge.

CHAIR: We have met some of those people, and you are certainly right, there are some conflicting views amongst people who have been in DoCS for some time and whose motives are obviously excellent but who have very different views as to how to go about things.

Can I come to the issue of resources and the issue of whether much of the problem in DoCS or the series of problems that have been identified could be solved if only more money was made available. The implication we draw from a lot of what you have said is that that is not the simple answer, that resources by themselves do not solve the problems.

Mr BARBOUR: I never think resources are on their own sufficient to solve problems. If there is not good management and no good systems in place, you could throw as much money as you wanted to an organisation and it would simply be wasted.

What was interesting to me on review of the CFC submission, as I mentioned earlier, was the historical perspective that it put to much of what they say is the deterioration and the quality of DoCS work. It was astonishing to add up that approximately a thousand staff appear to have been lost to DoCS over the last decade. I am not sure how many have been replaced. Also my understand is that many of those people were experienced people, often at middle management level, who are exactly the sort of people who are necessary to guide and implement and help with change.

That is obviously something that might be causative of some of the problems that we are seeing within the organisation now. But, certainly, I think resources on their own are not sufficient, and I think that before a huge amount of additional resources are provided to the department, the department needs to make a case that it is resources that are going to help in relation to some of these issues, rather than improved management systems and practices.

CHAIR: You referred just before to the need for community expectations of DoCS to be realistic, and you also in your opening statement referred to other jurisdictions and a certain similarity. I am just wondering if you have any comment on whether expectations in New South Wales of DoCS' ability to deal with the problems we have been talking about are different from those in other Australian States. You may not be in a position to make that comparison.

Mr BARBOUR: No, I am afraid I am not. Certainly, I think in the future one of the things that we will be looking at when the commission comes on board is trying to get a better understanding of what happens in other jurisdictions to help us inform our processes and our role in relation to DoCS but at this stage we do not have that information.

CHAIR: Some of the reports you have made on DoCS have been made from you to the department and they have not, I do not think, been made public, and you have referred to recommendations in some of those reports. Are we able to get those recommendations from you, or some sort of summary of them, or do we need to get them from the department?

Mr BARBOUR: Either would be possible. The difference in process is that under our Act, when we determine that there is conduct that should be the subject of a formal report, that is normally a process which is limited to complainants, where there are complainants, the agency concerned, and it is not

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actually a public document. We cannot release that information normally. The department or the complainant sometimes do release it, depending on what they want to do. Where we want to release information publicly, our recourse is to a report to Parliament, and that is the very reason why we did that report, so that we did have a mechanism to alert the public and to some extent this Committee, which we knew was going to be looking at the issues, and other interested players so they knew what was going on.

I do not think we would have any difficulty in giving you a summary of the general outline of the sorts of recommendations that we have made. Many of our reports, however, are still only in preliminary stages and many have been finalised. I would be loath to, in the ones that are continuing, provide anything definitive, but rather to indicate that these are contemplated recommendations and we are yet to hear back from the department about its views.

CHAIR: That sounds very productive. It might be helpful perhaps if Committee staff can talk to you, because obviously our interest is in the recommendations of a systemic kind, not in material that is confidential to a complainant or an agency, but it would be a pity if, because of the process that you have described, we were unable to get the recommendations that are systemic. Perhaps that is something you could take on notice and the Committee staff could talk to you about?

Mr BARBOUR: That is fine. We will certainly find a mechanism which will allow us to depersonalise things. I also take it the Committee would be more interested in the general systemic based recommendations rather than specifics in particular cases.

CHAIR: Yes, certainly. In fact, a summary or something like that that removes completely the specific cases, if that was not too difficult.

Our last question is: What would you like to see come out of this inquiry, if you do not feel that you have already in one way or another answered it?

Mr BARBOUR: I guess rather tongue in cheek, we are looking for a complete resolution to the problems in the child protection area in New South Wales, a plan for complete reform of the Department of Community Services and for that to be completed as soon as possible.

(The witnesses withdrew)

(The Committee adjourned at 10.30 am)