



Inquiry into the child protection and social services system

A submission to the:
NSW Parliamentary Committee on Children
and Young People

Prepared by:
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Authorised by:
Tracy Adams, CEO, **yourtown**

yourtown services

yourtown is a national organisation and registered charity that aims to tackle the issues affecting the lives of children and young people. Established in 1961, **yourtown's** mission is to enable young people, especially those who are marginalised and without voice, to improve their life outcomes. **yourtown** provides a range of face-to-face and virtual services to children, young people and families seeking support. These services include:

- Kids Helpline, a national 24/7 telephone and on-line counselling and support service for 5 to 25 year olds with special capacity for young people with mental health issues
- My Circle, a purpose-built, scalable social media platform that provides young people with an easy pathway to anonymous, clinically guided peer-to-peer support.
- Accommodation responses to young parents with children who are at risk (San Miguel in NSW) and to women and children seeking refuge from domestic and family violence
- Employment and educational programs and social enterprises, which support young people to re-engage with education and/or employment, including programs for youthful offenders and Aboriginal and Torres Strait Islander specific services
- Young Parent Programs offering case work, individual and group work support and child development programs for young parents and their children
- Parentline, a telephone and online counselling and support service for parents and carers'
- Mental health service/s for children aged 0-11 years old, and their families, with moderate mental health needs
- Expressive Therapy interventions for young children and infants who have experienced trauma and abuse or been exposed to violence.

Our services in New South Wales (NSW)

San Miguel is a unique, child centred family residential service in North Richmond that provides intensive, holistic, evidence-informed support for vulnerable young parents and their children. San Miguel meets a significant service gap in the out-of-home-care system. It supports vulnerable young parents aged 25 years or younger, often single mothers, with children who have experienced trauma and are at risk of harm. It is often a reality that parents themselves have been impacted by intergenerational trauma and have had their own experiences in the statutory Child Protection system.

In early 2020, an additional Kids Helpline Counselling Centre was established in New South Wales (funding provided by the NSW Government) with counsellors based in Western Sydney to increase responsiveness to children and young people in NSW.

Additionally **yourtown** also provides social enterprises, jobactive, Transition to Work and employment programs for young unemployed people aged 15-29 across a range of locations in Western Sydney.

Introduction

We welcome the inquiry of the Committee on Children and Young People into the NSW child protection and social services system, and the opportunity to provide feedback.

yourtown has long worked with the NSW child protection and social services through providing Kids Helpline, our nationally recognised helpline for young people in Australia, with a NSW Kids Helpline centre set up this year with funding from the NSW Government. Kids Helpline interacts with the NSW system as a counselling and support service, referrer, mandatory reporter and through regularly sharing information with the Department of Communities and Justice.

Amongst the top ten counselling concerns that NSW children and young people contact Kids Helpline are mental health (27% of all counselling concerns), emotional wellbeing (22%), family relationship issues (18%), suicide-related concerns (14%), child abuse (7%) and self-injury (6%).¹ Between April and September 2020, Kids Helpline contacts with children aged between 5-9 years increased 113% compared to the same period in 2019, and contacts with clients aged 10-14 and 15-18 years increased 37%. Of particular concern, our duty of care (where the counsellors determines that the child or young person is at imminent risk of harm) responses were up 45% over the same compared to 2019; 47% were related to suicide attempts and 31% were related to child abuse.

We also provide unique accommodation and 24/7 wraparound support at our San Miguel in North Richmond for 21 vulnerable young parents and their children. Meeting a significant service gap in the out-of-home care (OOHC) system, San Miguel is a child centred family residential service that provides intensive, holistic, evidence-informed support targeting the needs of both parents and children. We work with young parents are aged 25 years or younger (60-70% are aged under 18), often single mothers, with children who have experienced trauma and are at risk of harm. Often parents in our services have been impacted by intergenerational trauma and have had their own experiences in the statutory Child Protection system.

Additionally, we provide a range of employment programs to young people aged 15-29 in Western Sydney and regularly connect with the child protection and social services system on issues affecting them.

Given the range and complexity of issues that confront the children and young people with whom we work, our staff well-placed to reflect on the NSW child protection and social service system. Using their insight, we identify the following recommendations, discussed in full in our submission:

Recommendation 1: That the Department of Justice and Communities recognise that time and rapport is key to working with vulnerable families, particularly those at high risk who have deeply entrenched issues to overcome, requiring funding of services working with them to prevent child removal for a minimum of 6 months. In doing so, the Department stands to meet reductions in child removals and better support parents to become independent of its services.

¹ Data from NSW 2019 Kids Helpline Insights Report: <https://publications.yourtown.com.au/2019-insights-nsw-kt-v1/page/6-7>

Recommendation 2: Recognised system-wide competencies are required on issues relating to child development and trauma-informed practice as a foundation to shared perspective, understanding and language for all organisations and staff who interact with children and young people. Demonstration of these competencies should be a condition of funding to service providers.

Recommendation 3: To help build an early intervention system, system/service assessments need to be reviewed with a view to developing interventions that consistently and appropriately support children and young people with varying degrees of risk and needs. This review should aim to ensure that all useful information held by non-government organisations or shared with government about a child's situation is acted upon, including preventative and early intervention responses.

Recommendation 4: The Department of Communities and Justice should invest in interventions specifically tailored to the needs of children and young people with low and moderate risk, including funding placements in intensive services such as San Miguel for vulnerable families with less critical needs as early intervention before issues reach crisis point.

Recommendation 5: The Department of Communities and Justice should review its funding approaches and consider the use of more block funding to avoid delays and missed opportunities in service delivery, and optimise frontline staff resources.

Recommendation 6: That the NSW Government advocate for the following measures in the design and delivery of a national information sharing scheme:

- The streamlining of all legislation at all government levels relating to information sharing, mandatory reporting and privacy,
- Two-way sharing of information and outcomes relating to child protection investigations and issues (between government and other services and stakeholders),
- The development and agreement of the principles to govern appropriate information sharing, starting from a child rights and child's best interest perspective,
- The development and funding of training and its roll out about information sharing, child development and trauma-informed practice, system-wide and across the workforce, and;
- Appropriate funding to underpin an effective national scheme.

We are happy to respond to any questions or requests for any further information that the Committee may have in relation to our submission.

yourtown submission

In our submission, we respond to the issues as set out by the Inquiry's terms of reference on which we have feedback.²

I. How vulnerable children and families are identified and how the current system interacts with them including potential improvements, particularly at important transition points in their lives

Our San Miguel residential service uniquely responds to the needs of vulnerable children and families in NSW. We provide 24/7 wraparound and intensive support for young parents (aged 25 years or younger) and their children, which seeks to improve parenting skills and capacity and the health and wellbeing of children so that children are kept safe, well and are less likely to (re) enter OOHC. Families are referred to San Miguel by health services, other non-government agencies, and self-referral, but child protection concerns are overwhelmingly the most common reason for referral (90% of families at San Miguel at any one time have had contact with Child Protection Services).

Supported by a case manager, San Miguel provides young families with a stable home and a broad suite of therapeutic interventions including: skills for independent living, child development support, expressive therapy, play groups, social interaction with other young families, counselling and advice and access to legal, employment, education and medical support. Unlike other services, fathers as well as mothers are invited to reside and access support at San Miguel where possible/appropriate. Knowing that when young parents secure sustainable housing and employment their children's prospects improve dramatically, we also provide outreach support to families who exit San Miguel for anywhere between 3-36 months to help ensure they can continue to live independently.

Currently, around 90% of the 21 families we support at San Miguel at any one time are Indigenous, 75% have experienced domestic and family violence and 60-70% are parents who are under 18 and are still in care themselves. More generally, young parents and their children who we encounter have increased risks of welfare dependency and poverty, intergenerational disadvantage, child abuse and neglect, trauma-induced developmental delays, substance misuse, poor physical and mental health, limited and fragmented engagement with education, and unemployment. Given the complexity of the issues that confront vulnerable families, we understand at San Miguel that establishing trust and rapport with residents is key to positive outcomes in their healing, learning and change. Hence, the first step we take in our work with these families is to establish trust and rapport and give them the time to feel comfortable and safe, feelings they may have not felt in a long time or ever. This time and trust is required so that residents are ready to acquire the skills and undertake the healing they need and we work with them, providing wraparound therapeutic services and developing their life skills, to address the intersectional and complex trauma they will have experienced.

² <https://www.communications.gov.au/have-your-say/consultation-new-online-safety-act>

However, the families the Department of Justice and Communities (the Department) refer to us have needs identified as high risk and, significant time is needed to work with these families to effect sustainable improvements. Too often, we find significant change with residents is expected by funders in 6-8 weeks which, given the level of needs this cohort has, is not realistic.

We also maintain that greater understanding is needed of, or action on, the reality that supporting a child at risk of harm or neglect by removing them from their mother and providing individualised support is not enough to change cycles of vulnerability and trauma. A young mother who surrenders her child to OOHC may go on to have more children, thereby continuing the cycle of intergenerational disadvantage and interaction with OOHC. The Premier's priorities seek to break the cycle of disadvantage by decreasing the proportion of children and young people re-reported at risk of significant harm by 20 per cent by 2023. San Miguel plays a key role in achieving this target but to optimise our support, we need the Department to afford us sufficient time with these vulnerable young parents and families, particularly those assessed to be high risk.

Recommendation 1: That the Department of Justice and Communities recognise that time and rapport is key to working with vulnerable families, particularly those at high risk who have deeply entrenched issues to overcome, requiring funding of services working with them to prevent child removal for a minimum of 6 months. In doing so, the Department stands to meet reductions in child removals and better support parents to become independent of its services.

2. The respective roles, responsibilities, including points of intersection, of health, education, police, justice and social services in the current system, and the optimum evidence based prevention and early intervention responses that the current system should provide to improve life outcomes

The child protection and social services sector and staff have made significant progress in developing understanding and knowledge of child development, and the impact that trauma has on it. The sector and staff are increasingly better equipped to recognise the symptoms of trauma and manage the needs of children, young people and families affected by it. Organisations like **yourtown** work with children who are commonly confronted by a range of complex and multi-faceted issues. Our staff need to be experienced, skilled and qualified to be able to understand and support clients with these challenges, which may have stemmed from intergenerational disadvantage, family violence or mental health issues. Understanding the underlying causes for behaviour is important in working with clients to support positive change, given these behaviours are often coping strategies. This may include clients engaging in criminal activities, for example, or the use of drugs and alcohol.

However, the range of different services that can interact with a child and their family are wide-ranging and each has their own purpose, objectives, responsibilities, accountability, and crucially therefore, perspective. For example, there are differing and sometimes competing objectives for organisations including the police, the courts and services like ours even where the intention is to place the 'best interests' of a child at the centre. Differing perspectives and accountabilities mean a child's best interest can be interpreted differently, as has long been seen in the family law court.

We maintain that system-wide education and training of the workforce across organisations is needed on child development and trauma-informed practice so that all organisations understand and accommodate the needs of children and young people.

Recommendation 2: Recognised system-wide competencies are required on issues relating to child development and trauma-informed practice as a foundation to shared perspective, understanding and language for all organisations and staff who interact with children and young people. Demonstration of these competencies should be a condition of funding to service providers.

3. The adequacy of current interventions and responses for vulnerable children and families and their effectiveness in supporting families and avoiding children entering out of home care

Many of our staff working in New South Wales maintain that the current child protection and social service system is too focused on providing crisis support and supporting children who require removal (temporary or otherwise) from their families, and families who can no longer cope. This means children and families at risk are identified when their needs have escalated to being too complex and challenging for continued at home, parental support.

Our staff point to the threshold for departmental action in the assessments that are undertaken (e.g. the Safety Assessment, Risk Assessment and Risk Re-assessment tools, SARA) as being a cornerstone of the current crisis-response system, with the Department of Communities and Justice focusing their response on children and families who meet the Risk of Significant Harm (ROSH) threshold. As a result, many highly vulnerable children who do not meet the threshold (and who may just be below the threshold) in effect have to wait for their situation to further deteriorate for adequate system attention, whilst support services and staff are forced to hold significant information and risk about children they know would benefit from greater intervention.

We maintain that families assessed with moderate needs by the Department would greatly benefit from a service like San Miguel, with earlier intensive and holistic support ensuring that their needs and safety do not escalate to crisis point. Addressing less critical needs in this way is likely to result in more families being equipped with the skills and knowledge and the support networks they need able to live independently. Earlier intervention like this (and for both low and moderate needs through funding other interventions) would lower costs to government for vulnerable families over the life course, and crucially contribute to fewer children having to be subjected to highly unsafe environments and behaviours, which they are likely to replicate in their own futures.

In addition, NSW Kids Helpline staff note that whilst high risk cases are dealt with relatively well by Child Protection, the clients with moderate needs or needs who fall just under high risk do not receive any support from statutory authorities and instead find themselves seeking support from a range of different services unable to effectively meet their needs, whilst their issues escalate often to crisis point.

Furthermore, our jobactive staff note that the jobseeker assessment (Job Seeker Classification Instrument, JSCI) is ill-equipped to identify the real needs of a young unemployed person, principally given it is undertaken by Centrelink by staff with whom young people have no relationship or trust and since young people are simply seeking to access welfare support at that point rather than focus on their future employment. We see the JSCI in its current format and delivery as a missed opportunity to effectively identifying a young person's holistic needs, including those relating to current vulnerabilities such as homelessness and family conflict or violence, and therefore to ensuring they receive the support they need to be job ready.

In relation to homelessness in particular, employment services are not obliged to regularly review a young person's housing situation (although we do) and therefore a critical aspect of safety and wellbeing is not consistently addressed. Furthermore, the housing support services are not designed to support children and young people, who struggle to navigate the services and advocate for themselves. Our staff even find it hard to navigate the system, with anecdotes of unhelpful and cold staff staffing the housing contact helpline. The system should be designed to facilitate the engagement of, and empower, children and young people and all staff trained to this end.

Recommendation 3: To help build an early intervention system, system/service assessments need to be reviewed with a view to developing interventions that consistently and appropriately support children and young people with varying degrees of risk and needs. This review should aim to ensure that all useful information held by non-government organisations or shared with government about a child's situation is acted upon, including preventative and early intervention responses.

Recommendation 4: The Department of Communities and Justice should invest in interventions specifically tailored to the needs of children and young people with low and moderate risk, including funding placements in intensive services such as San Miguel for vulnerable families with less critical needs as early intervention before issues reach crisis point.

4. The child protection intake, assessment, referral and case management system including any changes necessary to ensure that all children assessed as being at risk of significant harm receive a proactive and timely in-person response from child protection staff

San Miguel is partly self-funded by **yourtown**, and partly by the Department of Communities and Justice through a fee for service arrangement (roughly a 53%/47% funding split). The fee for service arrangement means that a significant amount of time is spent by San Miguel staff discussing the funding of specific services that we have identified as being required by residents. Given the time of such discussions (up to 6 weeks), this sometimes means that the 'teachable moment' or opportunity to work with the resident has been lost.

Block funding would be a more helpful way to receive such funding as it would enable our staff to focus on delivering frontline support and ensure timely access to the additional supports our residents need. Indeed, we believe there is greater value for the Department, **yourtown** and

families through a block grant funding arrangement rather than a fee for service arrangement. This would secure places, reduce the administration burden on both agencies and provide the extensive long-term support that these highly vulnerable families need.

Recommendation 5: The Department of Communities and Justice should review its funding approaches and consider the use of more block funding to avoid delays and missed opportunities in service delivery, and optimise the use of frontline staff resources.

5. The availability of early intervention services across NSW including the effectiveness of pilot programs commissioned under Their Futures Matter program

yourtown would caution that some communities and cohorts are wary of government pilots of services and interventions since services they come to know and access frequently end up shutting down. Government pilots need to factor this at planning stage and consider ways to build on existing relationships and iteratively design services, as well engage with lived experience within a clear evaluation framework.

7. Any recent reviews and inquiries

The National Office of Child Safety (NOCS) is currently looking into the development of a national information sharing scheme, as per the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (the Commission). We provided a response to their consultation on the issue.

As many have long maintained, the current system does not effectively support the appropriate sharing of information about children, young people and their families between organisations who interact with them. The lack of information sharing impacts on a client's care journey and experience, makes coordination of care more challenging and too often is responsible for children and young people being left in highly unsafe situations. In our response to NOCS, we welcomed a national scheme and set out the following considerations and caveats in its development that we consider to be relevant to this Inquiry too:

- The legislation covering information-sharing is complex and difficult to manage in practice (particularly for national organisations). There is national and state/territory legislation about information sharing specifically and about related matters (e.g. privacy, freedom of information, mandatory reporting) and legislation on specific policy issues with provisions on information sharing (e.g. domestic and family violence and child safety). Managing these different legislative requirements and ensuring our staff are aware of them and appropriately managing data and sharing information (e.g. following processes on how long data should be kept or whether a certificate to share the information is needed or not) is an industry in itself. Streamlining and consolidate legislation covering information sharing and mandatory reporting is of notable importance given they are symbiotic: greater effectiveness in information sharing would reduce the need for mandatory reporting. **An important step to appropriate information sharing is the consolidation and streamlining of legislation to make it streamlined and simple to follow and implement.**

- The Commission suggested that a national information sharing scheme should provide ‘all prescribed bodies’ (government and non-government organisations, regulatory bodies and individual practitioners) with ‘the same powers and obligations under the scheme’. This is attractive given the simplicity and clarity that it would bring to the scheme, so that all parties know what their roles and responsibilities are, and with whom they should share information. **Some of the barriers to sharing information our staff currently flag is that they do not know who owns the data, whether they can share it and with whom, and who to contact or the processes involved to share it.**

In addition, our staff find that Child Protection is commonly a one-way information avenue with little reciprocation of information sharing once a matter has been referred to them. For example, we typically do not hear back from departments about an outcome of a mandatory report we make. Given that we will have informed our clients we have made the report, this can be a cause of significant trauma and anxiety for children and young people, especially where a report relates to their parents/carers as they anticipate their reactions to the news on a daily basis. This provision would help alleviate this lack of feedback and enable us to continue to provide mental health and emotional support, regardless of whether agencies intervene based on information provided.

However, (as mentioned in our response to Q2) competing organisational priorities, perspectives and understanding in child protection issues mean that **information sharing should consider and agree on the principles underpinning information sharing**, e.g. what is the purpose of sharing the information in terms of furthering the rights, interests and wellbeing of the child is required. Consideration of how long information remains relevant to a child may vary from client to client and for some organisations: it may be relevant to know a child’s full history, whilst for others it could be unnecessary and be a source of life-long stigmatisation for the client. We consider that **a system like NSW’s Child Story, where different stakeholders have different levels of access to information or types of information depending on their need and purpose might be more appropriate.** This type of model would ensure that a central body does have full oversight of all issues, but would limit unintended or stigmatising applications of information.

- **yourtown** staff have identified the importance of developing working relationships to ensure that each organisation values and understands the work of the other and need for information to carry out their respective functions. Conversations are also critical in the sharing of more sensitive information so that staff in different organisations can better understand and use the information they are receiving, and consideration as to how information is shared could support better and more informed information-sharing.

A barrier that hinders our ability to access information relating to our residents and clients in NSW is the provisions of I6A, NSW legislative amendments that were designed to ‘free up’ the exchange of information between government and non-government organisations. Whilst we are now able to obtain information from other states about our clients in NSW thanks to I6A, we have to request the information from the DCJ and await their

response with it. This prevents the use of timely interventions and approaches with our clients.

- **Education and training of system staff is crucial to ensuring that information can be shared nationally and appropriately.** (As mentioned previously in Q2), this will require training for all system staff into the developmental stages of a child and into the effects of trauma so that they are able to understand the information they are dealing with. They will also need training support regarding a child's rights and, where age or developmentally appropriate, about how to ensure that a child is made aware of how the information being shared about them is being used. On this point, wherever possible, **yourtown** works to obtain the informed consent of the child with whom we are working before sharing the information they have disclosed with others, and this must be a guiding principle of the national information sharing scheme too.
- A technological or digital solution or solutions will be needed to facilitate information sharing if organisations are to have faith that the information they are sharing is to be accessible to appropriate persons only. Such a solution will also help ensure that sharing information is not overly time-consuming or bureaucratic, and that the system is easy to use and the processes of sharing information are simplified. It would also help ensure that information is shared consistently and is two-way from the community to government departments.
- Whilst these additional elements to a national system are critical, they are also costly. Appropriate levels of staff training and a technological digital solution at a national level will need to be supported by government investment if the national scheme is to be effective in protecting children's safety and wellbeing regardless of where they reside or move to across Australia.

Recommendation 6: That the NSW Government advocate for the following measures in the design and delivery of a national information sharing scheme:

- The streamlining of all legislation at all government levels relating to information sharing, mandatory reporting and privacy,
- Two-way sharing of information and outcomes relating to child protection investigations and issues (between government and other services and stakeholders),
- The development and agreement of the principles to govern appropriate information sharing, starting from a child rights and child's best interest perspective,
- The development and funding of training and its roll out about information sharing, child development and trauma-informed practice, system-wide and across the workforce, and
- Appropriate funding to underpin an effective national scheme.

8. Any other related matter

It would be helpful if guidance for children and young people on how to self-report child protection issues to the Department could be made available, tailored to their developmental and

communication needs. We have found that when Kids Helpline counsellors report issues to the Department with the client it is beneficial to their health, wellbeing and sense of agency, whilst Departmental staff are more responsive and sensitive to the issues involved when hearing directly from the child or young person.