



**Response to
NSW Legislative Council
General Purpose Standing Committee**

**Inquiry in child protection and the
social services system**

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About Fams

Children are kept safe by quality services which help kids and families when and where they need it. Fams makes this possible by advocating for better public policy, advising how to achieve sustainable outcomes and acting to help vulnerable children, young people, families and communities.

At Fams we advocate, advise and act.

Established in 1981, Fams has always been driven by strong values and our aim:

- Safe Children
- Strong Families
- Supportive Communities

We contribute to population outcomes through:

- Building skills and knowledge in outcomes-based frameworks to enable organisations to collect and use data to inform practice and collaborate to provide better results for clients, practitioners and organisations; and
- Systematic policy and advocacy to inform and enable the government to implement solutions that support vulnerable children, families and communities.

Introduction

Fams appreciates the opportunity to comment on the NSW Legislative Council General Purpose Standing Committee No.2's inquiry into Child Protection in New South Wales.

It is clear that the impacts of COVID-19 have caused unprecedented financial and mental strain, stress and anxiety on vulnerable families and children in NSW. With that, the demand on services to support families and their children has increased significantly.

Sadly, this inquiry's own media release¹ drew attention to the fact that the pandemic is not the root cause, but rather the most recent light again shone on a system that was already overstretched and failing:

Last year a staggering 77,026 children assessed by the Department of Communities and Justice to be at risk of significant harm were not followed up.

These are children the subject of real neglect, children who don't get fed or clothed, children whose parents or carers might be dysfunctional as a result of mental or physical illness, drug addiction or alcohol abuse or, in the worst of cases, children who are in danger of, or who have been, bashed or sexually abused.

Every single one of these 77,026 children were not followed up by the current child protection system at precisely their time of greatest need.

Over the last four years the number of these ignored children has increased from 54,577 to 77,026. A 41 percent increase over 4 years.

Keeping our most vulnerable children safe must be of the highest priority. Together we must ensure that the essential support services people rely on are properly funded, so that kids, their families and their communities are getting the right support, in the right place and at the right time, in a safe way for all.

Rather than respond to the questions posed in this Inquiry's terms of reference, Fams has taken this opportunity to reflect on previous government commissions, reviews and inquiries. Our response, *Reviews of the NSW child protection system 2008-2019: an analysis of key findings and degree of implementation*, (the Review) is enclosed and forms the basis of our submission.

The Review shows, without doubt, that successive NSW Governments have been handed consistent findings on what needs to change to keep children safe and well. If this inquiry is to be different and drive change where those previous have failed, it must always hold children at the centre of its work. Findings must lead to a full implementation plan, not a politicised cherry-picking of solutions that never reach their potential.

¹ <https://www.parliament.nsw.gov.au/ladocs/other/13863/Media%20release%20-%20Inquiry%20into%20the%20child%20protection%20and%20social%20services%20system%20-%2028%20September%202020.PDF>, accessed 7 December 2020

Submission

The NSW child protection system has been the subject of multiple inquiries, reports and reviews for over 20 years. The four most significant of these since 2008 are the focus of the Review and are listed below:

- Report of the Special Commission of Inquiry into Child Protection Services in NSW (2008) ('Wood report')
- Independent Review of Out of Home Care in New South Wales (2016) ('Tune review')
- General Purpose Standing Committee No. 2 report on the role of the Department of Family and Community Services in relation to child protection (2017) ('Donnelly inquiry')
- Independent Review of Aboriginal Children and Young People in Out of Home Care (2019) ('Family is Culture').

Collectively, these reports have made 286 recommendations aimed at strengthening the child protection outcomes for children and families in NSW.

While it is not necessarily the case that every recommendation should be supported and addressed, it is stark how many recommendations have been unsupported by NSW Government since 2008 despite the consistency of finding of successive reviews.

Recommendations that have been implemented tend to be more tactical and specific such as legislative amendments and those focused on procedures and processes. Those that have not been implemented tend to be those that involve large and immediate budget implications and involve substantial systemic change.

The policy impact of the Wood report and the Tune review were significant. Investments made in response to their findings collectively added up to almost \$1 billion in reforms. Despite this major investment, reforms have failed to drive the kind of systemic change that successive reviews have outlined as critically important in order to significantly improve the outcomes for vulnerable children and families in NSW.

A recurring theme in these recommendations that remain not implemented include boosting funding for early intervention. These findings also reinforce Fams' position that what is needed in NSW is a coordinated approach to prevention as noted in our submissions to previous inquiries, as well as:

1. *Investing in children and their families* published by Fams in 2018
<https://fams.asn.au/wp-content/uploads/2019/08/Investing-in-Kids-and-their-Families.pdf>
2. *Bridging the gap* published by Fams in 2019
<https://fams.asn.au/wp-content/uploads/2020/11/Bridge-the-Gap-.pdf>
3. *A wave of disadvantage across NSW: impact of the COVID-19 recession* published in 2020 by a collaboration in which Fams was a partner
<https://fams.asn.au/a-wave-of-disadvantage-across-nsw-impact-of-the-covid-19-recession/>

Recommendations

Fams strongly believes that New South Wales is at a critical juncture that will determine the success, or not, of targeted earlier intervention responses. Fams asserts significant additional investment is needed to fund true preventative action, in order to support children and families who are at risk, slow the rate at which children enter out of home care, and save the NSW Government money in the long-term.

It is unacceptable for the Government to fail to invest in prevention while spending increasing sums of money on dealing with out of home care, a problem that is larger than it ought to be due to a failure to invest in prevention responses and targeted earlier intervention responses. The Department of Community and Justice's own data shows increases in the tens of thousands of children kids substantiated by the Department who do not get a response. This must be addressed.

Either way, it is clear the system we have is broken. There are too many kids in out of home care, too many children substantiated at risk of significant harm, and not enough children getting the right response in the right place at the right time.

All children in New South Wales have the right to a safe, healthy and happy childhood. To ensure that children and families experiencing vulnerability receive the right support at the right time NSW requires a universal service system model that:

- is flexible to deliver tailored responses to reflect families' unique needs and circumstances;
- is data driven, with more transparent, regular and independent information made available to the sector so that we can work with government to identify issues, trends and problems, and co-design programs that provide help earlier;
- funds service providers to work with families for as long as it takes to build resilience;
- promotes access to and coordination of social services and other community-based supports for families; and
- is outcomes-focused and evidence-informed with a view to a return on investment within five years.

Fams has developed a *Road map to keep kids safe at home* that sets out the essential pillars of a universal system, all of which must be adequately funded and resourced to work.

An approach based on these principles would require significant additional funding from government in the short term. There is overwhelming evidence in other jurisdictions that expenditure on prevention and early intervention will result in better outcomes for children and families and could result in a net saving for government within five years.