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NSW Ombudsman

Supporting children who have been victims of violent crime

A report arising from an investigation into Community Services (formerly DoCS)

NSW Ombudsman Bruce Barbour today tabled a report arising from his investigation into Community Services' handling of victims compensation claims for children and young people in out-of-home care.

As at 30 June 2009, there were 16,524 children and young people in out-of-home care in NSW. Of these 10,628 were under the parental responsibility of the Minister for Community Services.

Many of these children and young people were removed from their parent/s and placed in care because of serious abuse. Many suffered physical and psychological injury because of the abuse.

Victims of crime in NSW, who have been injured as a result of the crime, are entitled to apply for financial compensation. This includes children and young people. For eligible children and young people in statutory care, the responsibility to lodge a claim for compensation falls to Community Services.

'Between 2005 and 2009 only 368 victims compensation claims were lodged by Community Services on behalf of children and young people in statutory care,' the Ombudsman said.

The investigation found significant deficiencies in Community Services' identification and handling of victims compensation claims for children and young people in out-of-home care.

The Ombudsman said **‘Many of the children and young people who are placed in statutory care have had to deal with the most disturbing and horrendous situations. It is completely unacceptable to deprive these children and young people of their entitlements because of administrative failure.’**

The investigation found that for many young people, entitlement to victims compensation is either completely overlooked or, in many instances, only considered by Community Services when young people are about to leave care on turning 18. As a consequence, the responsibility for lodging the claim is transferred from Community Services to the young person.

‘This seems to be an unfair burden to place on young people who more often than not will face significantly greater challenges in achieving a successful move towards independence and adulthood than their peers who have supportive families. Having their entitlements fully explored before leaving care would enhance care leavers’ likelihood of successful transition to independence by providing them with financial support when they most need it’.

In response to the investigation report Community Services has said that it is committed to improving its practice. Despite this advice the Ombudsman said that there is a real risk that the required changes to improve practice in this area will not occur because of the broader inherent weaknesses in the out-of-home care system. **‘Not least of these is the number of children and young people who do not have an allocated caseworker,’** said the Ombudsman.