



Joint Ombudsman and FACS Report Card

July 2018

The NSW Ombudsman and the Department of Family and Community Services (FACS) work together to continually improve service delivery in the area of child protection.

To track FACS progress in implementing systemic reforms and addressing issues identified through the Ombudsman's various oversight functions, both agencies worked together to develop the Integrated Governance Framework (IGF) in 2015.

Since the start of the IGF, over 25 discrete issues have been addressed by FACS and the Ombudsman, with work continuing on a further 13 issues.

Senior officers in FACS and the NSW Ombudsman's Office are responsible for driving the effective implementation of the IGF, which is updated and reviewed at every quarterly meeting between the FACS Secretary and the Ombudsman.

A joint report card will be published annually. It will provide an overview of:

- key achievements
- activities still underway
- a snapshot of the broader FACS reforms aimed at addressing the efficiency and responsiveness of the child protection system.

Key achievements to date

Identifying and referring criminal allegations to police

Several investigations by the Ombudsman during 2010-2015 identified circumstances where FACS had not referred criminal child abuse allegations to police that were below the threshold for a Joint Investigation Response Team (JIRT) referral. The Ombudsman recommended that FACS develop clear guidance for its staff in this critical area.

Together, FACS and the Ombudsman prepared an amended procedure which was subsequently rolled out state-wide.

Proactive exchange of information with prescribed bodies

Following the introduction of Chapter 16A of the *Children and Young Persons (Care and Protection) Act* in 2009, the Ombudsman identified a number of matters where FACS could have proactively used the information exchange provisions to promote the safety and wellbeing of children.

In response, FACS reviewed its policies, systems and procedures to identify gaps. The review found the training, policy and guidance were sufficient however to ensure compliance, FACS introduced a 6-monthly random audit program, the results of which will feed into ongoing practice development and training as required.

The Ombudsman continues to monitor practice in this area, and facilitates information exchange in relation to individual matters.

Improving leaving care planning and related supports

An Ombudsman report in 2013, *The continuing need to better support young people leaving care*, identified areas requiring significant practice improvements. FACS has since implemented wide ranging changes to leaving care processes, including ongoing audits, developing tools to guide caseworkers' practice, and administrative reform to enhance monitoring.

In its 2017 submission to the NSW Parliamentary Inquiry into child protection, the Ombudsman drew attention to the feedback that stakeholders had given to the Royal Commission into Institutional Responses to Child Sexual Abuse on leaving care planning, and suggested that FACS consider this feedback when developing a best practice framework for leaving care planning and aftercare support.

The out-of-home care (OOHC) accreditation process continues to inform FACS' work to strengthen this area of practice. FACS, the Ombudsman and the Children's Guardian are working together to ensure continuous improvement to leaving care planning.

The Ombudsman will continue to raise individual matters with FACS where concerns exist about the adequacy of practice.

Supporting children in OOHC who have been victims of crime

The Ombudsman identified concerns about FACS handling of victims compensation claims for children and young people in OOHC. FACS has implemented a range of improvements including:

- use of trigger points in case plans and practice guidelines to identify when an assessment of eligibility for victims support should be conducted
- development and implementation of a victims support policy
- creation of an internal victims support working group
- integration of relevant triggers into ChildStory to identify children requiring a legal audit
- working with OOHC agencies to ensure they fulfil their responsibilities to victims of crime.

Key achievements to date

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| <p>Using police information holdings to inform assessments of risk of significant harm (ROSH) reports</p> | <p>Resulting from suggestions by the Ombudsman, FACS agreed to explore with Police how it could more systematically receive policing information to inform Child Protection Helpline assessments of ROSH reports.</p> <p>Both agencies conducted a joint review of a sample of ROSH reports to identify whether direct access to Police information holdings would have changed the Helpline’s assessment and ascribed priority.</p> <p>The review found that the information exchange between FACS and Police had improved significantly since the introduction of Chapter 16A, which meant that requesting police holdings as a matter of course, rather than in response to specific issues, did not appear to be necessary. However, FACS and Police committed to refining their processes for sharing information to improve the efficiency of related processes.</p> |
| <p>Sharing information when children managed by FACS move into NGO care placements</p> | <p>A 2015 Ombudsman investigation into the transitioning of children in OOHC to the non-government sector found that FACS was providing insufficient information to OOHC agencies to help them identify and manage risks to this group of children. The development of the Carers Register was a key initiative aimed at addressing this issue.</p> <p>The Register allows access to relevant information by the OOHC agencies, FACS, the Children’s Guardian and the Ombudsman.</p> <p>The launch of a new IT system within FACS – ChildStory – will provide shared access to some parts of the system, enabling both FACS and the non-government sector to directly obtain and share information relevant to promoting child safety and wellbeing.</p> <p>The Ombudsman will continue to monitor the adequacy of information sharing practice in this area as the transition unfolds.</p> |
| <p>Addressing delays by FACS Reportable Conduct Unit in handling reportable allegations</p> | <p>The 2014 Ombudsman report <i>Review of the NSW Child Protection System: Are things improving?</i>, identified delays in how FACS allocated and investigated reportable conduct allegations against authorised carers.</p> <p>Following the report FACS implemented a number of strategies, including using an external panel of investigators to address delays. There’s been a marked improvement in the number of investigations completed in a timely manner.</p> |
| <p>Ensuring the Permanent Placement Principles are well executed</p> | <p>The Permanent Placement Principles were legislated in 2014 and their implementation was primarily driven via FACS Safe Home for Life reform program.</p> <p>The Ombudsman has been keen to ensure that FACS establishes arrangements to ensure that permanency is considered for each child entering care.</p> <p>The Permanency Support Program introduced by FACS in 2017 is centred on services supporting restoration, preservation, guardianship and open adoption. Permanency Support also includes a monitoring system to track compliance.</p> <p>The Ombudsman continues to monitor developments in this area.</p> |

Key achievements to date

Improving the ability to locate risk-related information about adults who pose a risk in the FACS database

In 2015, the Ombudsman released its *Report into reviewable deaths in 2012-2013*. The report highlighted cases where FACS held historical information about substantiated allegations against a person that was not identified by FACS when assessing the person's suitability to be a carer, or when responding to requests for risk related information about individuals from other agencies. The problems were linked to limitations with the searching capacity of the KiDS database.

In migrating data from KiDS to ChildStory, FACS completed significant data remediation, to ensure that records are appropriately linked to adults. With ChildStory, a range of improvements have been implemented to search functionality and processes for recording individuals as a person of interest. These improvements will ensure that records are better able to be identified.

This critical area remains a focus for the Ombudsman as the ChildStory system is implemented.

Improving the processes for screening and assessing carers

Investigations by the Ombudsman during 2012-2014 identified the need for:

- improved probity checks of carers and household members
- a review into the use of independent assessors.

These identified issues are being addressed with:

- the implementation of the Carers Register
- a guardianship assessment tool, developed by FACS and the Association of Children's Welfare Agencies (ACWA)
- contracts for independent assessors being reviewed
- FACS working with the sector to develop a new approach in the recruitment and development of carers.

The Ombudsman continues to monitor how FACS, in its capacity as commissioner, is tracking the quality of non-government organisations' assessment practices.

Ensuring the roll-out of Practice First is supported by a robust evidence base

FACS developed Practice First in 2011 as a model for child protection service delivery.

In 2012, the Ombudsman recommended the Practice First rollout to the Community Service Centres (CSCs) be informed by a robust evaluation strategy.

FACS commissioned an independent evaluation of Practice First, and the final report was released in 2017. The evaluation found that Practice First had facilitated a shift in organisational culture towards child centred practice and increased engagement with children, carers and other agencies. However, it showed no clear evidence of better outcomes for children or of improved rates of face-to-face assessments.

As a result of these findings, FACS developed a new Practice Framework which is currently being rolled out to all CSCs and JIRT units to build the quality of caseworkers' practice.

Key achievements to date

Improving practice guidance for consultation with families

The Ombudsman identified a number of matters where FACS had not engaged with family members to inform its child protection response, in circumstances where there were no safety concerns raised about those family members.

FACS has since implemented Care and Protection Standards that include a focus on collaboration and working in partnership with families. FACS also developed a Child Sexual Abuse Resource Kit that includes parents in the assessment process.

Transferring non-ROSH Helpline reports to the NSW Health Child Wellbeing Unit

In 2015, the Ombudsman released its *Report into reviewable deaths in 2012-2013*. The report highlighted the need for FACS and NSW Health's Child Wellbeing Unit (CWU) to work directly with health practitioners to coordinate the provision of support to families.

As part of the transition to ChildStory, the Helpline will determine the viability of a process which involves its staff seeking the consent of Health reporters to record their details and share them with the CWU.

Both agencies have conducted an analysis of Health reporting trends and undertaken consultations with Health staff in an effort to drive cultural change around reporting practices.

Improving FACS accountability and business performance

The Ombudsman has made recommendations in recent years for FACS to improve efficiency and accountability, including:

- improving reporting on responses to risk of significant harm reports
- developing more meaningful reporting on productivity, and staff vacancy and retention rates.

FACS has implemented a range of relevant initiatives including:

- IT upgrades
- improved governance and accountability
- more transparent performance reporting, through the publicly available caseworker dashboard and internal quarterly monitoring focussed on critical service commitments and related practice initiatives.

Continuous improvement is a key focus for FACS, particularly in relation to further refinement of data collection to:

- enable better identification of service need and workforce productivity
- improve outcomes through the quality business review process
- generate practice improvements through the Office of the Senior Practitioner.

Developing an interagency protocol to reduce the contact of children in residential OOHC with the criminal justice system

In 2014-15, the Ombudsman worked with FACS, Legal Aid, Police, ACWA and AbSec to develop an interagency agreement to help reduce the likelihood of young people in residential OOHC coming into contact with the criminal justice system. The resulting joint protocol was launched in August 2016.

FACS is responsible for the implementation of the protocol, with governance via a state-wide steering committee. Steps taken to ensure a consistent implementation of the protocol across NSW include:

- the development of resources for OOHC services
- the development of certified online training for all residential service staff
- joint face-to-face training for residential providers and police
- training for Official Community Visitors who regularly visit residential services.

Key achievements to date

Developing guiding principles for participation by Aboriginal communities in child protection decision-making

In 2014-15, the Ombudsman worked with the Grandmothers Against Removal group (GMAR) to develop the *Guiding Principles for strengthening the participation of local Aboriginal communities in child protection decision-making* which were adopted by FACS.

The Guiding Principles were launched in November 2015 by the Minister for Family and Community Services. Governance arrangements for the Guiding Principles were established in 2016, and include a dedicated implementation working group known as the Guiding Principles Yarning Circle (GPYC). The GPYC has met regularly since September 2016.

A range of actions have been progressed by FACS, in collaboration with GMAR and the Ombudsman, to support the implementation of the principles including:

- developing key indicators to monitor change
- helping a number of communities establish Local Advisory Groups
- increasing the level of delegation for making decisions to remove Aboriginal children.

Evaluating the implementation of the Going Home Staying Home reforms

FACS implemented the Going Home Staying Home reform program for homeless services in NSW in 2012.

The reforms involved a significant shift for the sector – it was the first time competitive tendering was used to allocate service contracts, and the contracts were significantly restructured. It was agreed that an independent post-implementation review would be conducted, followed by two further staged reviews. The relevant peak bodies requested that the Ombudsman oversee the post-implementation review. The Ombudsman sought feedback from the sector, and consulted with more than 70 service providers and other stakeholders, allowing FACS to respond to the sector's concerns, and implementation issues as they arose.

The post-implementation review was released in August 2015. The second review was released in September 2017. A continuous improvement plan for the sector is being developed by the independent monitoring and advisory group that was established by FACS.

The Ombudsman continues to monitor this work.

Current practice issues being addressed

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| <p>Improving the response to children staying in homeless services</p> | <p>The Ombudsman has commenced an inquiry into legal and policy gaps in relation to children staying in homelessness services.</p> <p>The inquiry focuses on:</p> <ul style="list-style-type: none"> • issues associated with the implementation of the policy framework for responding to 12-15 year old children who present at a homeless service without a parent or carer • options for strengthening the safeguards for these children • improving data collection and related reporting about outcomes. |
| <p>Improving processes for identifying someone as a 'person causing harm' or 'person of interest'</p> | <p>In response to the Ombudsman's recommendations, FACS has revised its processes to ensure that:</p> <ul style="list-style-type: none"> • procedural fairness requirements are met • liaison occurs with police when appropriate in making determinations. <p>Ongoing work is occurring to ensure that new procedures translate to practice improvements, and to consider whether additional safeguards are needed when recording children as a person causing harm.</p> |
| <p>Implementing the interagency protocol to minimise contact by children in residential OOHC with the criminal justice system</p> | <p>FACS and the Ombudsman are working with Police, OOHC agencies, and other key stakeholders through a steering committee to ensure that the interagency protocol is implemented consistently across the state.</p> <p>An initial process evaluation is underway with an Ombudsman outcomes audit planned for 2019.</p> |
| <p>Ensure child protection risks related to child sex offenders are well managed</p> | <p>Following an investigation, the Ombudsman recommended that FACS, Police and Corrective Services develop interagency guidelines to support information exchange and collaborative work in responding to child protection risks relating to registered sex offenders.</p> <p>An initial version of the document has been released and the agencies are currently considering feedback from the Ombudsman on how it can be further strengthened.</p> |
| <p>Improving responses to historical allegations and 'class of children' reports</p> | <p>FACS has updated its structured decision-making tools used by mandatory reporters and the Helpline. The Ombudsman and FACS will again review these tools to identify if further refinements are needed to ensure that historical allegations that present risks to a current 'class of children' are identified, reported and screened appropriately.</p> |
| <p>Implementing the <i>Guiding Principles for strengthening participation of Aboriginal communities in child protection decision-making</i></p> | <p>FACS and the Ombudsman are working with the GPYC to implement the Guiding Principles across NSW.</p> <p>This work will be informed by the independent review of Aboriginal children in OOHC – <i>Family is Culture</i> – chaired by Professor Megan Davis. The Ombudsman will conduct an outcomes audit of the Guiding Principles in 2019.</p> |
| <p>Ensure that prenatal reporting and birth alert systems are effective</p> | <p>The Ombudsman's child death review work identified a need for FACS to evaluate their prenatal reporting policy and related practice. FACS updated their procedure and a joint review with NSW Health will look to improve how FACS responds to expectant parents who are the subject of prenatal reports.</p> |

Current practice issues being addressed

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| <p>Improve quality assurance and self-assessment by Community Service Centres</p> | <p>In response to work by the Ombudsman, FACS is developing appropriate processes and tools to assess the performance, strengths, and areas for improvement of individual CSCs.</p> |
| <p>Improving FACS performance in the JIRT Program</p> | <p>FACS is currently responding to recommendations from the Ombudsman's 2017 inquiry into the JIRT program. Together with its agency partners, FACS is considering those recommendations relating to FACS performance and interagency practice.</p> |
| <p>Creating an IT system that supports performance improvement and better reporting</p> | <p>FACS is implementing ChildStory and related IT solutions to support improved performance. This will allow for more seamless casework practice, enhanced data collection and associated internal reporting processes.</p> |
| <p>Addressing practice and systemic issues in Western NSW and Far West FACS districts</p> | <p>FACS is continuing to address issues raised in past Ombudsman investigations in the Western NSW and Far West districts. FACS is:</p> <ul style="list-style-type: none"> • increasing face-to-face response rates • recruiting and training local staff including Aboriginal staff • ensuring all children in OOHC have a current case plan. |
| <p>Addressing barriers to interstate information exchange</p> | <p>The Ombudsman has long advocated for law reform to overcome barriers relating to information exchange across borders.</p> <p>FACS is working with stakeholders to improve inter-jurisdictional information sharing between child protection and other relevant agencies, to reduce the incidence of child abuse and neglect. The Royal Commission's recommendations relating to the establishment of an information exchange scheme to operate across Australian jurisdictions will inform this ongoing work.</p> |
| <p>Strengthening information sharing and governance arrangements between FACS, the Office of the Children's Guardian, the Ombudsman and the Advocate for Children and Young People</p> | <p>It is critical for the regulatory, oversight and contracting roles performed by FACS, the Children's Guardian (OCG), and the Ombudsman to operate in a complementary manner. For this to occur, close collaboration and information sharing is necessary.</p> <p>For some time, the three agencies have collaborated on a range of initiatives with a focus on building the capacity and capability of the OOHC sector. To-date work between the three agencies includes:</p> <ul style="list-style-type: none"> • regular liaison meetings • exchange of information on specific cases • meetings to discuss critical issues as they arise • targeted training to agencies and sectors informed by input from all three agencies • hosting forums with peak bodies. <p>This year, the Ombudsman, FACS, OCG and the Advocate for Children and Young People (ACYP) will explore ways to further enhance governance arrangements to help ensure that each agency's activities are well targeted.</p> |

Current systemic reforms being addressed

FACS continues to develop important reforms aimed at improving the responsiveness of the child protection system to better meet the needs of children and their families in achieving safety and permanency. Many of the reforms underway are relevant to broad systems issues identified through the Ombudsman's oversight role.

There are five key reform areas currently being monitored through the IGF in response to the Ombudsman's 2011 and 2014 reports on the child protection system.

In examining the capacity of the child protection system following the *Keep Them Safe* reforms, the Ombudsman highlighted the importance of FACS systematically obtaining and analysing risk related information held by partner agencies to identify those children and families most at risk.

The Ombudsman reports also stressed that FACS initiatives alone are unlikely to dramatically improve the face-to-face response rate for children reported to be at risk of significant harm (ROSH). For this reason, the role of partner agencies and the non-government sector in the 'ROSH space' is critical.

In addition, the Ombudsman has emphasised the need to build a robust quality assurance framework and governance processes to drive and measure ongoing improvements to NGO practice and interagency collaboration.

Listed below are some of the key initiatives FACS is implementing to address the five key reform areas.

Implementing place-based service delivery models

- Co-design projects including:
 - a local child protection intake line and assessment model on the Central Coast involving partner agencies
 - a de-centralised intake and referral service (a localised helpline) in the Macarthur area
- Launching the state's first joint community and agency family referral service - the Bourke Maranguka Community Hub
- The establishment of Aboriginal Advisory Panels in a number of communities
- Implementing the *Guiding Principles for strengthening participation of Aboriginal communities in child protection decision-making*
- Establishing the Innovation, Co-Design and Implementation Knowledge Hub.

Improving responses to vulnerable cohorts

- Establishing state-wide complex/high needs panels and adolescent child protection response teams
- Hosting a Research to Practice seminar on neglect for FACS practitioners
- Launching Youth Hope which supports 9-15 year olds at ROSH to remain at home
- Aligning the Office of the Senior Practitioner with Operations to drive better responses in complex matters
- Funding the first large scale longitudinal study on children in OOHC in Australia
- Implementing the Homelessness Youth Assistance Program.

Current systemic reforms being addressed

Driving collaborative practice

- Improvements to collaborative practice through ‘co-design’ projects underway or planned in districts
 - Implementing Patchwork, a ChildStory collaboration platform, that enabled greater collaboration at a casework level
 - Implementing a Quality Assurance Framework to:
 - identify and measure specific wellbeing outcomes for children in OOHC
 - guide OOHC agencies in improving the services they provide
 - Developing an industry development framework in partnership with the non-government sector to better articulate roles and responsibilities of each agency.
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Improving capacity to meet ROSH demand

- Expanding the Seeing More Children project which supports managers to implement a range of strategies that improve CSCs operational efficiency; and which has been critical in contributing to the state-wide uplift in face-to-face assessments
 - Brighter Futures lead agencies working with families and children reported at ROSH
 - Implementing the ChildStory system so caseworkers can spend more time working with families and less time in the office
 - Establishing the Mobile Child Protection Unit in Western NSW
 - Improving strategies to recruit and retain caseworkers resulting in decreased caseworker vacancy rates.
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Building an intelligence-driven approach to child protection

- Developing capacity for local CSCs to run reports on frequently encountered families
 - Commissioning research on predictive analytics
 - Work with Police and the Ombudsman to improve the quality of critical risk-related information shared between Police and FACS
 - Implementing *Their Futures Matter* reforms, which promise to deliver:
 - needs based-support through targeted wrap-around support for vulnerable families
 - a connected system through a dedicated whole of government commissioning entity for services targeting vulnerable families
 - a system that uses data to align funding to wellbeing outcomes.
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