

## Media Release

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### ***Protecting children at risk: an assessment of whether the Department of Communities and Justice is meeting its core responsibilities – report tabled in Parliament today***

The NSW Ombudsman has today released the special report ***Protecting children at risk: an assessment of whether the Department of Communities and Justice is meeting its core responsibilities***.

The NSW Ombudsman has a statutory function of monitoring the provision of community services, including child protection services. *Protecting children at risk* reports on our work monitoring the key responsibilities of the Department of Communities and Justice (DCJ), which is the state's lead child protection agency.

The report concludes that DCJ cannot demonstrate that it is meeting any of its three core child protection responsibilities:

- to respond to any child reported at risk of significant harm (ROSH) who requires an investigation,
- to improve the safety and wellbeing of children in out-of-home care (OOHC) and secure safe, permanent homes for them, and
- to intervene early to prevent escalation of risk of harm to children, and keep families together.

The findings show that over the past eight years, an increasing number of children have been reported at risk of significant harm more than once, with the number who are reported five or more times in a year having doubled.

At the same time, the proportion of children reported at ROSH who do not receive a face-to-face response by a DCJ caseworker has increased from 71% to 75% between 2017-18 and 2022-23.

The available data also suggests that things are not improving for children who do go into OOHC, especially for Aboriginal children.

In 2017-18, DCJ introduced the Permanency Support Program (PSP) with the goals of: fewer entries into care, shorter time in care, a better care experience, and reducing the over-representation of Aboriginal children in care. The report's assessment is that none of these goals are being met.

"A concerning trend is that fewer children are exiting care to family or kin, guardians, or (in the case of non-Aboriginal children<sup>1</sup>) adoptive parents – than at the commencement of the PSP program. That is despite one of its central goals being to have more children leaving care and finding permanent homes," said NSW Ombudsman Paul Miller.

The report also highlights that, of those children who do leave OOHC, an increasing number return to care.

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<sup>1</sup> Note: Placement under the parental responsibility of the Minister is preferred for Aboriginal children over adoption: s 10A *Children and Young Persons (Care and Protection) Act 1998* (Permanent placement principles).

Since the PSP commenced in 2017-2018, the number of children re-entering care has increased by 32% – with a disproportionate 62% increase in the number of Aboriginal children re-entering care.

The report includes analysis of previously unpublished data, and makes important new findings about critical parts of the child protection system, including:

- The significant number of children who are re-reported at ROSH after exiting OOHC to guardianship
- The significant number of children who are re-entering care, with an over-representation of Aboriginal children
- Concerns about the education, health, stability and safety outcomes for children in OOHC
- DCJ's failure to complete the transition of children from traditional residential care to a therapeutic model of care to address their trauma.

“Over recent decades, the NSW child protection system has seen the introduction of significant legal and policy reform and rapid expansion of service provision by the non-government sector. This has added to the complexity of the system and the need across the system for strong governance arrangements, including effective monitoring of compliance and performance,” said Mr Miller.

“However, the system currently operates in a disconnected, fragmented way and there is little tracking of the outcomes achieved for children. DCJ does not collect and report reliable, timely and comprehensive performance information at a service, program or system level. DCJ has told us that some data collection systems are still in development.”

The report acknowledges various reforms currently underway or announced in the OOHC system and makes eight recommendations to enhance and strengthen future reforms to the child protection system.

“We recognise the reform agenda already underway or announced within DCJ. For that reason, in this report we have focused our new recommendations on issues that have not been clearly identified as being addressed by the current reform agenda, and that will either be integral to reform or are key responsibilities for DCJ,” said Mr Miller.

Within the next year the NSW Ombudsman will also be reporting on deeper examinations of particular issues outlined in the report, including:

- an investigation into whether DCJ is meeting its statutory responsibilities to investigate and assess all children reported at ROSH, and
- an inquiry into whether the Intensive Therapeutic Care model is achieving its intended outcomes for children.

The report was tabled in Parliament today. Full and summary reports are available on our website at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).

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