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More than shelter – addressing legal and policy gaps in supporting homeless children

The NSW Ombudsman, Michael Barnes, tabled a report in parliament today drawing attention to critical legal, policy and service gaps in the response to homeless children.

‘In 2016-17, just over 5,000 unaccompanied children and young people aged 12-18 presented to a homelessness service to access support and a place to stay,’ Mr Barnes said. **‘More than one third of these children were under 16, and about 700 of them were specifically seeking accommodation.’**

‘Homeless children are extremely vulnerable. Many of them have suffered abuse or other trauma, which means they require a specialised response,’ Mr Barnes said.

Despite the NSW Government’s commitment of more than \$50 million to addressing youth homelessness over recent years, gaps remain.

‘There are gaps in the law on decision making for homeless children, incomplete operational arrangements for service provision, unreliable data, and an absence of regulatory standards to govern service quality.’

The Ombudsman’s inquiry found that:

- In the absence of a care and protection order, authority to make decisions about a homeless child remains with their parents, despite these children commonly having no, or very minimal contact with their parents. This means that neither the Department of Family and Community Services nor the homelessness service, is legally empowered to make decisions for these children. For example, in relation to certain medical treatment and school enrolment.
- Although the Department of Family and Community Services released a policy on homeless children in 2015, it has yet to settle effective operational arrangements with homelessness services in all districts clearly spelling out roles and responsibilities. For example, how FACS envisages exercising its lead case management responsibility for homeless children reported to be at risk of significant harm in circumstances where – due to other demands – it is unable to respond.
- Basic data on homeless children – including those who are also in out-of-home care – is either not being captured or is unreliable.
- There are no regulatory standards governing the quality of accommodation and support services provided to homeless children in NSW.

Mr Barnes said his report makes nine recommendations to the Department of Family and Community Services to resolve the problems identified. The Department has acknowledged that the issues raised in the Ombudsman’s report need to be resolved.

The report is available on the NSW Ombudsman’s [website](#).