



## SPECIAL COMMISSION OF INQUIRY INTO CHILD PROTECTION SERVICES IN NEW SOUTH WALES

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### PUBLIC FORUM

### INTERAGENCY COOPERATION

4 APRIL 2008

### FACTS SHEET

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1. Interagency practice, as defined by the *NSW Interagency Guidelines for Child Protection Intervention 2006*, refers to the process of agencies working together to achieve joint outcomes for children, young people and their families, and problem solving to improve child protection responses. This includes sharing information about clients and services, case planning and delivering services for specific children and their families.
2. Information provided to the Inquiry to date appears to suggest that there can be structural barriers, demarcation of departmental boundaries, cultural and philosophical differences, resource and funding constraints, and evidence of poor working relationships impacting on effective interagency work in the child protection system in NSW.

#### ***Children and Young Persons (Care and Protection) Act 1998 (the Act)***

3. This legislation shares the responsibility for child protection across government and non-government agencies, families and the community.
4. The relevant principles contained in the Act include:
  - a. Section 9, which guides government and non-government agencies in their responsibilities under the Act.
  - b. Sections 16 (2) and (3) which outline the role of the Director-General, Department of Community Services (DoCS) in promoting the development of interagency procedures and protocols for the care and protection of children and young persons with government and non-government agencies as well as the broader community sector:

*“(2) Interagency procedures and protocols*

*The Director-General is to promote the development of procedures and protocols with government departments and agencies and the community sector that promote the care and protection of children and young persons and to ensure that these procedures and protocols are implemented and regularly reviewed.*

(3) *The objects of the procedures and protocols referred to in subsection (2) are:*

(a) *to promote the development of co-ordinated strategies for the care and protection of children and young persons and for the provision of support services directed towards strengthening and supporting families, and*

(b) *to co-ordinate the provision of services for assisting young persons leaving out-of-home care.”*

- c. Section 17, which enables DoCS to request a government department or agency in receipt of government funding to provide services to a child or his/her family.
- d. Section 18, which requires a government department or agency to use its best endeavours to comply with the request for services consistent with its own responsibilities.

### **Exchange of information**

- 5. The exchange and use of information between relevant government and non-government professionals, including carers, is a critical aspect in assessing and providing services to children and families. Uncertainty by some professionals, both within and external to DoCS, about confidentiality and privacy considerations at times inhibits exchange of critical information to guide assessment and services to children and families.
- 6. In NSW, the privacy and exchange of information requirements between government and non-government agencies is governed by an array of legislation, principally the *Privacy and Personal Information Protection Act 1998* ('PPIPA') and the *Health Records and Information Privacy Act 2002* ('HRIPA').
- 7. The privacy principles established under PPIPA and HRIPA have in a number of cases either been substantially modified or the key agencies involved in child protection have been exempted from their operation by the use of Directions made by, or Codes of Practice approved by, the Privacy Commissioner.
- 8. Of particular significance are two instruments. First, on 30 April 2007 a Privacy Direction was made relating to the Anti-Social Behaviour Pilot Project. The project is intended to improve case coordination regarding the management of complex cases and crisis cases involving children, young people and families who live in or are habitual visitors to various locations including parts of the Western Sydney, Wagga Wagga, the Hunter, Richmond and other local areas. Participating agencies are those key agencies involved in child protection.
- 9. The participating agencies, in collecting, using and disclosing personal information in accordance with the framework, need not comply with various privacy principles.

10. Early reports to the Inquiry about the operation of this project in rural NSW are very positive. It seems to gather key senior people from relevant government agencies around the table to regularly and frankly discuss issues facing families who need help and devise interagency solutions.
11. Secondly, a Privacy Code of Practice was made in 2003 and a Health Records and Information Privacy Code of Practice in 2005. Each permits a human services agency, which is defined to include a public sector agency that provides welfare, health, mental health, disability, drug and alcohol treatment, housing and support and education services, to collect and use health information about an individual and disclose health and other information about the individual to another human services agency or an allied agency, if the collection, use or disclosure is in accordance with a written authorisation given by a senior officer of the authorised agency. Allied agencies include non-government organisations.
12. In addition, the Act has various provisions which protect those who make reports or provide certain information to DoCS (s29), permit the disclosure to to parents and significant persons of information concerning placement in out-of-home-care (ss 149 D-J) and provide for the exchange of information, with or the provision of information to, a prescribed body relating to the safety, welfare and well-being of a particular child or young person or class of children or young persons (s248).
13. Prescribed bodies are set out in the *Children and Young Persons (Care and Protection) Regulation 2000* and include private fostering agencies, residential child care centres or services, the Family Court, Centrelink and other organisations responsible for health care, welfare, education, children's services, residential services or law enforcements provided wholly or partly to children.
14. In addition to legislative provisions, funding arrangements can also provide for the exchange of information between DoCS and its funded services.

### **Characteristics of families in the child protection system requiring interagency work**

15. There appears to be an increasing number of families experiencing complex and multiple problems. DoCS recently completed a case file audit of a sample of reports from 2004/05 that highlighted that a substantial number of children who were reported to DoCS were from families that displayed one or (frequently) more of the following features:
  - domestic violence (60%)
  - alcohol and/or other drug use (49%)
  - parent/carer mental health issues (40%).
16. While many risk and protective factors are often interrelated, interventions do not always address multiple risk and protective factors, but rather focus on a single factor. Services and interventions that address multiple domains of functioning, such as child, family and

community, rather than a single domain, potentially have greater influence on child outcomes<sup>1</sup>.

### **Who is currently involved in delivering services in the child protection system**

17. In 2006/07 almost 60 per cent of the DoCS budget (\$667.5 million) was used to purchase services for clients, mainly from the non-government sector<sup>2</sup>. This represents about 1850 funded agencies that manage more than 3500 funded projects. The programs that fund the delivery of these services include:
  - a. Brighter Futures
    - i. In 2006/07 DoCS provided approximately \$38 million for the provision of early intervention services under Brighter Futures.<sup>3</sup>
  - b. Community Services Grants Program
    - i. In 2006/07 DoCS provided \$76.6 million in funding to 933 projects operated by approximately 600 non-government organisations and local councils. Of this, \$27.4 million was provided for child protection and family and individual support.<sup>4</sup>
  - c. Supported Accommodation Assistance Program (SAAP)
    - i. The amount of funding expended on this program in 2006/07 was \$113 million.<sup>5</sup>
    - ii. The program provides a range of accommodation and support services and is jointly funded by the Commonwealth and NSW State Government under five year multilateral and bilateral agreement. The State contributes 50.2 per cent of funds and the Commonwealth 49.8 per cent.<sup>6</sup> The program provides funding to more than 380 non-government services in NSW.
    - iii. SAAP assists individuals and families who are homeless or at risk of homelessness, including people affected by domestic violence whose personal safety is threatened.
    - iv. Support services include outreach services to women and children in alternate accommodation and programs to develop living skills. Links with specialist services have also been developed with external specialist support service systems provided by NSW Health and NSW Housing.

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<sup>1</sup> DoCS Research to Practice Notes: Risk, protection and resilience in children and families, November 2007.

<sup>2</sup> NSW DoCS Annual Report 2006/07

<sup>3</sup> DoCS briefing 11/2/08

<sup>4</sup> Page 26, DoCS Annual Report 2006/07

<sup>5</sup> DoCS briefing 11/2/08

<sup>6</sup> Page 20, DoCS Annual Report 2006/07

- v. There are strong connections between SAAP and other DoCS funded programs. Almost a third of SAAP-funded services receive funding from other DoCS programs.
  - d. Out-of-Home Care (OOHC) Program
    - i. In 2006/07 DoCS total expenses in OOHC were about \$364 million<sup>7</sup> of which approximately \$269m<sup>8</sup> was provided to non-government agencies as a grant or subsidy through contracting arrangements for the provision of these services.
  - e. Families NSW
    - i. This is a whole of government initiative that supports all families with young children up to 8 years. It provides home visiting, transition to school programs, supported playgroups, volunteer home visiting and family worker support services.
    - ii. The Program is delivered jointly by five NSW Government Agencies: DoCS, NSW Health, Department of Education and Training (DET), Housing NSW and the Department of Ageing, Disabilities and Home Care (DADHC). DoCS coordinates this program. The total expenditure across the five partner agencies in 2006/07 was \$23.7 million to over 370 projects.<sup>9</sup>
  - f. Area Assistance Scheme
    - i. Provides grants in regions experiencing rapid urban growth to community organisations for projects that improve community infrastructure and encourage stronger communities (youth programs, leadership development, arts programs, living skills). In 2006/07 this program funded 183 projects to the value of \$8.9 million.<sup>10</sup>
18. Apart from the non-government services DoCS funds, the following key government agencies have a significant role in the delivery of child protection services in NSW:
- a. DoCS
    - i. Accepts, assesses and where required investigates reports about children and young people at risk of harm.
    - ii. Initiates care proceedings where required and facilitates OOHC arrangements for children and young people who can't live at home.
    - iii. Funds a range of non-government services to deliver support services to children and their families.

<sup>7</sup> Page 55, DoCS Annual Report 2006/07

<sup>8</sup> Page 111, DoCS Annual Report 2006/07

<sup>9</sup> Page 29 DoCS Annual Report 2006/07

<sup>10</sup> Page 32 DoCS Annual Report 2006/07

- iv. Delivers a voluntary early intervention program with non-government services called Brighter Futures for families with children, generally under 3 years, predominantly reported at a lower risk of harm through the DoCS Helpline.
- b. NSW Police Force
  - i. Undertakes joint investigation with DoCS/Health on reports that may be subject to criminal charges (Joint Investigation Response Teams).
  - ii. Intervenes in child protection cases through applying for Apprehended Violence Orders, laying criminal charges and commencing criminal proceedings where required.
- c. NSW Health
  - i. Conducts medical examinations and assessments, and provides medical treatment, crisis and ongoing counselling for children who have been or who are suspected of having been physically or sexually abused or neglected.
  - ii. Runs universal, prevention and specialist health services. Access to these programs varies across the State. These include:
    - Early childhood health services
    - Community Health Centres
    - Integrated Perinatal and Infant Care program
    - Child Protection Units
    - Child & Adolescent Mental Health Service
    - New Street Adolescent service
    - Physical Abuse and Neglect of Children Services (PANOC).
  - iii. NSW Health is also funded through Families NSW to offer a home visit to all families with a new baby.
- d. DET
  - i. Delivers child protection education and teaches protective action to children.
  - ii. DET is also funded through Families NSW for the Schools as Community Centres program.
- e. Housing NSW
  - i. Provides housing assistance to young people in transition from OOHC to independent living.

- ii. Provides priority housing assistance for families at risk of homelessness.
- f. NSW Department of Juvenile Justice
  - i. Provides offence related services to children and young people in custody.
  - ii. Provides assessment, case planning and interventions for young offenders in custody or under community orders.
- g. DADHC
  - i. Provides disability support services to children and families including case management, behaviour support and therapy as well as early childhood services for 0-6 year olds.

### **Mechanisms existing in NSW to support interagency work in child protection**

19. NSW Interagency Guidelines for Child Protection Intervention 2006 set out the processes for professionals and agencies, both government and non-government, in their collaborative work with children, young people and families where there are child protection concerns. Knowledge and use of the Guidelines by government and non-government agencies are currently being evaluated.
20. NSW Domestic Violence Interagency Guidelines are one tool in the many strategies for reducing domestic violence and enhancing the coordination between agencies and services. These guidelines are linked to the *NSW Interagency Guidelines for Child Protection Intervention* and are intended to provide additional rather than duplicate information. They are currently the subject of review by the NSW Department of Premier and Cabinet.
21. Interagency guidelines for early intervention, response and management of drug and alcohol misuse 2005 were endorsed in 2005 by the Chief Executive Officers of NSW Health, Attorney General's Department, Premier's Department, Department of Corrective Services, DoCS, DET, Housing NSW, Department of Juvenile Justice and the NSW Police Force. They are being implemented in a four-stage process.
22. Interagency Action Plan for Better Mental Health is a five-year plan, released in July 2005, to ensure that government agencies work more effectively together to improve mental health services. It aims to improve mental health services through collaboration and partnerships across government agencies. There are 58 commitments in this plan requiring actions from health, education, housing, police, justice, community and disability services.
23. Memoranda of Understanding and associated protocols are formal agreements between particular government agencies, setting out how each proposes to interact with the other, often in relation to a particular subject matter. MOUs usually relate to "intentions" reached at the highest level of the organisation (eg DG to DG). The following MOUs relate to

potential service delivery to certain groups of children and young people within the child protection system.

- a. NSW Health (Aboriginal Maternal & Infant Health Strategy) and DoCS – 2007.
  - b. NSW Health and DoCS on prioritising access to health services for children and young people for whom the Minister for Community Services has parental responsibility relating to residence and or medical issues – 2006.
  - c. NSW Police Force, DoCS and NSW Health concerning Joint Investigation Response Teams – 2006.
  - d. DADHC and DoCS on children and young persons with a disability – 2003.
  - e. NSW Health, DoCS, and Juvenile Justice and the NSW Police Force regarding NSW Health funded programs for children aged 10 or over and young people who sexually assault other children -1998 (refers to 1987 Act).
  - f. DET and DoCS in relation to educational services for children and young people in OOHC.
  - g. NSW Department of Juvenile Justice and DoCS on children and young people who are under the parental responsibility of the Minister for Community Services and are clients of Juvenile Justice – 2004.
  - h. NSW Health, DoCS, Juvenile Justice, NSW Police Force, Housing NSW and NSW Attorney-General's Department – NSW Government Strategy to Reduce Violence Against Women.
  - i. Information sharing protocol between NSW Health and DoCS in relation to persons participating in opioid treatment (methadone or buprenorphine) who have care responsibility for children under 16 years of age in order to assess potential risk of harm under *the Children and Young Persons (Care and Protection) Act 1998* –2006.
24. NSW Human Services and Justice Chief Executive Officers Forum comprises all Chief Executive Officers from NSW Human Services and Justice government agencies<sup>11</sup>, including Premier and Cabinet and exists to progress issues of shared interest and priority across human services and justice agencies in NSW. This group has developed and released *Collaboration in Delivering Human Services in NSW*, guidelines which set out principles and suggested practices for improving interagency collaboration. They include the following:

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<sup>11</sup> NSW Health, NSW Police, Department of Aboriginal Affairs, DADHC, Department of Arts, Sport and Recreation, DoCS, Department of Corrective Services, DET, Housing NSW, Department of Juvenile Justice, NSW Treasury, Attorney General's Department.

- a. Organisational cultures must value innovative solutions to complex clients and community needs, and respect different perspectives of other agencies.
  - b. Relationships between people are at the centre of collaboration.
  - c. Analysis of different perspectives and priorities is essential so that innovative and transparent solutions can be developed to resolve mutual problems.
  - d. Ways in which agencies can work together to put these principles in place including:
    - i. building local networks, such as having regular interagency meetings of key agencies
    - ii. identifying ways to undertake joint case planning, case conferences and cross agency referrals to provide a more comprehensive service to children and families
    - iii. establishing formal protocols to ensure roles and responsibilities of all parties are clear
    - iv. creating opportunities for shared training.
25. Linked to the NSW Human Services and Justice Chief Executive Officers Forum is also a Regional Coordination Program (RCP), which is run by NSW Department of Premier and Cabinet. 10 regional coordinators are located across metropolitan and regional NSW to facilitate regional planning across agencies (except in Inner West, Northern, Central and Eastern Sydney), to identify and to prioritise initiatives and issues that require multi-agency responses. This also includes facilitating the Regional Coordination Management Group, a forum within most regions comprising NSW State agency regional managers. Its role is to develop and manage regional initiatives aimed at strengthening interagency networks to improve the delivery of services to clients and communities in NSW.
26. Within each of the DoCS seven regions, except Metro Central, there are Regional Human Services Senior Officers' Groups whose role is to identify gaps in services and develop strategies to improve service delivery to clients within a specific geographic area.
27. In June 2006, the NSW government and non-government human services sector began to implement the Working Together for NSW Agreement. The Agreement was developed jointly by the non-government sector through the Forum of Non-Government Agencies (FONGA) and by the NSW Government, through the Premier's Department and the Human Services Chief Executive Officers Forum.
28. The Working Together for NSW Agreement provides a framework for human services delivery for the people of NSW by providing a set of shared goals, values and principles that guide working relationships between the two sectors. The purpose of this Agreement is to strengthen the ability of the NSW government and non-government

human services organisations to achieve better outcomes for individuals, families and communities.

### **Current initiatives in interagency work within the NSW child protection system**

29. Domestic violence is an area in which interagency responses have been developed, although it appears that generally, responses to domestic violence are still largely ad-hoc and dependent on the goodwill of individuals<sup>12</sup>. There are few well developed models of coordinated responses by specialist domestic violence and statutory child protection services. There are, however, a number of interagency models currently being trialed in NSW between various human service and justice government and non-government agencies to strengthen interagency responses to domestic violence with a further focus on protecting children. These include:
- a. Mt Druitt Family Violence Response and Support Strategy –NSW Police Force, NSW Health, DoCS and NGOs
  - b. Canterbury Bankstown Domestic Violence Response Team – NSW Police Force, DoCS and SAAP services
  - c. Green Valley Domestic Violence Service – NSW Police Force, NSW Health and DoCS
  - d. Wyong Domestic Assault Response Team (DART) – NSW Police Force, DoCS and NSW Health
  - e. Staying Home Leaving Violence (Bega and Eastern Sydney)
  - f. Domestic Violence Intervention Court Model (Wagga Wagga and Campbelltown) - NSW Attorney General’s Department, NSW Police Force, Department of Corrective Services, NSW Legal Aid Commission and DoCS.
  - g. Orana Far West Safe Houses Project.
30. The Anti-Social Behaviour Pilot Project, an interagency model for managing cases involving young people, and those that preceded it rely on exemptions from many of the privacy principles combined with meetings at senior levels. It may be that a similar model could be used in relation to child protection matters.

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<sup>12</sup> Page, 5, NSW Ombudsman: Domestic Violence: Improving Police responses