



A Short History of Out of Home Care in New South Wales

“The numerous reports (and clamour for change which usually precede them) reflect the dilemma of seeking reform of those very services to children and young people which, by definition, should be stable, consistent and on-going.” Review of Substitute Care Services in NSW (the Usher Report), January 1992, p.13

1980 NSW Premier Neville Wran appoints a Residential and Alternate Care Task Force “to examine needs and facilities for the out-of-home care of children with a view to planning and co-ordinating future services for government and non-government agencies” (Introduction pi). The Taskforce was chaired by Mr V J Dalton, Director of Management Services NSW Department of Youth and Community Services

1981 (May) Release of Interim Task Force Report – “The release of the Interim Report has generated considerable confidence in the Government’s commitment to funding out-of-home care services, expectations of improved co-ordinating and a new impetus to improve the quality of care provided” (Introduction p iii)

1982 (February) Release of Final Task Force Report (Dalton report) which raised concerns about the quality of care for children in NSW and inadequate funding of services.

The Report identified 3 major problems:

- Poor levels of funding, especially for NGOs
- Lack of coordination of relevant services to children
- Absence of consistent, comparable data on services and on the children and families receiving them

The **Dalton Report** recommended that funding to NGOs should be massively increased – up to 80% of the established cost of providing the service – and that carer allowances be increased to \$75 per week. It also recommended the establishment of an independent committee, with an independent chair, to undertake regional planning and the contracting arrangements with NGOs. Premier Wran subsequently appointed the **Alternate Care Committee** to examine and plan for the needs and facilities for out-of-home care in NSW

1983 Directions for Residential Care: a Report to the Minister for Youth and Community Services, the Hon Frank Walker, and the Policy and Planning Group of the Department. (The Vardon report)

The 1980's saw the focus shift from residential care to family based care (foster care), although some intensive residential care services were initiated in this period (e.g. Ormond transferred from being a juvenile detention centre to a substitute care facility in 1989, with poor outcomes

1986/1987 Voluntary Standards for Substitute care developed by NGO agencies and administered through ACWA – this process, called the Standards Review, was funded by NSW government and was received enthusiastically by the NGO sector. It had a profound impact on the quality of care delivered within the NGO sector. Funding for accreditation was withdrawn from ACWA and placed within the Department shortly afterwards. While accreditation did not survive the move, agencies continued to use the standards to improve service delivery.

1987 Children (Care and Protection) Act 1987 The Act made provision for Boards of Review for children in care – these were never implemented.

1988 (April) Commencement of Departmental Review of Residential Care facilities. The Jarvis report subsequently recommended the closure of large numbers of the department's medium sized residential units with others to be retained with revised functions

1989 ACWA developed "**Principles for Substitute Care**" – the first work on standards for out-of-home care in NSW

1991 (August) Personal concerns of the then Minister for Health and Community Services, John Hannaford "about the approach being taken to the placement of some of our wards" led him to establish a Ministerial Review Committee: Review of Substitute Care Services in NSW, chaired by Fr John Usher

1992 (February) Release of the Usher Report, which found that services to children were too dependent on chance; too many children were staying too long and too "deeply" in the system; funding was too dominated by residential care; problems relating to quality of care and consistency of service abound; and that the Department of Community Services should relinquish its role as a provider of services to concentrate on planning, and the contracting and monitoring of services.

The Report recommended a planned approach over three years, to the point where "all services for children who are in need of substitute care should be contracted to non-government agencies and mechanisms should be in place for the proper assessment of children entering, moving or leaving substitute care arrangements and for the periodic review of such arrangements." Like the Dalton Report, it recommended the establishment of a committee – the Alternative Accommodation and Care Committee – to oversee and advise on this shift. It also recommended the appointment of a Children's Guardian, independent of the Department of Community Services.

1993-5 A three year plan was developed by the Alternative Accommodation and Care Committee, including changed roles for the Department, a regionalised approach to planning and funding, and new service models. At this time there were still approximately 500 places in Departmental residential care and group homes.

1994 June Report on Costing Standards for Alternate Care Service Models, commissioned by DoCS from Purdon Associates, was released. This was the first attempt to comprehensively cost out-of-home services.

1994 Closure of Departmental residential care and group homes (including Renwick Mittagong and others) resulted in the contracting out of NSW residential care as “Model 1, 2 & 3” units operated by a variety of NGOs

1996 March A new advisory committee was established – the Interim Substitute Care Ministerial Advisory Committee (ISCMAC) to progress the new Strategic Directions of the department. The new directions document firmly established the department as a service provider, thereby undermining the implementation of the Usher recommendations.

1996 Community Services Commission Report, “Who Cares? Protecting People in Residential Care” by Commissioner Roger West. This report examined recruitment, screening and appointment practices in DoCS and Juvenile Justice, and NGO agencies.

1996 Cashmore and Paxman research study, Wards Leaving Care, commissioned by DoCS. This study found that while for many wards placement in care had been a positive experience, too many had experienced poor outcomes due to poor quality care, particularly in terms of education and health, and had received little preparation for leaving care.

1996 Contracted NGO residential care units pressured by DoCS Head Office to increase “throughput” of children and young people, despite these placements being contracted out as long term care programs. As a result placements for children and young people were jeopardised by DoCS as NGOs were forced to place additional children and discharge others prematurely from care.

1997 Review of Intensive Out of Home Care Services (Robin Clark, Deakin Group), contracted by DoCS. This review found that the intensive support needs of young people were being met by the NGO contracted services and “The evidence would support the continuing development of community based intensive out-of-home care support services for the target population.” It also recommended a review of the funding required to run such services, a better approach to partnership between the Department and NGOs, and that the Department listen to the experiences of the sector in relation to service models.

This Report was followed up by a second, A Framework for the Development of Intensive Out-of-Home Care Support Services, also by Robin Clark. This report argued that “systemic reform will be more effective in the long run than designing a range of small, separate (categorical) service models.” It recommended a more balanced approach incorporating “an appropriate hierarchy of services and the proper balance of prevention and support services, high quality assessment, intensive case management, home based therapeutic services, and finally robust out-of-home care services.” A continuum of services, a less categorical approach, more funding for “wrap around” supports, and better assessment practices were the key elements of the recommended approach.

1997 Final reports, Justice Wood Inquiry into the Police Service and Inquiry in to Paedophilia— over the course of this inquiry the focus shifted to paedophilia and the failures inherent in the NSW child protection system. The Report resulted in the establishment of the Commission for Children and Young People in June 1999.

1997/98 Closure of last DoCS residential services **Ormond/Minali** and five NGO residential care programs. The NGO services were at the end of 3 year contracts and most opted not to renew because the services (for intensive support) were underfunded and the model inappropriate. The initial re-contracting of some of these placements resulted in failure and a need to re-place young people.

1998 Substitute Care Standards finalised by DoCS. After piloting of the standards there was reluctance by the Department to move to an accreditation process.

1998 The Children and Young Persons (Care and Protection) Act 1998 introduced a number of changes for out of home care including the inclusion of kinship care within the definition of out of home care; regulations that sought to improve the quality of care, particularly in relation to education and health outcomes for children; and the establishment of the **Children's Guardian** with a brief to monitor out of home care services against a more rigorous set of standards, moving to an accreditation process for all services, including those run by the Department. Later amendments also introduced permanency planning principles to promote better planning and stability for children in care.

1999 Community Services Commission, Just Solutions: Wards and the Juvenile Justice System, sought to establish the extent of drift in to juvenile justice of ex-wards and the reasons for it. The Report found that while most wards had no connection with the juvenile justice system, they were 16 times over represented in detention. The report made numerous recommendations for improvements in services to children in out-of-home care, including care planning, contact, case review, support from District officers, training, realistic funding and leaving care support.

1999-2000 Relationships between DOCS and NGOs particularly strained, with program funding the main source of contention. This followed battles over the funding of contracted services (NGO) during the closure of larger institutions. Mediation was undertaken to resolve issues between DOCS and the agencies, and the Care 2000 Reference Group convened to come up with an agreed funding model.

2000 (October) Australian Association of Social Workers NSW Branch releases report on "What have we learned about wardship: Lessons for the future", concluding that "Administrative instability contributes to problems for young people, as do poor personnel practices. The State based system...has considerable deficiencies, and there is little integration at the State level of government services for wards" (Executive Summary p3)

2000 NSW Community Services Commissioner, Robert Fitzgerald undertook a review of substitute care services that took a broader than usual look at the care system for children. The Final Report, New Directions: From Substitute to Supported Care, was released in November 2000 and concluded that the Substitute Care system in NSW lacked "the capacity to focus on the needs of, and ensure adequate outcomes for, children and young people in care". The report recommended some

fundamental changes to the structure and function of the substitute care system with a view to developing what it called a “Supported Care” system. The final recommendations included:

- The separation within DoCS of resources (money and staff) allocated to child protection and substitute care;
- The development of one care system that would monitor care for all children regardless of how they entered care -through the child protection system, through voluntary care, via homelessness (youth refuges) or by a gradual drift in disability services
- A shift of children in long term foster care from DoCS to NGOs
- The development of an Area-based lead agency approach to out-of-home care service delivery

2001/02 Care 2001 and Care 2002 Partners Reference Group came up with new funding and caseload recommendations that were not accepted by the Department. Relationships between the Department and the agencies again jeopardised.

2001/02 Kibble review of workload issues within DoCS revealed the huge problem of unallocated cases and lack of appropriate supervision for caseworkers. It resulted in additional caseworkers being employed by the Department.

2002 Community Services Commission, Special Report to Parliament, DoCS: Critical Issues, raised a number of systemic problems within the Department including poor foster carer recruitment and training practices, placing of children with carers who have not yet been approved, and “intermittent and unplanned” monitoring and support of carers and children in care.

2002 Upper House Standing Committee Inquiry in to Child Protection

The Inquiry into Child Protection services in 2002 also looked at out-of-home care. In its evidence DOCS pre-empted potential criticism by stating that it was currently moving to a structural separation of child protection from out-of-home care, with a view to quarantining 40% of caseworker resources in every DOCS Area. The Director-General indicated general agreement with the recommendations of the Community Services Commission and gave a commitment to develop a proposal for a way forward for the system by December 2002.

2002 The Department of Community Services received a significant funding enhancement of \$1.2 billion over 5 years. The funding aimed to enhance the department’s capacity to undertake early intervention (eventually the Brighter Futures program) and provided a boost to its child protection and out-of-home care programs.

2003 New standards released by the Children’s Guardian. Existing designated agencies were given until 2013 for accreditation, provided they participated in the Quality Improvement Program.

2003 Out-of-home care reforms incorporating program and service definitions; increased funding over 5 years; minimum data set development; performance monitoring framework.

2005 Initial round of “High Needs Kids” residential and foster care contracts tendered and issued to NGOs for the 3 year period 2005-2008

2006 Costings Manual – first version released, revised in 2008. The manual was developed with strong consultation with, and input of data from, the community sector agencies.

2007 EOI process to contract out of home care services based on the new costings and service models developed by DoCS. The process proved problematic for NGOs, with huge time lags:

30 April 07 EOI announced (was planned for March)

30 July 07 Closing date (was planned for June)

4 February 08 Results announced (was planned for August 07), further delays to the roll out of funding then occurred because of the intervening Special Commission of Inquiry in to Child Protection in NSW by Justice Wood.

In total, 111 agencies lodged 395 proposals and the Premier announced 42 shortlisted agencies. Only 16 of the 42 agencies were ultimately successful, and for some, only parts of their proposal were accepted.

Feedback received from agencies involved in this process indicated it to be convoluted, time consuming, resource intensive, very confusing, and did not achieve the outcomes expected.

2007/08 Special Commission of inquiry in to Child Protection in NSW (Wood Inquiry) takes the advice of the Children's Guardian regarding the better quality of care provided to children and young people in NGOs, based on her case file audits, and recommends:

Recommendation 16.2 *Three to five years High*

Over the next three to five years, there should be a gradual transition in the provision of OOHC for children and young persons as follows:

a. Most children and young persons in OOHC should be supported by one of the two following models:

i DoCS retain parental responsibility and a non-government organisation is responsible for case management, placement and casework services. The agency has responsibility for assessment, case planning, implementation, review, transition and case closure as well as the placement of a child or young person with an authorised carer, and for any decision to remove a child or young person from a carer. DoCS retains the key decision making role in restoration decisions, developing and approving the initial care plan and has a role in implementation. DoCS and the agency have joint responsibility for decisions to apply to change Court orders and for providing after care assistance.

ii DoCS delegates' parental responsibility and transfers case management, placement and casework services to a nongovernment organisation (while retaining residual powers) subject to consultation with the Children's Guardian (see Recommendation 16.15).

iii Children and young persons with significantly complex needs or who are assessed as at high risk of immediate or serious harm or whose case management requires high level collaboration with other government agencies will remain case managed by DoCS.

b. At an early stage, DoCS should progressively commence the transfer of long term kinship/relative carers to NGOs so as to allow the NGOs to carry out any necessary training and to provide ongoing support for these carers.

c. At an early stage, DoCS should progressively reduce its role in the recruitment of foster carers and transfer current long term foster carers to NGOs.

2009 Keep Them Safe NSW Government commits to 111 of the 116 Wood recommendations including those relating to out-of-home care.

2009/10 Almost two years on from the final Wood report, and despite government agreed recommendations for the handover of placements to the NGO sector, Community Services has no transition or implementation plan in place for the gradual dismantling of its role as an out-of-home care service provider. More worryingly, Community Services, along with NSW Treasury and the Premiers Department, has undertaken cost modelling, through the Boston Consulting Group, that did not engage at all with NGO agencies, does not recognise essential differences between Community Services and NGO agencies (including quality of care), and seeks to drive policy via the costs of care rather than the needs of children in care.

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