

More than Shelter – addressing legal and policy gaps in supporting homeless children’: A progress report (2020) NSW Ombudsman further recommendations (September 2020) and the Department of Communities and Justice (DCJ) final outcomes report December 2021

	NSW Ombudsman’s further recommendations at September 2020	DCJ formal response to the NSW Ombudsman’s further recommendations at September 2020 <i>(incl Support, not support and rationale)</i>	Actions taken by DCJ to address the recommendation
1	<p>NSW Ombudsman recommend that DCJ:</p> <p>(a) within three months of the tabling of this report in Parliament, publish a plan that outlines what DCJ will do, and by when, to implement each of our further recommendations below; the plan should extend no further than December 2021, and</p> <p>(b) provide the NSW Ombudsman with a final outcomes report on its implementation of the recommendations by no later than March 2022.</p>	<p>Supported</p>	<p>a) 3 months after the More than Shelter Progress Report was published in October 2020, DCJ published an Implementation Plan outlining steps for addressing recommendations.</p> <p>DCJs formal response, which is also included in this report, was also published.</p> <p>The implementation plan and formal response are both available on this link: https://www.facs.nsw.gov.au/about/reforms/youth-initiatives-in-housing-and-homelessness/housing-and-homelessness-programs-for-young-people/unaccompanied-children</p> <p>b) This report is DCJs final outcomes report on the new 7 recommendations in the <i>More than Shelter: Addressing legal and policy gaps in supporting homeless children: A progress report</i>, September 2020</p>
2	<p>NSW Ombudsman recommend that: DCJ determine what approach is to be taken to close the current legal gap in decision-making</p>	<p>Not supported - DCJ considers that the legal framework on decision making authority for unaccompanied homeless children is appropriate. There are adequate mechanisms under the <i>Children and Young Persons (Care and Protection) Act 1998</i> to obtain necessary</p>	<p>DCJ committed to work with SHS providers and frontline DCJ staff to ensure there is clear policy and practice guidance about the legal framework.</p> <p>A review of the Unaccompanied Homeless Children and Young People aged 12-15, was undertaken from December 2020 to June</p>

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	<p>authority for unaccompanied homeless children, and take all necessary steps to close that gap by ensuring that legal authority is available and applied when required to meet the needs of such children.</p>	<p>decision making authority when a child is in need of care and protection. It would not be appropriate to have provisions which automatically provide specialist homelessness services (SHS) providers with parental responsibility of a child. Any change in parental responsibility for a child should be through an order of a court. DCJ also notes the SHS providers preference is to not amend the current legislation.</p> <p>Next Steps - DCJ will work with SHS providers and frontline DCJ staff to ensure there is clear policy and practice guidance about the legal framework</p>	<p>2021. The review included sector consultations with SHS providers, and DCJ internal staff conducted by Insight Consulting. The revised policy went live in July 2021 and is publically available on the DCJ website (link above) as well as the case practice intranet for DCJ caseworkers.</p> <p>There is no statutory basis for service providers to exercise Parental Responsibility. Advice for service providers when a child does not demonstrate capacity to provide their own consent is covered in the updated policy and Appendixes 5 & 6. The policy refers to re-reporting where a service provider is unable to obtain parental consent and Appendix 5 of the Policy contains a Flowchart for non-ROSH matters which refers to “Indicators of escalating risk” which include parents refusing to consent.</p> <p>In addition to communicating this in the updated policy, DCJ has developed the following resources for staff and service providers which is available on the DCJ website:</p> <ul style="list-style-type: none"> • Fact sheet <i>Plain English Summary – Consent and Parental Responsibility</i>, July 2021 • Fact sheet <i>COVID-19 vaccination consent for children 12 to 15 years in Specialist Homelessness Services</i>, September 2021
3	<p>NSW Ombudsman recommend that: DCJ revise the policy on <i>Unaccompanied Homeless Children and Young People aged 12-15</i>, and:</p>	<p>Policy review – supported – a Steering Group with key stakeholders including SHS provider representatives has been established to drive the policy review. Following the publication of the HYAP evaluation report consultation will commence and the updated policy will be finalised by June 2021.</p>	<p>A review of the Unaccompanied Homeless Children and Young People aged 12-15, was undertaken from December 2020 to June 2021. The review included sector consultations with SHS providers, and DCJ internal staff conducted by Insight Consulting. The revised policy went live in July 2021 and is publically available on the DCJ website (link above) as well as the case practice intranet for DCJ caseworkers.</p>

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<p>a) specify in the revised policy the role and responsibilities of the ‘nominated contacts’</p> <p>b) include, in the revised policy, requirements for case reviews for unaccompanied homeless children who ‘overstay’ in youth SHS, and</p> <p>c) following revision of the policy, also finalise the district protocols.</p>	<p>Part a – supported – nominated contacts and information about their role and responsibilities have been provided. This will be incorporated into the revised policy.</p> <p>Part b – supported in principle - dependent upon outcome of review and OCG support (noting that the NSW Ombudsman’s intention is for the OCG to oversee case reviews).</p> <p>Part c – supported in principle – a review of the policy is likely to result in a review of the protocols and the mechanism itself. If the review identifies a more suitable alternative mechanism, then the alternative mechanism will replace the protocols</p> <p>Note dependency: Office of the Children’s Guardian</p>	<p>Part a – specify in the revised policy the role and responsibilities of the ‘nominated contacts’</p> <ul style="list-style-type: none"> • The nominated contact is included under the list of definitions on page 5 of the policy, which articulates the nature of the role as the primary contact point within the district for HYAP services to seek support following up on Helpline reports, CSC allocations, and actions/decisions being made for children residing in SHS/HYAP under DCJ case management. • The nominated contact is identified throughout the policy as the key contact point for HYAP/SHS services to engage in the resolution of issues or to seek support in assisting a client accessing the service. Advice on when to contact the nominated contact is provided throughout the policy, including in the following sections: <ul style="list-style-type: none"> ○ Child safety ○ Duty of care ○ Case management and transition planning ○ Roles and responsibilities <p>Part b - requirements for case reviews for unaccompanied homeless children who ‘overstay’ in youth SHS</p> <p>The revised policy includes a requirement for joint case reviews for clients who overstay in SHS. The policy includes a table on page 22 which summarises relevant timeframes for action regarding different cohorts of children, as outlined throughout the policy:</p> <ul style="list-style-type: none"> • Children assessed as at Risk of Significant Harm (ROSH) Joint Case Reviews completed: within 30 days of safety assessment and every 30 days thereafter; OR when no progress towards exit from HYAP; OR at a significant change in circumstances.
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			<ul style="list-style-type: none"> • Children assessed as not at Risk of Significant Harm (non-ROSH) To prevent drift within SHS/ HYAP, Case Reviews are completed within 3 days: of each 30 days of continuous service delivery; OR when no progress towards exit from HYAP; OR at a significant change in circumstances. DCJ will participate in each Review after 30 days if there is no realistic prospect of exit within the coming 4 weeks. • For children who are under the Parental Responsibility of the Minister who have self-placed with an HYAP/SHS, DCJ now has 48 hours to locate a more suitable placement. • For children with an open and allocated DCJ case plan, SHS/HYAP may provide interim accommodation for no more than 72 hours, after which DCJ is required to find more suitable accommodation. If DCJ fails to act within the identified timeframe the SHS/HYAP is instructed to escalate the issue, using the escalation pathway. • For children under 12, SHS/HYAP to escalate the matter with DCJ if the child remains in SHS/HYAP for longer than 24 hours. <p>Part c - finalise the district protocols During the review of the policy, consultation participants including Specialist Homelessness Service (SHS), Homeless Youth Assistance Program (HYAP) providers, youth homelessness peak body and DCJ called for the removal of the District Protocols as they have been unsuccessful in integrating local DCJ and SHS/HYAP service responses. Workshop participants instead agreed to the inclusion of principles and methods of local collaboration in replacement of all references to District Protocols in the policy. Examples of what local collaboration could look like</p>
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			have also been included, for example in the ‘Child Protection Helpline Assessment of non-ROSH’ on page 13.
4	NSW Ombudsman recommend that: In consultation with the Children’s Guardian, establish mandatory reporting arrangements to ensure timely reporting to the Guardian of all children in statutory out-of-home care (OOHC) who present to homelessness services.	<p>Supported – Individual case reviews. Children in OOHC are currently reviewed at least annually as part of their case plan review. Children who are not in an authorised placement have more regular reviews and may be discussed and reviewed in DCJ District High/Complex Needs Children Panels.</p> <p>In addition, all children and young people in statutory out-of-home care who are away from their placement and self-place in a specialist homelessness service are reviewed according to the Permanency Case Management Policy and Away from Placement / Not in Placement Policy.</p> <p>Note dependency: Office of the Children’s Guardian</p>	DCJ is aware that reported refuge placements do not align with actual numbers of children and young people in OOHC placed in refuges. This issue was reported by the NSW Ombudsman in the More than Shelter report tabled in Parliament in 2018. DCJ currently reports on data regarding young people in refuges to the Office of the Children’s Guardian every quarter. A change has been implemented in the case management system ChildStory to capture this information in Child Protection Helpline reports and eReports and DCJ will continue to work to ensure that data is robust.
5	NSW Ombudsman recommend that: DCJ conduct and publish a review of children in statutory OOHC staying in youth refuges and publish the results, together with any action it intends to take in response.	<p>Supported – Individual case reviews. Children in OOHC are currently reviewed at least annually as part of their case plan review. Children who are not in an authorised placement have more regular reviews and may be discussed and reviewed in DCJ District High/Complex Needs Children Panels.</p> <p>In addition, all children and young people in statutory out-of-home care who are away</p>	A change has been implemented in ChildStory to capture this information in Child Protection Helpline reports and eReports. The initial data pull from ChildStory relating to an unaccompanied child or young person presenting to specialist homeless services or Homeless Youth Assistance Program services was provided in January 2021 and a second extract in March 2021. Analysis has been undertaken to help strengthen the data and a Quality Assessment Tool to structure future feedback has been developed. DCJ has worked to ensure that robust data is available to meet our commitment to the NSW Ombudsman.

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		<p>from their placement and self-place in a specialist homelessness service are reviewed according to the Permanency Case Management Policy and Away from Placement / Not in Placement Policy</p> <p>Not supported – Publication of results. Consideration needs to be given to any publishing of results, as this would be quite a small cohort and public reporting should always be at a high enough level to ensure that data remains de-identified.</p>	
6	<p>NSW Ombudsman recommend that: DCJ either:</p> <p>a) detail, in the plan referred to in Recommendation 1, how implementation of the Australian Service Excellence Standards fully addresses our previous recommendation relating to the establishment of regulatory standards to govern the quality of care provided by</p>	<p>See Appendix A for DCJ’s full formal response in September 2020</p> <p>Part a - Supported – this information is already available within <i>The ASES Policy Framework: Implementing a new quality framework for specialist homelessness services in NSW</i> which is published on the DCJ website and through the Department of Human Services South Australia ASES webpage. Whilst it doesn’t include specific standards for youth, there are evidence requirements that youth services need to adhere to as part of ASES. DCJ will work with the intellectual property owners of ASES to incorporate additional information where relevant.</p>	<p>DCJ provides the following update to the response provided to the NSW Ombudsman in September 2020 (at Appendix A):</p> <p>As outlined in section 2.2 of the ASES Policy Framework for SHS Providers, DCJ is taking an incremental approach to implementing accreditation for specialist homelessness services in NSW. The Framework is updated when any required changes occur. The framework was last updated in March 2021 to reflect:</p> <ul style="list-style-type: none"> • Time frame extension: due to COVID-19, DCJ has extended the date for all services to become ASES accredited to 30 June 2024. • Equivalence recognition: an equivalence recognition approach has been developed to reduce red tape for organisations with other accreditations. The QIC Health and Community Standards (QIC) are also recognised as equivalent to the ASES. A summary of completed equivalency mapping is now in the framework.

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	<p>youth homelessness services, or</p> <p>b) otherwise develop and adopt its own regulated standard for the quality of care required for homeless children.</p>	<p>Part b – not supported - ASES is not a cohort-specific set of standards. Recent mapping shows that the NSW Child Safe Standards for Permanent Care are around 30% equivalent to the ASES. Mapping indicates that the ASES has more practice and evidence requirements than the NSW Child Safe Standards for Permanent Care.</p> <p>Under the ASES, youth services are required to provide evidence of policies and procedures that support consistent provision and the safety of children, young and vulnerable people in accordance with organisational objectives, industry and legislative requirements. These include the Child Protection Act.</p>	<p>Subject to provider and assessor agreement, DCJ maintains an open invitation to the NSW Ombudsman to observe any aspects of the ASES assessment process.</p>
7	<p>NSW Ombudsman recommend that DCJ:</p> <p>(a) develop and commence reporting against appropriate performance measures to monitor outcomes for unaccompanied homeless children,</p> <p>(b) commence regular reporting on DCJ’s capacity to respond to risk of significant harm (ROSH) reports by youth</p>	<p>Part a – supported—information about performance and outcomes delivered by the program and the measures used to evaluate those will be provided through release of the Homeless Youth Assistance Program (HYAP) Final evaluation report. Unaccompanied minors receiving services from mainstream Specialist Homelessness Services (SHS), will be documented through the broader SHS Outcomes Framework. The recommissioning process, will collectively integrate a stronger focus on client outcomes and service quality in the new contracting terms for the recommissioning of the sector.</p>	<p>Part a – outcomes reporting</p> <p>The SHS Outcome Framework has been released and will be progressively implemented throughout the sector between 2021/22 and 2023/24. The framework captures data for a range of key performance indicators relevant to the following outcomes:</p> <ul style="list-style-type: none"> • Clients feel safer • Clients feel supported to make progress in addressing their safety needs • Clients make progress addressing their housing needs • Clients sustain their tenancy • Clients have improved personal wellbeing • Clients have increased capacity to tackle future challenges.

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<p>homelessness services and the ROSH re-reporting of unaccompanied homeless children, and</p> <p>(c) commence regular public reporting on outcomes for unaccompanied homeless children.</p>	<p>Part b – supported in principle – DCJ is in the process of undertaking work to assess the quality and completeness of data being captured through the new field added to ChildStory in July 2020. Internal dashboards to monitor performance are being scoped. Provision of this information publically will be possible once the data is assessed as “fit for reporting” based on an assessment of data quality. Reporting will also be dependent on counts being sufficiently large enough to maintain client confidentiality.</p> <p>Part c – supported – Unaccompanied minors receiving services from mainstream Specialist Homelessness Services (SHS), will be documented through the broader SHS Outcomes Framework. The recommissioning process, will collectively integrate a stronger focus on client outcomes and service quality in the new contracting terms for the recommissioning of the sector.</p>	<p>This data will be reportable by age groups, and is required to be collected regularly for any person receiving case management support by an SHS provider.</p> <p>Youth SHS and HYAP services are included in the implementation and roll out of the SHS Outcomes Framework, which is currently underway. Both programs are contractually obligated to undertake necessary activities to facilitate the implementation of the SHS Outcomes Framework over the 2021-2024 contract period.</p> <p>DCJ commenced work in July 2021 to determine the appropriate model to be delivered through a reconfiguration of HYAP. In 2022 DCJ will commence work with support providers to transition to the new model, with full implementation by July 2024.</p> <p>While this work is underway HYAP providers have been exempt from mandatory use of the PWI and COS. HYAP providers are still expected to undertake other work to implement the SHS Outcomes Framework, with full implementation by July 2024.</p> <p>Part b – ROSH reporting and dashboards The new field was added to ChildStory in July 2020 to capture reports of unaccompanied children presenting to Specialist Homelessness Services (SHS) and Homeless Youth Assistance Program (HYAP) providers. SHS/HYAP providers were informed about the field and asked to begin selecting ‘yes’. Data on the use of this field was monitored over a period of 12 months and in July 2021 help text was added in ChildStory to improve data quality. New data provided in September 2021 indicated further work was required to embed the change and the following actions have subsequently been taken to improve data quality:</p>
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			<ul style="list-style-type: none"> • A revised ChildStory question and help text went live from February 2022 which clearly identifies only SHS/HYAP providers should select ‘yes’ and all other reporters will therefore select ‘no’. • Articles outlining the purpose and correct completion of this field in ChildStory have been published in DCJs Partnering Newsletter and DCJ Connect which are distributed to DCJ staff and DCJ-funded service providers • Youth Homelessness emailed advice directly to SHS and HYAP providers • Partnerships emailed advice directly to Out of Home Care and Permanency Support Program contract managers • An electronic poster, website tile and signature block were designed in December 2021 to promote awareness of the purpose and correct completion of this field in ChildStory. <p>Data will continue to be reviewed quarterly to ensure the quality improves and remains reliable and that any further communication can be promptly undertaken.</p> <p>Part c – outcomes reporting See Part a above – collated, program level outcomes data will be publically available, and published on an annual basis.</p>
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APPENDIX 1 – full formal response to recommendation 6

Part a - Supported – this information is already available within *The ASES Policy Framework: Implementing a new quality framework for specialist homelessness services in NSW* which is published on the DCJ website and through the Department of Human Services South Australia ASES webpage. Whilst it doesn't include specific standards for youth, there are evidence requirements that youth services need to adhere to as part of ASES. DCJ will work with the intellectual property owners of ASES to incorporate additional information where relevant.

Key summary points about the ASES:

- The ASES are a set of standards owned and administered by the Department of Human Services and available nationally. ASES is internationally accredited by the International Society for Quality in Health and Social Care. The ASES is underpinned by a three year continuous improvement cycle. To maintain accreditation, services are required to be externally assessed every three years and demonstrate that they continue to comply with the ASES. A wide range of organisations in the community services sector use the ASES including homelessness, mental health, neighbourhood house, low income support, employment agency, health and community centres. The ASES can be applied to any size organisation. See the Department of Human Services South Australia ASES webpage for more information.
- As a condition of specialist homelessness services funding in NSW, providers need to demonstrate compliance with the ASES across all elements of their organisation, including their business and financial systems, governance and management, and person centred service practices, by 30 June 2023. See the ASES Policy Framework for more information.
- The ASES is recognised by other service area contracts such as NSW Health drug and alcohol programs and by the Victorian Department of Health and Human Services.
- A list of ASES accredited organisations is published on the Department of Human Services South Australia website. Many are organisations related to children and young people.

The ASES Policy Framework will be updated within the coming months to reflect how the ASES is equivalent to other industry standards and accreditation systems.

Part b – not supported - ASES is not a cohort-specific set of standards. Recent mapping shows that the NSW Child Safe Standards for Permanent Care are around 30% equivalent to the ASES. Mapping indicates that the ASES has more practice and evidence requirements than the NSW Child Safe Standards for Permanent Care.

Under Standard 2.2 of ASES (Policy and Procedure) youth services are required to demonstrate that “The Organisation identified and documented its legislative obligations and related actions”. Relevant legislation includes Child Protection, and Child safety and Wellbeing. Examples of evidence the provider is required to produce include board handbook, acts and legislative requirements document, complaints and feedback policy and procedure, privacy policy and consent forms.

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Under the ASES, youth services are required to provide evidence of policies and procedures that support consistent provision and the safety of children, young and vulnerable people in accordance with organisational objectives, industry and legislative requirements. These include the Child Protection Act.

If additional policy requirements are identified for NSW youth services, DCJ will discuss any new NSW policy requirements that need to be noted in the ASES assessments with South Australia who own the intellectual property for ASES, and the homelessness peak bodies. This is a standard procedure and South Australia regularly engages with ASES assessors on any relevant policy and program changes impacting ASES assessments. In addition, DCJ would like to invite the NSW Ombudsman to be involved in a phased implementation and program improvement project being tested with a youth service provider in NSW. This project looks at reducing ‘red tape’ for providers with multiple accreditations.

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APPENDIX 2: Collateral developed in response to recommendation 7



Are you an employee from SHS/HYAP reporting an unaccompanied child? **YES** **NO**

Correctly identifying yourself when making a child protection report helps children and young people in need.

Answer YES if you are a:
Specialist Homelessness Service, including Homeless Youth Assistance Program providers.

Answer NO if you are:
All other reporters including Police, health workers, education providers, out of home care caseworkers and staff from all other non-government organisations.

NSW ChildStory
reporter.childstory.nsw.gov.au/s/



NSW ChildStory

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