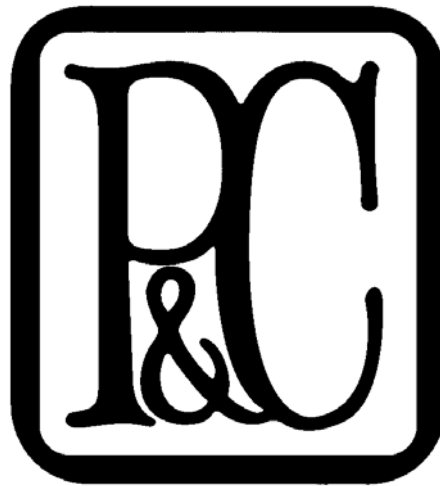


Federation of Parents and Citizens' Associations of New South Wales

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SUBMISSION



Special Commission of Inquiry into Child Protection Services in NSW

February 2008

PREAMBLE¹

The Federation is committed to a free public education system which is open to all people, irrespective of culture, gender, academic ability and socio-economic class and empowers students to control their own lives and be contributing members of society.

This commitment is based on the belief that:

- All students have the capacity to learn;
- The Government has prime responsibility to provide an education system open to all, which is free and secular;
- Schools should be structured to meet the needs of individual students and should respect the knowledge those students bring to school and build on that knowledge to foster their understanding about the world.

Parents as parents in the education process, have a right and a responsibility to play an active role in the education of the children. P&C Federation and its representatives share a responsibility of ensuring representative decision making for the benefit of all students.

FEDERATION OF P&C ASSOCIATIONS OF NSW POLICY

5B: PERSONAL DEVELOPMENT AND HEALTH EDUCATION PROGRAMS

PREMISE 5B

The main defense against the misuse of drugs, including alcohol and tobacco, is for students to have the skills and knowledge to make informed decisions in situations of potential harm involving drug use, misuse and abuse. Programs of AIDS Education and Child Abuse Education suitable for each applicable level from K to 12 should be available in all schools. P&C Federation is in agreement with the philosophy of Aims of Education which states: "The aims of education, to which schools make a major contribution, is to guide the individual development towards perceptive understanding, mature judgment, responsible self-direction and moral autonomy."²

10A: STAFFING: GENERAL

PREMISE 10A (a)

The key to continuing development of our public system of education is well-educated, highly motivated, professional teaching staff, supported by a sympathetic education authority and working in close co-operation with the community. Teachers should be endowed with the following personal attributes: the ability to communicate a high level of knowledge and skill; imagination, enthusiasm, tolerance, judgement, sensitivity, perception and individuality; and an awareness of people, of nature and of the dignity of those whom they teach. It is self-evident, therefore, that teachers should be qualified for the work they do and sufficient in number to allow for effective school organization, including remedial teaching, student welfare programs, career advice and appropriate programs for students with special needs. The selection of potential teachers and their training and development are of the utmost importance since the quality of schools is positively and significantly related to the quality of their teachers.

PREMISE 10B (b)

¹ Section 1: Introduction. 6. Federation of P&C Associations of NSW Handbook 2006-7.

² Section 5: Social Context. 68-69. Federation of P&C Associations of NSW Handbook 2006-2007.

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Children must be encouraged to accept responsibility for their own learning. If this educational philosophy is adopted, it follows that urgent attention should be given to reducing class sizes, particularly in lower grades. The early years of schooling form an all-important period crucial for the development of a healthy self-concept and a pleasurable desire for learning. It is also a period when individual differences should be recognised and catered for as indeed they should be throughout the school years. Allowances should be made for smaller classes or individual attention when this is educationally advisable.

10.23 Society continues to ask that such concerns as Child Sexual Assault, Drug Abuse, AIDS Education and Multicultural Education be included in the schools' curriculum. A staffing supplement, over and above the established formula, should be given by the DET to allow creation of organisational structures permitting the small group learning situations necessary for successful implementation of such programs.

10.42 All teacher training courses should include:
(d) relevant aspects of Child Abuse and Student Welfare;³

INTRODUCTION

"Child abuse casts a shadow the length of a lifetime."

Herbert Ward

The Federation of Parents and Citizens' Associations of New South Wales welcomes this opportunity to respond to the Inquiry into Child Protection Services in NSW.

The P&C Federation is a peak agency for active members of school communities, parents and their children in public schools in NSW. Therefore, in responding to the terms of reference, it will present the views and ideas expressed by members based on their experiences of Child Protection Services through the public education system.

Australia as a whole has seen exponential increase in the number of cases being reported. While this is a good reflection of increased awareness and better reporting of child abuse, it also draws attention to the fact that this issue is not getting better. In addition to this negative trend, NSW has been identified as being tied with the Northern Territory for having the highest incident level of child abuse.⁴ Considering that NSW stands out from other states, even with the overall trend of increasing abuse and abuse reporting, it is imperative that the role of Child Protection Services are looked at to see what they are doing differently.

Going beyond the initial direct impact of abuse, the Child Abuse Prevention Service (CAPS) emphasises the fact that "abused children are at greater risk of suffering emotional and behavioural problems, poor school performance and further abuse."⁵ These long lasting ramifications have great impact on their peer group and the community surrounding children who have been abused. An effective response to child abuse must take into consideration the greater ramifications of the cycle of abuse throughout their life and the impact it has on the community around them.

The Federation supports adopting a holistic approach that goes beyond a "crisis response" role to a preventative and developmental role. This can only be accomplished with effective vertical and horizontal integration strategies. This submission will evaluate how current structures are working and will propose potential changes where fitting. Only through careful internal and external examination can the Department of Community Services realise the changes they wish to implement.

³ Section 10: Staffing. 97-99. Federation of P&C Associations of NSW Handbook 2006-2007.

⁴ "Kids fleeing abuse 'doubled in past decade'". *The Australian*. 23 January, 2008.

⁵ "An update on child abuse in Australia." Child Abuse Prevention Service website.

<http://www.childabuseprevention.com.au/news/index.html>. 11 February, 2008.

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RESPONSES TO TERMS OF REFERENCE

i. The system for reporting of child abuse and neglect, including mandatory reporting, reporting thresholds and feedback to reporters;

The Federation of Parents and Citizens' of New South Wales supports all measures being used to facilitate efficient reporting. Federation supports mandatory reporting where a child is at risk of harm. Unfortunately, it has been the experience of a number of our affiliates that this first vital step of the protection process can be frustrating and slow. Parents and teachers have expressed concern over the amount of time it takes to make initial contact with someone when trying to make a report. It is not unusual for parents or teachers to wait on hold for over ½ hour just to speak with someone. For a concerned member of the community, this can be enough to deter completing the report. For mandatory reporters, it places an undue burden on their time as their role requires them to attend to many other matters.

The excessive amount of time it takes to make a report indicates that either there is not enough staff available to handle the influx of reports or the system needs to be updated to meet the growing demand for filing reports. As the requirements for mandatory reporters are tightened, more reports will be filed and it is essential that any measure that will increase reporting is met with the appropriate systemic changes to make reporting feasible.

Another area of concern is the half-day of training for Department of Community Services' (DoCS) staff. While Federation acknowledges the importance of professional training and ongoing development, having this training all at the same time puts a hold on the flow of communication both to and from the office during this time period. In some extreme cases, concerned community members or teachers must wait until midday before they even have the opportunity to report a critical case of abuse. In urgent instances, this block on communication and services is unacceptable. A more appropriate measure would be to have dedicated staff running training courses throughout the week, which staff attend on a roster basis. This would keep staff numbers consistent so DoCS could evaluate the number of workers required to handle the incoming reports throughout the entire week.

ii. Management of reports, including the adequacy and efficiency of systems and processes for intake, assessment, prioritisation, investigation and decision-making;

It is not surprising that, given the inefficiencies in the initial reporting process, concerned community members and mandatory reporters have expressed disappointment over the delay in responses, and often the lack of a response to acknowledge receipt of a report. It has been the experience of the Federation that it is unpredictable whether or not a response will be coming and it is disconcerting to the reporter when there is no communicated follow-up for them to be aware that action is being taken. This experience is backed up by the freshly revealed fact that DoCS staff are aware of "reports of abuse that are never investigated and children in care who never see a case worker."⁶

This internal perspective recognises the fact that DoCS staff are being stretched too thinly to provide a thorough and effective response for anything, but the most urgent cases. In one centre a manager acknowledged that they "took more than 100 child abuse allegations each week, yet only 5% received a response."⁷ Additional resources need to be implemented to ensure that current, efficient and reliable

⁶ "DOCS insiders blow whistle on tragedy." *Sydney Morning Herald*. 11 February, 2008.

⁷ "DOCS insiders blow whistle on tragedy." *Sydney Morning Herald*. 11 February, 2008.

operating systems are put in place to ensure that no child is slipping through the cracks. Additional resources that gather and collate information more thoroughly are a start, but ultimately more personnel are needed in order to increase the number of responses that are able to be actioned.

Schools and parents are crying out for more feedback to inform them that the process is happening. This does not need to infringe upon privacy or confidentiality in any way. However, more communication is necessary during the process because parents and school staff feel as though their hands are tied once a report has been made and they must wait for possible intervention from DoCS.

One particularly disconcerting fact is that many self-reporters feel ignored. Any parent that has the courage to identify they might be out of control and comes seeking support should be an immediate priority. Federation affiliates have seen families desperately seeking help with absolutely no response from DoCS. This added tension of trying to gain control on their own, but failing speeds up the deterioration of the home environment.

It is understandable that the top priority is on the youngest children because this is where the majority of abuse is taking place.⁸ However, many parents and community members have expressed concern that issues concerning adolescents are being de-prioritised with grave consequences. The developmental impact of abuse on adolescents often manifests itself in extreme forms. Their increased level of access to illicit substances or weapons leads to a propensity toward violence or self-harm. This only perpetuates the cycle of abuse. Additional resources need to be channelled toward specific adolescent responses to abuse in order to prevent these acts of violence. This should not come at a cost to other age groups, but should have special recognition and special funding to meet these needs accordingly.

The current role of DoCS is primarily gate-keeping. The overwhelming flood of responses coming in force them into this position. Only if specific departments are established with adequate resources to investigate the reports coming in can the lives of children in abusive situations truly be protected.

iii. Management of cases requiring ongoing work, including referrals for services and monitoring and supervision of families;

In this area of managing work on a more long-term basis, the Federation believes it is imperative to implement additional support for families being monitored and supervised. Once a case has been referred, the follow-up, or lack thereof, determines the course for the healing process. A family that has had an initial crisis response, without sufficient support, may find greater strain due to inappropriate attempts to deal with known problems, without the necessary guidance in working through problems. Members of the Federation have expressed their desire to see more training provided for all carers to ensure they do not feel alienated as they work through complex issues.

As much as possible Federation urges children to be kept with their family, however this must decision must be made after careful, thorough evaluation is made. Due to the DoCS practice of minimal interference, it is not uncommon for children to be left with families who struggle to meet their needs due to drug use, disability or mental illness.⁹ This situation fails to act in the best interest of the child. Federation hopes to see supervision and monitoring of families that is safe, accessible, and consistent. Appropriate additional safeguards must be implemented to ensure that families and carers are given the resources they need to provide a safe environment for their child.

⁸ "National Child Protection Clearinghouse." Australian Institute of Family Studies.

<http://www.aifs.gov.au/nch/pubs/presentations/diary.html>.

⁹ "Facing up to the horror of child abuse and neglect." ABC News. <http://www.abc.net.au/news/stories/2007/11/13/2088909.htm>. 19 November 2008.

Federation has heard from families who feel that the relationship with DoCS is anything but reciprocal. They feel as though DoCS can be quite an intrusion on their lives, but when they are looking for support, they must go to great lengths to ensure that their voice is heard.

iv. Recording of essential information and capacity to collate and utilise data about the child protection system to target resources efficiently;

As additional funding has been allocated for Child Protection Services, little difference is seen on a practical level. Parents, teachers, coaches and community members feel detached from the organisation and fail to see a difference in how children's needs are being met. This largely seems to reflect the fact that either not enough information is being collected, or the information that is collected is not being used properly. Effective evaluation of the information must take into account social, economic, geographic, cultural and developmental factors into consideration. Because Child Protection Services is currently operating out of such a large umbrella, many families in regional areas are suffering due to the inherent difficulties presented by time and distance.

Federation believes that more funding will be needed to implement the reforms found through this review, however additional funding is not enough. As one caseworker stated, even though departmental funding was increased by \$1.2 billion "at the field level, at the coalface level, nothing has changed for the case worker, and that is very disappointing."¹⁰ Funding needs to be allocated and distributed in a manner that does not exacerbate the bureaucracy, but focuses on the groundwork and the services that are directly affecting families.

An additional emphasis must be placed on the importance of protecting the privacy of families involved. It fills family and community members with chagrin to read that confidential documents about a boy were accidentally sent to an incorrect fax.¹¹ These sorts of errors and oversights draw attention to a systemic problem with gathering, sorting and disseminating information. Concerned families need to know that their privacy is protected and community members need to have confidence that when they make a report, the information will be considered and will be protected.

v. Professional capacity and professional supervision of the casework and allied staff;

Parents and concerned community members have expressed grave concerns over the manner in which staff have handled difficult situations. There is a sense that the DoCS believe that "the ends justify the means" where child protection is concerned. There is an emphasis on excessively harsh verbal warnings for parents. Department procedures expressly discourage the use of tape recording devised during parent interviews. Therefore, unless the police are involved through the Joint Investigation Response Team (JIRT) there is no audio or video evidence. Many parents believe that this practice can open the door for the DoCS officer to fabricate evidence to produce an outcome that is administratively more efficient or acceptable. The problem is reinforced by the workplace culture that is trying to expedite matters because the funding and staffing are inadequate.

The DoCS problems arising from this toxic workplace culture are leading to larger problems. An officer with the Public Service Association explained that "bullying and harassment of staff were endemic and senior managers were unwilling to admit problems over recruitment or staff safety."¹² The end effect is that the officers and caseworkers who directly liaise with the families are not handling matters thoroughness and professionalism, but rather are perpetuating personally dysfunctional and socially dysfunctional people and parents.

¹⁰ "DOCS insiders blow whistle on tragedy." *Sydney Morning Herald*. 11 February, 2008.

¹¹ "DOCS insiders blow whistle on tragedy." *Sydney Morning Herald*. 11 February, 2008.

¹² "DOCS insiders blow whistle on tragedy." *Sydney Morning Herald*. 11 February, 2008.

vi. The adequacy of the current statutory framework for child protection including roles and responsibilities of mandatory reporters, DoCS, the courts and the oversight agencies;

The internal problems with DoCS have forced them into a “crisis response” mode. While this is the most essential functioning of Child Protection Services, it fails to provide long term programs working with families to enrich and educate families to overcome their problems and issues. One significant factor that is forcing DoCS into crisis response mode is the highly centralised policy control that leaves little or no discretion to engage in a situation of need except in the case where there is immediate danger.

Another factor limiting the services provided is the structure of the Department itself, being top heavy in terms of senior administrators and having a lack of personnel to carry out the groundwork. The highly publicised criticism of DoCS fosters a sense of needing to escape blame. This distracts from the fact that the misdirection of resources are inhibiting the execution of the real work to resolve and improve the outcomes for children and families.

The ramifications of these factors leads to the question, “What is the role of Child Protection Services?” Stepping back to look at the big picture, it becomes clear that a crisis response is only one small aspect of protecting the needs of the child. Services also have an obligation to work toward prevention, intervention, raising awareness and educating families and communities. Until these roles are realised, the problems will only get worse. The systemic issues that cause and perpetuate child abuse are treatable. But in order to do this, an overwhelming amount of change is necessary.

External inquiries, such as this, are a vital step in instigating reform. However, internal assessment will play a critical role in identifying core problems, structural deficiencies and misguided directions. Looking to external successful programs can also inspire new directions and ideas for what might work best in NSW. For example, the “Family Home Visiting Program” in South Australia is an example of one form of early intervention.¹³ It has been well received by different communities and it begins a healthy relationship of empowering parents to take the best possible care of their children.

Special mention has been made of the disappointment that the Commission for Children and Young People has not been able to fulfil its designed purpose. The Commission has had its functioning severely limited because many of its legislated functions have not been proclaimed. This means that the Commissioner, Gillian Calvert, does not have the original intended ombudsmen’s role with respect to the welfare and care of children.

The relationship between the State and Federal governments is currently dividing NSW in responding to Child Protection. The chief executive of Association for Children’s Welfare Agencies on NSW, Andrew MacCallum, said, “The federal Government has control of housing, income support, health...they’re the ones that actually provide most of the money.”¹⁴ Yet some piece of the puzzle is obviously missing because the Australian Institute of Health and Welfare identifies the Northern Territory and NSW as “hotspots for child abuse.”¹⁵ NSW stands out for the high incidence levels of abuse and it is time to look for lasting changes.

Any appropriate reforms are not limited to the DoCS and their relationships within the government. Other government departments must share responsibility of a holistic approach. The Department of Education and Training must address issues of adequate class size and sufficient teaching and support staff to fulfil the role of mandatory reporters and to look after the children entrusted to them. As Federation’s policy explicitly states, Child Abuse Education must be incorporated into curriculum and the necessary structures must be

¹³ “More parents benefit through expanded home visiting program.” Children’s Centres for Early Childhood Development and Parenting. <http://www.childrenscentres.sa.gov.au/pages/ecconnections/homevisiting>. 13 February 2008.

¹⁴ “Kids fleeing abuse ‘doubled in past decade’”. *The Australian*. 23 January, 2008.

¹⁵ “Kids fleeing abuse ‘doubled in past decade’”. *The Australian*. 23 January, 2008.

put in place in order to ensure appropriate implementation of these initiatives. This includes providing the staffing and space in curriculum to have small group instruction and discussions and appropriate training on child abuse for all staff. All staff must be aware of their role in the process, and adequate staffing numbers must be guaranteed in order to facilitate early intervention by mandatory reporters in schools.

Schools must be recognised as an essential sphere of influence for prevention and intervention. Investing in breakfast programs, lunch programs, showers and clothing eases the strain for children whose needs are not being met. Expansion of Out of School Hours care (OOSH) and youth centres operations would offer more respite for single parents or grandparents who are raising children. Also, the “Mind Matters” program offers support for mental health in the school setting. This program offers vital support for students in working through difficult issues.¹⁶ Ensuring additional school counsellors and Community Development staff in schools opens more windows of opportunity to address problems before the child is in immediate danger. It is essential that these support systems form the scaffolding around school environments so that working through issues do not isolate the child from their peer group.

Every department that works with children shares in the responsibilities. The solution is not to simply increase funding or training or any one thing. The solution is only found in collaborative effort to prioritise and protect the safety of children.

vii. The adequacy of arrangements for inter-agency cooperation in child protection cases;

The current communication between different government departments and non-government agencies leaves much to be desired. Parents have expressed particular worry regarding problems with feedback between reporting agencies and the DoCS. The work and intervention that is taking place is not being transferred and the children are left in limbo due to the breakdown in communication. Schools have particular difficulty as they are not being informed not just about what interventions have taken place, but also who is currently the caregiver or guardian. With the alarming number of cases, schools play a critical role in ensuring smooth transitions for children and in providing a safe haven in the middle of abusive situations. When the schools are left out of the loop, the children suffer.

The most important aspect of creating a supportive and functioning system is to guarantee full and appropriate community backing and intervention. Collaboration with existing agencies is the only way to maximise the resources available to the kids. Pre-schools and playgroups can be an important ground for early identification of families at risk. Open lines of communication are one step, but also recognising the work being done by other agencies brings light to the common ground and mutual directions in providing special protection to children. This is the response necessary to deal with poverty, social marginalisation and other systemic factors that cause abuse on a long term basis.

The DoCS funding of NGOs leaves much to be desired. There is a breakdown in communication and a lack of oversight to prevent “doubling-up.” Each isolated group is focused on their own growth and expansion. This is not an efficient method for intervening in children’s lives. Instead, these groups need to form a network where they can work together and plan the support. With government oversight, the outreach can be more targeted instead of the haphazard methods currently used. One positive example is the Model of Schools as Community Centres situated in schools that are accessible to transport. This provides a one-stop-shop of different agencies that can build on the strengths of the community.

viii. The adequacy of arrangements for children in out of home care;

Foster care families are in integral part of the system of child protection. Unfortunately, their level of support is appallingly low. Many foster care parents feel ill-equipped and undertrained for the stressful situation. It is

¹⁶ “Mind Matters: A Mental Health Promotion Resource for Secondary Schools.” <http://cms.curriculum.edu.au/mindmatters/>. 15 February, 2008.

essential that more education and training is given toward supporting foster families. Not only should there be more consistent follow-up, to ensure they are not feeling abandoned, but there should be a reciprocal method for them to get support from the DoCS when they are in need. Unfortunately, too often, foster care families feel like the staff they encounter have the right to intrude at any time, yet are completely unavailable when they would like to speak with someone. Often the lack of support in stressful times can have detrimental effects. When problems arise, the foster care family may react negatively to the stress, thus creating another harsh environment for kids who need a safe haven the most.

One of the greatest needs of foster care families is for additional counselling for the child, their family and their carers when they are placed in foster care. This would offer an outlet for emotional support in working through traumatic issues. If the parties can address emotional and psychological issues, they can work through a positive healing process. Without the counselling, many families are left reeling as a result of the crisis response mentality of DoCS. The changes are huge and there is not sufficient follow-up to help them to work through any issues. Counselling for these children, families and carers must be moved to the top of the priority list. It is one issue that easily stems from the crisis response and is often the crux of whether the cycle of abuse will be perpetuated or ended.

ix. The adequacy and resources in the child protection system,

From counselling to reviews to program initiatives, many of the suggestions put forth in this submission require funding above and beyond what Child Protection Services currently receives. However, in addition to funding new initiatives, it is imperative that the groundwork is laid for ensuring funding is directed toward making the biggest impact in the field. One of the best ways this can be accomplished is through hiring additional field staff to reduce the bottleneck that is created in having too small an intake to process the responses coming in. Hiring additional field staff would also allow for a roster training system to be implemented to ensure that the office is available for support at all times. This is not a matter of convenience, but a matter of necessity in order to act in the best interest of children.

CONCLUSION

In conclusion, the Federation of Parents and Citizens' Associations of New South Wales supports the aims of this Inquiry into Child Protection Services in NSW. Drastic changes are needed in the structure and operation of the Department of Community Services, in the collaborative role of different departments and agencies, in the funding and provision of these services and in the direction of child protection. A thorough overhaul would acknowledge mistakes made and allow for the development of Child Protection Services that resolve the systemic, entrenched problems.

According to Safe Child, a leading child abuse organisation, "long-term studies of low achievers, runaways, drug abusers, prostitutes, and incarcerated individuals paint a disturbing picture. Abuse is a consistent and pervasive element in their backgrounds. Low self-esteem and poor self-concept are ever present."¹⁷ Reporting is not the end of the process. The issue is the removal of the educational, social, economic and psychological experiences that lead to child protection concerns. It is in the interest not just of government bodies or related agencies, but the welfare of these children defines the next generation. Children of abuse have an impact on the entire society around them. It is the ability to care for and respond to children in these heinous circumstances that legacies are defined or corrupted.

The Federation would like to thank the Commissioner for the invitation to participate in this inquiry. We look forward to hearing the results and welcome any further discussion this may evoke.

¹⁷ "Long Term Affects of Abuse." Safe Child, Child Abuse website. <http://www.safechild.org/childabuse5.htm>. 11 February 2008. Submission: "Inquiry into Child Protection Services in NSW" PANDC 2008