



# **Report**

## **Child Protection in NSW 2018**

**Prepared for Human Rights Commission**

23 May 2018

# Child Protection In New South Wales 2018

“...the malaise that exists in child protection is not the result of the actions of a single minister or government. It has got itself into this position over a number of decades. No politician or political party can claim any moral high ground with respect to child protection in this state. The major political parties have all served in office over recent decades, and have little to be proud of.”<sup>1</sup>

In his foreword, the Chair, The Hon Greg Donnelly MLC, reflects on a system in which those who should be at the centre of any discussion and consideration are instead sidelined to the inevitable ‘political football game’ between parties. The tragic result is a shameful indictment of a system which is underfunded, over burdened and repeatedly failing the young people who are ‘...in harms way, every day of their lives’.<sup>2</sup>

The above is of even more concern considering how many times the system has been reviewed and reform proposed. We have had in the last decade;

- 2008 Wood Report
- 2011 Ombudsman’s Review
- 2013 Appointment of Commissioners for the Royal Commission into Institutional responses to Child Sexual Abuse
- 2014 Ombudsman’s Review and Senate Inquiry into Out of Home Care
- 2015 The Tune Review (Out of Home Care)
- 2017 Inquiry into Child Protection in NSW - General Purpose Standing Committee No 2

Notwithstanding over a decade of reviews and reform, the current government has again embarked on a program of *reform*. Fams, is concerned that the opportunity to achieve the best possible outcomes for children and their families may again be missed, as the clear messages from the past have not been heard to date.

Accordingly, Fams is making this submission to the Australian Human Rights Commission with general reference to 2 *Clusters*, namely;

- Violence against children and
- Family environment and alternative care

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<sup>1</sup> NSW Legislative Council 2017 General Purpose Standing Committee No. 2 Report 46 – March 2017  
<https://www.parliament.nsw.gov.au/committees/DBAssets/InquiryReport/ReportAcrobat/6106/Final%20report%20-%20Child%20protection.pdf> p IX

<sup>2</sup> Ibid. P. X

And with specific reference to Articles; 5, 9,10, 18, 19, 20 and 21.

### **Cluster 5. Violence against children**

- abuse and neglect, including physical and psychological recovery and social reintegration (arts. 19 and 39)

### **Cluster 6. Family environment and alternative care**

- family environment and parental guidance in a manner consistent with the evolving capacities of the child (art. 5)
- separation from parents (art. 9)
- family reunification (art. 10)
- illicit transfer and non-return (art. 11)
- parents' common responsibilities, assistance to parents and the provision of childcare services (art. 18)
- children deprived of family environment (art. 20)
- adoption, national and inter-country (art. 21)

Fams is concerned that Australia is not progressing in terms of meeting our obligations to children in Australia under International law.

## **Who Is Fams?**

Fams is the peak body for non-government, not-for-profit organisations working with vulnerable children and families across NSW. We support these organisations to deliver quality support services and provide them with strong representation across rural, remote and metropolitan districts.

Fams is committed to 10 principles which are endorsed by our members:

1. In family services projects, staff and families work together in relationships based on trust and respect.
2. Family services projects enhance families' capacity to support the growth and development of all family members; adults, young people and children.
3. Family services projects affirm and strengthen families' social, cultural, racial and linguistic identities and enhance their ability to function in a pluralist society.
4. Family services projects are embedded in their communities and contribute to the community-building process
5. Family services projects are flexible and continually responsive to emerging family and community issues.
6. The principles of family service are modelled in all aspects of a project, including planning, service delivery, management and administration.
7. All members of a family should be safe from violence.
8. Children should be provided with safe, quality alternatives if it is deemed they cannot live with their birth family.
9. There is a recognition that families have multiple forms, not necessarily biologically based.

10. The priority at the heart of all our work is the safety, health and wellbeing of children and families.

As a respected peak, Fams participates in the following stakeholder meetings;

- ACWA Best Practice Unit
- ACYP Violence Against Children campaign
- Benevolent Society steering committee on improving child wellbeing and safety
- Evidence Assessment Framework Project Reference Group
- FONGA
- Linker Network
- NCOSS Children, Young People and Families Alliance
- Review of Parenting Infrastructure Reference Group
- SSESNS Permanency Executive Group
- Social Innovation Council
- Targeted Earlier Intervention Reform Central Council
- Targeted Earlier Intervention Reform local governance groups
- Treasury Commissioning and Contestability Unit outcomes measurement community of practice

During the current reform period Fams is committed to advocating for any proposed changes to properly invest in and apply *true prevention* strategies.

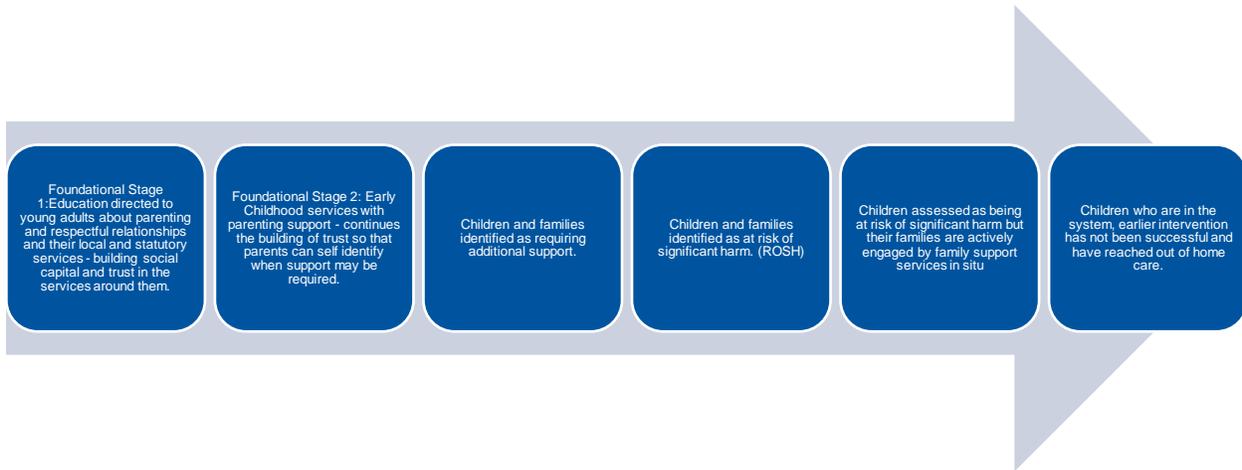
## What Is True Prevention and Why Is It Important?

For the purposes of this report we are using the term “true prevention” to describe preventative work with children and families that has the objective of eliminating the risk of children experiencing abuse or neglect and working with families to keep children safe at home, wherever possible.

The NSW Premier has made clear her commitment to permanency principles and reducing re reporting. Fams is also committed to these principles, provided that all avenues are explored to ensure that children have the opportunity to remain with their own family with assistance and support at the earliest possible time. Fams believes that, unless government makes a genuine commitment to engaging with children and families at risk of *entering* the child protection system, the number of reports to FACS will continue to rise irrespective of how much funding is directed to the ‘crisis’ end of the continuum.

All children in New South Wales have the right to a safe, healthy and happy childhood, a set of rights entrenched in the NSW Human Services Outcomes Framework. To ensure that children

and families experiencing vulnerability receive the right support at the right time, NSW requires a whole of government prevention model that is offered to families at numerous points along a life span continuum, but at a minimum, at the point of first ROSH report.



While Fams acknowledges that 'risk' may be identified at all stages, it argues (and research confirms this) that access to education and programs at the Foundational Stages will impact the number of children who present as being at risk in the first place. Additionally, once identified at their first ROSH report, Fams would again argue that early prevention/intervention will provide the key to reducing these same children moving through the system to the point where they may need to be removed from their family.

A transition period is to be expected of course, but Fams argues that funding early intervention will have a flow on effect, which will ultimately lead to savings at the crisis end of the continuum and across government.

Fams remains concerned that in 2018, despite widespread and readily available, peer reviewed research into 'true prevention', namely, early intervention/prevention, we are repeatedly seeing a government response which fails to meet the needs of our most vulnerable children. Indeed, rather than figures improving, they are worsening.

## Is Australia Meeting Its Obligation To Children Under International Law?

The Inquiry into Child Protection in NSW confirmed that, 'Despite the threshold for reports being raised, the number of risk of significant harm reports has continued to increase, from 98,100 in 2010-11 to 104,800 in 2012-13 and 126,100 in 2014-15'.<sup>3</sup>

<sup>3</sup> NSW Legislative Council 2017 General Purpose Standing Committee No. 2 Report 46 – March 2017  
<https://www.parliament.nsw.gov.au/committees/DBAssets/InquiryReport/ReportAcrobat/6106/Final%20report%20-%20Child%20protection.pdf>

Year	Number of Reports
2010-11	98,100
2012-13	104,800
2014-15	126,100
2015-16	140,063

We know from the Wood Report (2008) and subsequent reports, that cases were and are being closed due to ‘competing priorities’. The Ombudsman’s 2011 Review highlighted that despite raising the threshold for children at Risk of Significant Harm (ROSH), FACS was conducting face to face assessments in only 1/5 of all children meeting the threshold. The Ombudsman went on to point out that while face to face assessments are not the only way to assess risk, it stressed that ‘an efficient child protection system must be able to identify those children most in need in order to direct appropriate resources.’<sup>4</sup>

While the Ombudsman’s 2014 Review acknowledged some progress with respect to responses from FACs, the number of cases being closed due to ‘competing priorities’ had increased from 25% in 2011 to 39% in 2014. Again, while the review acknowledged FACS’s explanation, it said that the department needed to ‘enhance its capacity to record and report on the actual nature of responses, not just those that result in face to face response’.<sup>5</sup>

2015-16 there were 140,063 reports to the FACS child protection helpline and 79,487 of those reports met the ROSH threshold. Only 31% of those children (24,640) received a face to face interview. Around 40% (31,794) received no support. (FACS Casework Dashboard – September 2016 quarter).

It is reasonable to say the numbers do not indicate a system that is learning, changing and/or adapting to the needs of its vulnerable children. Please note that the numbers above indicate that while 140,063 reports are made and 78,487 met the ROSH threshold – 60,576 remain presumably, ‘unsubstantiated’ – enough to warrant concern but nothing more. Fams remains particularly concerned that these children and their families are left without any support when the evidence quite clearly tells us of the distinct advantage of regular, quality early engagement.

The case for early intervention/ prevention has been made. Repeatedly. And it is not the intention of this submission to make it again. In 2015 ARACY presented strong evidence that investment in prevention leads to better outcomes for children and families.<sup>6</sup> One of the many studies referenced in the report was a meta-analytic review conducted by researchers at Griffith

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<sup>4</sup> NSW Legislative Council 2017 General Purpose Standing Committee No. 2 Report 46 – March 2017  
<https://www.parliament.nsw.gov.au/committees/DBAssets/InquiryReport/ReportAcrobat/6106/Final%20report%20-%20Child%20protection.pdf> p.7

<sup>5</sup> NSW Legislative Council 2017 General Purpose Standing Committee No. 2 Report 46 – March 2017  
<https://www.parliament.nsw.gov.au/committees/DBAssets/InquiryReport/ReportAcrobat/6106/Final%20report%20-%20Child%20protection.pdf> p.8

<sup>6</sup> Investing in children and their families. Fams & Social Ventures Australia. Policy Position Paper. 2018. P.8

University<sup>7</sup>. It reviewed a range of early years prevention programs (including structured preschool programs, centre-based developmental day care, home visitation, family support services and parental education) delivered to at-risk populations with children aged 0-5. The review focused on outcomes that were maintained into adolescence and found a range of significant effect sizes on key outcomes: educational success, cognitive development, social-emotional development, deviance, social participation, involvement in criminal justice, and family well-being. They found an overall effect size of 0.313, which was equivalent to a 61 per cent difference between intervention and control groups.

As well as evidence of prevention leading to better outcomes, there is strong evidence that prevention is more cost effective. Victorian Government modelling illustrates the comparative costs of universal services, such as maternal child health, versus remedial interventions, such as out-of-home care. Early services, provided across a broad population, are often more cost-effective per individual than later remediation<sup>8</sup>.

In making this submission, Fams hopes to shine a spotlight on the children (and their families) impacted by what it calls, *a broken system*. Too often we can all become lost in the language of reporting and risk management. We must be reminded that when we speak of 'competing priorities' as FACs does, we are actually speaking about children – and that when we make a decision on intervention based on 'competing priorities', we are making a choice that the life, well being and opportunity of one child is more important than another.

This cannot be acceptable anywhere, but certainly not in a country as rich as Australia.

Our submission to the Australian Human Rights Commission then, is that despite the many reviews and attempts at reform, specifically in NSW, we have not progressed in meeting our obligations to children in Australia. We hope however, that the appetite for genuine reform and appropriate investment in the children of Australia is not out of reach.

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<sup>7</sup> Manning, M., Homel, R., & Smith, C. (2011). An economic method for formulating better policies for positive child development. Australian Review of Public Affairs, 10(1), 61-77 p512

<sup>8</sup> DEECD (2014c). Early years strategic plan, improving outcomes for all Victorian children 2014-2020. Melbourne p 7-8.