



QCSLAN QLD CHILD SAFETY LEGISLATION ACTION NETWORK

"In justice anywhere is a threat to Justice everywhere."

The Research Director, Health & Community Services Committee,
Parliament House,
George Street,
Brisbane, QLD 4000

13th April 2014

Dear Committee Members,

RE: Child Protection Reform Amendment Bill 2014

Thank you for the opportunity to submit to the Child Protection Reform Amendment Bill 2014. In principal I see this Bill as introducing changes that will indeed and over time have the potential to protect the lives of children and their families. I do however have some concerns as below:

Parental Responsibility and Significant Harm.

I am concerned that at some of the wording used, also the Bill does not appear to give attention to the over-arching issue of *'familial danger'* and the impacts on child protection and the family.

While the minimisation of harm towards children appears to be the main objective of this Bill, it seems to have neglected to address these key issues, that is the source of both physical and emotional harm to children. While the child death review is to introduce recommendation of a Review Panel to address the issue of death/ serious injury, I am concerned that the real issue here, **MUST** be that of *'intervention'* so that these deaths do not occur.

- From your explanatory notes: "Parents have the primary responsibility for caring for their children and protecting them from harm. Child Safety's role is to intervene only as a last resort. A child is in need of protection when they have suffered, are suffering or at an unacceptable risk of suffering harm and do not have a parent who is able and willing to protect them from the harm. In order to reinforce Child Safety's role **as a last resort**, the Bill amends section 10 of the CPA to state that 'A child in need of protection is a child who has *suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm*' Note the wording of South Australia and Tasmania.¹(Recommendation 4.1). The Bill does not alter other factors about a parent's willingness or ability to protect a child from harm. These factors must still be considered when determining if a 'child is a child in need of protection'. (Should this at least be **when a child is in need of protection?**)
- I am very concerned at the wording of the above. Again in a 'nice' world this would be great and it IS always the first responsibility of a parent to be the protector of

¹ www.aifs.gov.au/cfa/pubs/factsheet/a141787/index.html *Mandatory reporting of Child Abuse*

their children, however we live in a REAL world where many children are at real risk due to ²**familial abuse**. We know the incidence of family distress is high due to 'not so blended and other arrangement families' and that children living in these conditions may be subject to harm. What does 'significant harm' really constitute? Has the real fact of emotional abuse been taken into consideration here? "Significant" harm could be very close to serious injury or death!

- Clause 5 clearly discusses the purpose of the use of "significant harm" as defining the need for intervention. I ask the question is this more about reducing the need for the role of Child Safety Services (cost reduction) or the safety of a child? (Child homicide)

The Risk Factors:

At a recent Griffith University Conference "Homicide: Precursors and Prevention" much emphasis was given to developing and using 'risk factors or precursors' in the prevention of homicide (in this case child homicide) Though these papers are not yet available on the Griffiths website, they certainly would be worth accessing as soon as possible. While risk factors may have in the past been seen as a negative process, it is increasingly seen as a positive work and even life saving. Risk assessment and the very positive outcomes are discussed in the Paper "Child Protection a Practice Framework."

"All of these decisions are risk assessments and they demonstrate that the task is not a one-off event or periodic undertaking, rather it is something the worker must do constantly, after and during every successive contact, with every case. Risk assessment is the defining motif of child protection practice."³

Risk assessments have the potential to intervene in what could be a homicide outcome and must be implemented in an increasing way.

This risk Assessment must be clearly defined and could include detail as on Page 14 of Signs of Safety Child Protection Practice Framework.

When address these risk factors, attention must be given to the further impacts of mental health such as pre and post natal depression and depression as these greatly increase the risk of child harm and abuse.

Recommendation:

That the Department of Communities implement the necessary criteria to make risk assessment a mandated process.

Reducing unsustainable demand on the child protection system:

1. Historically there has been overlapping of the multi-agency partnerships particularly in those related to domestic violence, child protection, and family law. It would seem from these new recommendations that this will in time, change, and deliver a much enhanced provision of services to families and that there will be clear pathways of interaction between agencies.⁴ It is said that it takes a community to raise a child.

² Profiling Parental Sex Abuse www.aic.gov.au/publicATIONS/CURRENT%20SERIES/TANDI/461-480/TANDI465.HTML

³ www.dcp.wa.gov.au/Resources/Documents/Policies_and_Frameworks/SignsOfSafetyFramework2011.pdf

⁴ Applying Community Capacity-building approaches to child welfare practice and policy

The interaction of the community could well be a cost-effective medium in the process delivering safer communities. It would also create pathway possibility of Agencies becoming more transparent and engaging with the whole community (public and stakeholders) who then gain knowledge of policies and procedures and understand judicial systems and processes.

Education and engagement at all levels:

Community (Schools, Churches, Businesses)
Agencies (Child Safety)
Police
Prosecution authorities
Judicial

Recommendation:

1. That the Department of Communities investigate the possibility of supporting agencies to build effective social frameworks that would include an educative process for communities.

Reporting: Clause 6 inserts new part 1AA Reporting suspicions about harm or risk of harm. New part 1AA includes sections 13A – 13J.

This mandatory clause gives a list that does not appear to include foster or kin carers. This is of concern as mentioned above the risk of familial abuse (close relative of the foster or kin carer) Section 3 is I believe open to interpretation. To “reasonably suppose that a chief executive knows” is wording that could leave a child un-protected, ‘silenced’ and therefore subject to ongoing abuse as has been increasing indicated through the Federal commission into Institutional Abuse.

Recommend:

1. Inclusion of words “foster carer and kin carer”

www.applying-community-capacity-building-approaches-to-child-welfare-practice-and-policy.htm

www.aifs.gov.au/cfca/pubs/papers/a144213/

aifs.govspace.gov.au/tag/national-framework-for-protecting-australias-children/

Signs of Safety

www.dcp.wa.gov.au/Resources/Documents/Policies and Frameworks/SignsOfSafetyFramework2011.pdf

www.childrenandfamilies.nt.gov.au/library/scripts/objectifyMedia.aspx?file=pdf/71/98.pdf&siteID=5&str_title=Signs

www.nspcc.org.uk/Inform/research/findings/signs-of-safety-pdf_wdf94939.pdf

2. Omit the words “reasonably supposes.” Wording “a person is not required to give a report about a matter if he/she **knows** the chief executive is aware of the matter.”

Thank you for the opportunity of discussing these issues with your committee. I encourage the Queensland Government to further pursue its promise for safer communities through the implementation of programs that raise public awareness of dangers of family abuse and engage with communities and reduce risk to children. The cost impact of not implementing the recommendations is prohibitive to future prosperity. Our greatest asset and our nation’s future are our Children. We must do everything in our power to keep them safe.

Sincerely,

Beryl J Spencer.

[Qld Child Safety Legislation Action Network](#)

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