

## INQUIRY INTO CHILD PROTECTION

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Committee Number 2 Inquiry into Child Protection

Submitted by  
Fighters Against Child Abuse Australia [FACAA]



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### **About the author:**

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Adam has a Diploma of Community services (Welfare) specializing in child trauma counselling and has worked in the field for the past 10 years since completing his degree. Adam is also a martial arts instructor and has been teaching children how to defend themselves for the past 19 years.

Adam has worked for various community centres, mental health facilities and martial arts schools but currently counsels for FACAA while teaching for KMA martial arts in Liverpool Sydney, one of Australia's premier martial arts schools.

This submission was prepared by Fighters Against Child Abuse  
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## Table of contents:

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About Fighters Against Child Abuse Australia .....	4
Introduction.....	5
Recommendations.....	6
Explanation of each recommendation .....	7
Protecting children must be priority number 1.....	16
References.....	18

## **About Fighters Against Child Abuse Australia**



### **Our Vision,**

To end child abuse, once and for all.

### **Our Mission,**

To empower every victim of child abuse to become a survivor, to bring justice back to our legal system and to outrage those who are unaffected by child abuse as much as those who are.

FACAA has been working actively for the past 6 years to end child abuse within Australia. We are currently running survivor's healing programs, educational and legal reform programs, domestic violence programs, anti-bullying programs and a social media awareness campaign which regularly receives over 4 million unique views making it the single most successful social media campaign of its kind in Australia.

FACAA is a national organisation that has full deductible gift recipient status as a public benevolent society. We have survivors of child abuse in our programs aimed to end child abuse once and for all by healing the survivors, raising awareness of child abuse, a legal reform and educational reform campaign and several other programs, from every part of Australia and our social media awareness campaign has members from all over the world.



## **Introduction**

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Child protection systems in NSW have for decades now been doing an incredible job on a budget that is miniscule compared to the massive problem the system is charged with handling.

When FACAA put the call out to our 84,000 members to help us write this submission their response was nothing short of overwhelming. Their ideas were broad ranging and showed a great insight into the system that only a survivor of the system can give.

With the help of our members we collected 100 responses to the simple question of “If you could improve NSW Child protection services (Government or non-government) how would you do this?”

We need an adequately funded system that protects our most vulnerable and valuable members of our society. An overhaul of the attitude and focus of the current child protection system is well overdue.

Our children deserve nothing less than the very best system in the world. FACAA believe that our ideas will help bring that dream one step closer.



## **Recommendations**

These recommendations are based on the answers and responses taken directly from the members of our social media awareness campaign. We have combined ideas to get five key points that need to be addressed if the system is to be as efficient as the children of this state deserve.

- 1. Much greater transparency and accountability for all those involved with the child protection system.*
- 2. The forming of a national level oversight committee for all state child protection systems to facilitate the accountability and to ensure much greater information sharing procedures amongst child protection systems as well as emergency services, justice departments, victim's services, mental health services and education departments on a government and non-government level.*
- 3. A shift in several attitudes such as, "re-uniting the family at all cost" Should be amended to "Re-unite the family when safe for the child." No longer should abusers be granted custody of children. Also "You were abused, so you are at risk of abusing your children," and punishing domestic violence survivors by saying they have to leave their abuser or lose their children. The abuser should be made to leave the family home or resources must be made available for victims to leave with their children, Emergency housing must be available.*
- 4. If there is reason to remove one child from a family then surely there is reason to remove his or her siblings as well. How can one child be in danger but their siblings be deemed to be safe, if they are all under the one roof?*
- 5. Much greater funding for more case workers in both government and non-government organisations. Many more*

*case workers are needed to stop children falling through the cracks in our system.*



## **Explanation of each Recommendation**

*1. Much greater transparency and accountability for all involved with the child protection system.*

Currently there is no transparency when it comes to child protection services in NSW. If a mistake is made and it is reported to the public, then the reporter can end up in serious legal trouble. This has led to a culture of cover ups, corruption and a system of workers who believe they are above reproach.

All too often we hear of case workers who simply made up facts to back up their actions and even when these facts were proven to be false, nothing was done, not even a reversal in decision.

When you are dealing with the removal of children from a family unit you want your workers to be above reproach but sadly this is just not the case. We NEED a system that is 100 % transparent (where privacy will allow) and where all decisions and decision making processes can be tracked and understood by all involved parties.

One recommendation FACAA has to help facilitate this transparency, and would also help protect case workers from false allegations, is to record any and all phone calls and interactions between case worker and client/family. Let the family know the interview or visit is being recorded and let them know that all correspondence such as text messages, emails and conversation recordings will be added to their file.

This will allow case workers to show their reasoning for all decisions and it will also allow complete transparency. Any false allegations levelled against the case workers can also be



quickly handled by producing the taped conversations or email correspondence.

There also needs to be much greater accountability for child protection workers. Currently they answer to their direct supervisor who answers to their supervisor and up the chain of command, eventually stopping with either the minister in charge, or the head of the non-government organisation. However, some of the decisions made are downright criminal and at present criminal charges cannot be laid against child protection workers for making a bad decision no matter how bad the decision is. In some cases, the decisions made are at best negligent and at worst, deliberately and downright criminal. One such example of the worst end of the spectrum we heard of was a FaCS case worker removing children from the family for no other reason other than a malicious vendetta against the family for personal reasons. Sadly, the child was placed with an inadequately screened foster carer home and one of the children was severely abused sexually and physically.

Apart from being fired from their role as a case worker, the worker who deliberately and maliciously removed a child placing them in harm's way with the foster family, faced no other repercussions for their actions. Why did they not face charges of at the very least perjury, for lying on an official report, or even accessory to a serious assault? According to the "if not for" test, if not for the malicious actions of the case worker in the first place, the child would not have been placed in the care of the abusive foster parents.

When it comes to the child protection system, both government and non-government organisations must have their case workers recognize the fact that their actions can have very dire consequences and their position comes with a massive amount of trust placed in them by our society. To break that trust must result in serious repercussions.

A greater sense of transparency amongst the child protection system would not only help stop false allegations against case workers but also help to restore public faith and trust in the system in general. If the public felt they could trust the system, then they would be more likely to report child abuse crimes which would lead to an increase in child abusers being brought to justice, and a decrease in children being abused.

In another effort to increase transparency, any and all records should be able to be obtained through the freedom of information act. Currently even if the case notes mention a client they cannot get access to them, or if they do they are heavily redacted. This is not good enough, there needs to be more accountability for decisions that are made, especially when dealing with removing children from their family. There can be no question as to why decisions were made, otherwise workers leave themselves open to accusations of personal vendettas and families believing they are being persecuted for personal reasons, also the door is left open for falsifying of documentation.

Currently there are guidelines in place within all government and non-government organisations who deal with child protection to show transparency and to have accountability in place. Sadly, the reality of the situation is that they are just not being followed. Time and time again we get examples where case workers have falsified information to either cover up their mistakes, or for malicious reasons. As a result of their falsification children have been hurt, or worse. This is simply not good enough.

*2. The forming of a national level committee for all state child protection systems, to oversee and to facilitate accountability and to ensure much greater information sharing procedures amongst child protection systems as well as emergency services, justice departments, victim's services, mental health services and education departments on a government and non-government level.*

There needs to be a national body that can deal with not only the sharing of information amongst state services, but also to deal with complaints. Concerns and complaints made that are dealt with in house are never dealt with satisfactorily.

At FACAA we have heard of several examples of children being taken from state to state by their abusers to avoid detection. Domestic Violence victims who have to flee interstate have trouble getting access to their own children's records as many services just do not share information from State to State. We have also heard of children being passed between different state care departments and falling through the cracks, over and over again.

There have also been cases of child protection workers committing horrendous acts in one state and simply changing states, getting a job in the new states child protection and doing it all over again.

Starting a national level overseeing committee for the child protection industry would stop this ability to have children or child protection workers switched between states can be prevented by a national registry of both children in care and the care workers which is overseen by a national committee.

The committee would also give greater access to case information for all workers. When a child switches states all too often (although it is meant to) their case information does not come with them. This lack of information has cost lives. Children's case history, the history of their parents, even health information like allergies is not shared across the various services that help children. Child protection, justice departments, victim services, emergency services, non-government services, none of these share information between the states.

A national committee to oversee children in care would solve this problem of lack of information sharing while still maintaining privacy of the clients as paramount.

*3. A shift in several attitudes such as "re-uniting the family at all cost" Should be amended to be "Re-unite the family when safe for the child" No longer should abusers be granted custody of children. Also "You were abused so surely you are at risk of abusing your children" and punishing domestic violence survivors by saying they have to leave their home when it is the abuser who should be forced to leave.*

One of the saddest pieces of information we received through our research into this submission at FACCIA was a very troubling series of attitudes that exist within the child protection system in NSW.

The mantra of "Re-uniting the family at all costs" MUST be replaced with "Re-uniting the family when, and only if, it is safe

for the child to do so”. This attitude is self-evident by the fact that FACAA have uncovered literally dozens of examples where convicted child abusers have been granted partial or even full time custody of their victims.

This sounds shocking and there are laws and guidelines in place to stop this but it is still happening time and time again. It simply must be stopped, this idea that families must be re-united at all costs simply MUST be replaced with a mantra of children’s safety has to be placed as a priority above everything else. Rights of the father, mother, grandparents all should pale by comparison to the right of the child to live in an environment where they are not being abused.

Once a parent or care giver is convicted of child abuse their parental rights should be forfeited no matter how expensive their legal team are, the right of the child to be safe simply must come first. Laws must be put in place to ensure the child’s safety is the very first priority in any decision making process and it must be made clear that child abusers cannot be trusted around their victims.

Another very strange and disturbing attitude we uncovered amongst child protection is the idea that a child abuse survivor is more likely to abuse their own children. We have heard of several examples of abuse survivors who have been brought up in the system, having their children taken from them by the department without the survivor even doing anything wrong.

The case workers involved have given them the reason that they were at a much higher risk of abusing their children due to their history but that simply is not true. We at FACAA almost always find abuse survivors making fantastic parents, perhaps a little over cautious sometimes but can you really ever be too cautious with your kids? To remove children from someone simply because of abuse they suffered through (and trust me if they could have not gone through it they certainly would not have) is

not even slightly justifiable, let alone moral.

The last attitude that needs to be addressed amongst the child protection system is the attitude that a domestic violence survivor must leave the situation or risk losing their children. That is literally what several FACA members were told “Leave your partner or lose your children”. Now we agree absolutely that to stay in a domestic violence situation is a form of child abuse and those who do it should not have their children. However why should the victim of domestic violence be the one who is forced to leave? Why should the domestic abuser not be removed from the situation? If they cannot find suitable accommodation perhaps the state could accommodate them where they belong, behind bars.

To pack up an entire family and move them away from an abusive partner is not an easy thing to do, surely it makes much more sense to remove the abusive partner and not force the innocent victims to be the ones to be uprooted, especially when to do so usually means going to a shelter,

*4. If there is reason to remove one child from a family then surely there is a reason to remove his or her siblings as well. How is one child in danger but the others are not if they are all under the one roof?*

Of all the information we uncovered during our research for this submission this had us most puzzled. Surely this should already be happening right? Sadly, no it simply isn't.

In one example, we heard of four children whose mother had moved back in with her mother and step father due to a marriage breakdown. It was found out that the step father was molesting the youngest child, a three-and-a-half-year-old girl. She was removed by FaCS as it was revealed the mother had walked in on them but felt she could not do anything about it as she had nowhere else to go. However, the girl's brothers were not removed from her care despite the mother having knowledge of

someone abusing her child and doing nothing because the department did not feel the boys were at risk because the step father “preferred young girls”

Another such case we were told about by one of our members saw FaCS removed two out of three children from a home due to neglect, the last and eldest child was allowed to stay because he was twelve years old and could sufficiently provide for himself.

This seems insane to us at FACAA and when we were told about these examples we asked to see paperwork and sure enough it checked out. We helped the children who were removed and the children who remained (in separate facilities) and found that the children left behind were not only experiencing abuse but were also suffering from a very big sense of abandonment which further compiled their already horrific self-esteem issues associated with their abuse and current situation.

If one child in a house is being abused to the point where they have to be removed and they have siblings then all the siblings need to be removed from the home. It is not only highly likely that all siblings are being abused in some form or another if one is but also to remove one and not the other will leave the remaining child left vulnerable to abuse and also feeling abandoned and cast aside.

*5. Much greater funding for many more case workers in both government and non-government organisations. Many more case workers are needed to stop children falling through the cracks in our system.*

This recommendation is self-explanatory, the major problem with the child protection system in NSW, be it government or non-government, is the lack of funding available to our most vulnerable and deserving members of our society.

Many more case workers are needed to handle the amount of children who are being abused. FACAA case workers will take on no more than eight cases each at any one time. Sadly, this has led us to having to turn clients away if we cannot refer them to other services.

It was reported in the Sunday Telegraph that in the past two years fifty-five thousand children at risk of significant harm had failed to get a response from FaCS caseworkers.

Those children were not just crank calls to the helpline but they were all deemed at risk of significant harm (RSOH) that's not a small number either that's 55,000 children who were deemed to be at risk of SIGNIFICANT harm who just simply were not getting the help they desperately needed due to lack of funding for case workers.

The solution is simple, put funding back into hiring and training of case workers in both the government and non-government services provision networks.

If we don't get enough case workers to cover the amount of children who need our help, then we can simply sit back and wait for the children to die. That is the sad reality of the situation we find ourselves in.

Funnily enough in NSW we have enough case workers to help convicted prisoners re-integrate back into society after serving their time behind bars, yet we don't have nearly anywhere near enough to help our kids in need of help after those prisoners have hurt them.

Perhaps we could take funding away from programs trying to rehabilitate child rapists and put it into case workers and services to help their victims to heal.



We need a SIGNIFICANT increase in funding for case workers in particular but also for other services to help survivors of child abuse (those who need child protection services) to help them heal and stop them from falling into the cycle of child abuse (self-medication, self-harm, low self-esteem, not living up to potential, PTSD and various other child abuse survival symptoms) If our government does not increase the funding provided for case workers in child protection, then the blood of the children who fell through the gaps will surely be on their hands.

### **Protecting children must be priority number 1**



It sounds simple enough right? Everyone knows that children are literally the future of this state, this nation, this planet. Yet time and time again we let them down.

We allow case workers to remove them from their parents without good reason and hide their actions behind secretive departments that act without accountability.

Our family court judges grant custody of children who have survived child abuse to their abusers! All in the name of protecting their parental rights, yet why aren't the judges thinking of the rights of the children to be safe in their own homes.

Brothers and sisters are separated by FaCS workers while some get removed to safety other siblings are left behind to feel the wrath of the angry and embarrassed parent, why when we could just as easy remove all the siblings at once?

Domestic abuse survivors are forced to move and relocate when they are innocent and it would be much easier to remove the

abuser, yet for some insane reason their right to keep a job or live near family is upheld over the rights of survivors to be safe in their own home.

The greatest tragedy is the sheer volume of at risk children whose cries for help go unanswered simply because we are not putting the money needed into the case workers where it is desperately needed.

It is nothing short of insane to have all of these horrific injustices befalling the children of NSW. We must fix this and fast or we can expect things to get much worse not only for our children but for all of us.



## **References**

Direct anonymous interviews with 100 FACCIA members who have survived child rape and/or domestic violence and who have faced their abusers in the legal system. Interviews conducted anonymously with criminal lawyers who have defended child rapists successfully, as well as interviews with various community workers

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A very big thank you and reference needs to go to the volunteers of the FACAA social media awareness campaign.