

**Submission
No 112**

INQUIRY INTO CHILD PROTECTION

Name: Mr Aldo Bayona

Date received: 2 August 2016

Dear Committee members,

Re: Inquiry into Child Protection

I refer to a letter I sent to the Hon Brad Hazzard MP, Minister for Family and Community Services (FACS), dated 2 May 2016, with a proposal for procedural reform; please find it attached. The Minister has not replied yet. My concern is that current FACS procedures have no way of detecting whether or not the caseworker's notes or clients' future statements are consistent with earlier clients' statements.

There are two possible concerns regarding caseworkers' notes. Firstly, caseworkers can write or not write whatever they want in their notes, potentially compromising the integrity of the caseworkers' notes. Secondly, clients can deny ever saying a particular statement, also compromising either their or the caseworkers' credibility, which affects the usefulness of the caseworkers' notes. The two concerns described above can happen because either the caseworker or the clients are able to rely on the fact that client-FACS interactions are not recorded in a professional manner.

The gold standard of recoding statements is when law enforcement officials take statements, which means people's statements are put in writing, then people are given the opportunity to read the document, and finally people have the option to authorise the statement by signing the document. The silver standard would be a video-recording, and finally a voice-recording. FACS caseworkers are time-poor for the above gold standard and therefore *I suggest that caseworkers take statements using a tablet computer so that a voice-recording of the clients' statements can be kept at the FACS computer network for five years. This would be a very strong encouragement for all parties to be honest.* On top of that, caseworkers can still write notes.

Currently, the implied FACS policy is to trust the honesty of caseworkers regarding their notes. However, trusting people when they know that there is no way to prove them wrong beyond doubt is an unnecessary risk involving children that the New South Wales Government should not accept. As an extreme example, Governments used to trust Catholic Bishops about their moral integrity in relation to the handling of child sexual abuse and the awful results are now evident. Child protection should be subject to scrutiny at all levels.

In the United Kingdom there has been discussion about recording client-caseworker interactions:
<http://www.communitycare.co.uk/2015/12/10/parents-allowed-record-child-protection-meetings/>

If conversations are recorded with the intent of keeping all parties honest then there is nothing immoral about that. In 2010 a United States Federal Court of Appeals ruled that secretly recording a conversation [*please note: I am proposing overt, not secret recordings*] is illegal if and only if the recording was done with a tortious or criminal intent. Australian Courts may not be far from a similar verdict. The ruling is here:
http://law.justia.com/cases/federal/appellate-courts/ca2/09-3685/09-3685-cv_opn-2011-03-27.html

Your sincerely,

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